

## SCHEDULES

### SCHEDULE 11

#### Calculation of pension

### PART 2

#### Conversion of part of pension into lump sum

##### Conversion of part of pension

3.—(1) Subject to sub-paragraphs (2) and (3), an application under regulation 76 must—

- (a) be in writing in such form as the scheme manager may require;
- (b) be made—
  - (i) when the member applies under paragraph 4 of Schedule 3 for payment of the pension; or
  - (ii) before such later time as the scheme manager specifies in writing; and
- (c) specify—
  - (i) the amount of the lump sum which the member wishes to receive (which must be a multiple of £12); or
  - (ii) the conversion amount (which must be a whole number of pounds and a multiple of 12).

neither of which must exceed the member's permitted maximum.

(2) If the pension is an ill-health pension under regulation 89 an application under regulation 76 must be made—

- (a) at the time of claiming that ill-health pension; or
- (b) before such later time as the scheme manager specifies in writing.

(3) If the pension is an ill-health pension at Tier 2 paid in substitution for an ill-health pension at Tier 1 by virtue of regulation 92(5) an application under regulation 76—

- (a) may only be made in relation to the difference between those pensions; and
- (b) must be made—
  - (i) at the time the member become aware of the determination under regulation 92(5); or
  - (ii) before such later time as the scheme manager specifies in writing.

(4) A member must not exchange pension for a lump sum under regulation 76 to the extent that it would result in a scheme chargeable payment for the purposes of Part 4 (pension schemes etc) of the 2004 Act (see section 241 of that Act)<sup>M1</sup>.

**Status:** Point in time view as at 16/08/2022.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, PART 2. (See end of Document for details)

**Marginal Citations**

**M1** Section 241 has been amended by section 158(1) of, and paragraphs 2 and 9 of Schedule 21 to, the Finance Act 2005 (c.25); section 69 of, and paragraphs 1 and 15 of Schedule 19 to, the Finance Act 2007 (c.11) and section 65 of, and paragraphs 62 and 74 of Schedule 16 to, the Finance Act 2011 (c.11)

**Member declaration**

4.—(1) The scheme manager must not pay a member a lump sum under regulation 76 unless the member declares in writing that, on payment of the lump sum, paragraph 3A of Schedule 29 to the 2004 Act <sup>M2</sup> would not apply.

(2) The declaration must be—

- (a) signed by the member;
- (b) in a form specified by the scheme manager; and
- (c) provided by a date determined by the scheme manager.

**Marginal Citations**

**M2** Paragraph 3A of Schedule 29 was inserted by section 159 of the Finance Act 2006

**Protection of guaranteed minimum pension**

5. If the member has a guaranteed minimum under section 10 of the 1993 Act <sup>M3</sup> in relation to the whole or part of a pension, regulation 76 only applies to so much of the pension as exceeds that guaranteed minimum, multiplied by such factor as is indicated for a person of the member's description in tables provided to the scheme manager by the scheme actuary.

**Marginal Citations**

**M3** Section 10 was amended by the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) Articles 147, 168, Schedule 3 paragraph 20, Schedule 5 Part III; the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) Article 3(1) and Schedule 1 paragraph 41; the Proceeds of Crime Act 2002 (2002 c.29) Schedule 11 paragraph 23(3)

**Status:**

Point in time view as at 16/08/2022.

**Changes to legislation:**

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