
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 120

**The Health and Social Care Pension Scheme
Regulations (Northern Ireland) 2015**

PART 5

Member's benefits

CHAPTER 7

Abatement on re-employment

Previous earnings: general

104.—(1) For the purposes of this Chapter, an employed pensioner's previous earnings is construed in accordance with this regulation.

(2) If the employed pensioner's old employment was neither as a practitioner nor as a non-GP provider, the previous earnings is the greater of—

- (a) the optimum re-valued pensionable earnings in the old employment; and
- (b) the annual rate of pay for the old employment at the time it ceased.

(3) If the employed pensioner's old employment was as a practitioner or non-GP provider the previous earnings is the average of the annual amounts of the person's earnings in respect of practitioner service.

(4) The optimum re-valued pensionable earnings is the re-valued pensionable earnings for the scheme year in the earnings reference period for which the employed pensioner has the greatest amount of re-valued pensionable earnings.

(5) The annual rate of pay is the sum of—

- (a) the annual rate of so much of the employed pensioner's pensionable earnings immediately before the old service pension became payable as consisted of salary, wages, or other regular payments of a fixed nature, and
- (b) so much of any fees and other regular payments not of a fixed nature as—
 - (i) was payable to the employed pensioner during the period of 12 months ending with the day the old employment ceased, and
 - (ii) formed part of the employed pensioner's pensionable earnings.

(6) The amount to be taken as the employed pensioner's previous earnings must be adjusted in each scheme year by increasing it by the same amount as that by which an annual pension equal to that amount would have been increased under the Pensions (Increase) Act (Northern Ireland) 1971 at 6th April in that scheme year if—

- (a) the pension was eligible to be so increased, and
- (b) the beginning date for the pension were the same as the beginning date for the old service pension.

(7) In this regulation and regulation 105—

“re-valued pensionable earnings” means in relation to each scheme year in the earnings reference period, the pensionable earnings for that year increased up to the beginning date for the old service pension by the rate of change in prices specified by the Department of Finance ^{F1}... by order [^{F2}(in respect of the HSC Pension Scheme 2015)] under section 9 of the 2014 Act;

“the earnings reference period” is the period ending on the last day of the scheme year immediately preceding the scheme year in which the employed pensioner left the old employment and starting on the later of—

- (a) the first day of the scheme year in which the employed pensioner first joined this scheme; and
- (b) the first day of the tenth scheme year preceding the scheme year in which the employed pensioner left the old employment.

(8) In paragraph (6) the beginning date, in relation to a pension, is the date on which it is deemed to begin for the purposes of the Pensions (Increase) Act (Northern Ireland) 1971 (see section 8(2) of that Act) ^{M1}.

Textual Amendments

- F1** Words in [reg. 104\(7\)](#) omitted (1.4.2023) by virtue of [The Health and Social Care Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/33\)](#), regs. 1(2), **23**
 - F2** Words in [reg. 104\(7\)](#) inserted (1.4.2023) by [The Health and Social Care Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/33\)](#), regs. 1(2), **23**
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Marginal Citations

- M1** [1972 c.35 \(N.I.\)](#) Section 8(2) was amended by Article 3(5) of the Pensions (Miscellaneous Provisions) (Northern Ireland) Order 1990, (1990 /1509 (N.I. 13)) and Articles 36(1) and (3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, (1999/3147 (N.I.11))

Changes to legislation:

There are currently no known outstanding effects for the The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015, Section 104.