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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 120**

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

**PART 3**

Scheme membership

CHAPTER 3

Pensionable service

**Effect of break in pensionable service**

**23.**—(1) In the following table a break in a period of pensionable service of a member (M) in circumstances set out in Column 1 has the effect described in Column 2.

**Table**

<i>Column 1</i>	<i>Column 2</i>
Part 1M leaves active membership, is neither qualified for a retirement pension pursuant to regulation 71 nor is a pensioner member because of rights resulting from that membership, then returns to active service	
1. The break- (a) does not exceed one month; or (b) is due to a trade dispute (within the meaning of Article 2(2) of the Jobseekers (Northern Ireland) Order 1995) <sup>M1</sup> .	The period of pensionable service before the break is treated as continuous with the period after the break
2. No transfer payment is made to another scheme in respect of pensionable service before the break	
3. It is immaterial if a refund of contributions is paid to M in respect of the period before the break.	
1. The break does not exceed 5 years. 2. No transfer payment is made to another scheme in respect of M's pensionable service before the break. 3. If a refund of contributions in respect of the period before the break is paid to M, it is repaid before the end of the period of 6 months starting on the first day of pensionable service after the break.	The period of pensionable service before the break is treated as continuous with the period after the break.

**Status:** Point in time view as at 16/08/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015, Section 23. (See end of Document for details)

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| <ol style="list-style-type: none"><li>1. The break exceeds 5 years.</li><li>2. M may claim a refund of contributions in respect of pensionable service before the break.</li></ol> | <p>The period of pensionable service before the break is not treated as continuous with the period after the break and does not count towards qualifying service.</p> |
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Part 2M leaves active membership, is qualified for a retirement pension pursuant to regulation 71 but is not a pensioner member because of rights resulting from that membership, then returns to active service

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| <ol style="list-style-type: none"><li>1. The break does not exceed 5 years.</li><li>2. No transfer payment is made to another scheme in respect of M's pensionable service before the break.</li></ol> | <p>The period of pensionable service before the break is treated as continuous with the period after the break.</p>  |
| <ol style="list-style-type: none"><li>1. The break exceeds 5 years.</li><li>2. No transfer payment has been made to another scheme in respect of M's pensionable service before the break.</li></ol>   | <p>The period of pensionable service before the break is not treated as continuous with the period after the break, but does count towards qualifying service.</p> |

(2) In paragraph (1) a reference to the repayment of a refund of contributions includes the repayment of any interest on the contributions.

**Marginal Citations**

**M1** 1995/2705 (N.I. 15)

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