

SCHEDULES

SCHEDULE 2

Regulation 40

Amendments to the old scheme

PART 1

Amendment to the 1995 regulations

General

1. The 1995 Regulations are amended in accordance with paragraphs 2 to 8.

Commencement Information

- II** Sch. 2 para. 1 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 6

2. After paragraph (3) of regulation 6 (Membership of this Section of the scheme), add—
 - “(3A) A person—
 - (a) who—
 - (i) was in superannuable employment on 31st March 2012 but ceased to be so after that date, or
 - (ii) ceased HSC employment before 1st April 2012,
 - (iii) and is not the subject of a Direction made under Article 12 of the Superannuation (Northern Ireland) Order 1972(1),
 - (b) who would, if paragraph (a) did not apply, fall within regulation 8(4) to (18), and
 - (c) to whom the Treasury’s guidance “Fair Deal for staff pensions: staff transfer from central government”(2) applies,may, if the Department considers it appropriate and makes a direction under Article 12 of the Superannuation (Northern Ireland) Order 1972, be a member of this Section of the scheme.”.

Commencement Information

- I2** Sch. 2 para. 2 in operation at 1.4.2015, see [reg. 1\(1\)](#)

(1) [1972/1073 \(N.I. 10\)](#)

(2) ISBN 978-1-909790-36-0, PU1571. Copies are available at <https://www.gov.uk/government/publications/fair-deal-guidance> and from The Correspondence and Enquiry Unit, HMT, 1 Horse Guards Road, London, SW1A 2HQ.

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Amendment of regulation 7

3.—(1) Regulation 7 (Restrictions on membership), is amended as provided by paragraphs (2) and (3).

(2) Omit sub-paragraphs (j)(v) and (k)(iv) of paragraph (1).

(3) After sub-paragraph (c)(3) of paragraph (2), add—

“(d) for the purposes of sub-paragraphs (k) and (n)(iii)(aa), any break in superannuable employment where the member was in superannuable service in an existing scheme (within the meaning of Schedule 5 to the 2014 Act) is to be disregarded.”.

Commencement Information

I3 Sch. 2 para. 3 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 8

4. After paragraph (3) of regulation 8 (Restriction on further participation in this Section of the scheme), add—

“(4) A person who on 1st April 2012 has not attained the age of 41 years and 7 months may not contribute or accrue further superannuable service under this Section of the Scheme in respect of service in HSC employment on, or after, 1st April 2015.

(5) A person who on 1st April 2012 has attained the age of 50 may not contribute or accrue further superannuable service under this Section of the scheme unless that person either—

(a) is in superannuable employment on 31st March 2015, or

(b) returns to superannuable employment on or after 1st April 2015 in circumstances where the provisions of regulation 7 do not apply.

(6) A person who on 1st April 2012 has attained the age of 45 years but not the age of 46 years and 7 months may not contribute or accrue further superannuable service under this Section of the Scheme unless either paragraph (7) or (8) applies to that person and that person—

(a) is in superannuable employment on 31st March 2015, or

(b) returns to superannuable employment on or after 1st April 2015 in circumstances where the provisions of regulation 7 do not apply.

(7) This paragraph applies to a person who was, on 1st April 2012, in superannuable employment as a special class officer either—

(a) under regulation 75, or

(b) under regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count in excess of 20 years' superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation.

(8) This paragraph applies to a person who was, on 31st March 2015, in superannuable employment as a special class officer either—

(a) under regulation 75, or

(3) Sub-paragraph (c) was inserted by [S.R. 2009 No.65](#) regulation 5(3) and amended by [S.R. 2010 No.286](#) regulation 4(3)

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- (b) under regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count in excess of 20 years' superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation.
- (9) A person who, on 1st April 2012, has attained the age of 46 years and 7 months but has not attained the age of 50, may not contribute to or accrue further superannuable service under this Section of the scheme unless one of paragraphs (7), (10), (11) or (12) applies to that person and that person—
 - (a) is in superannuable employment on 31st March 2015, or
 - (b) returns to superannuable employment on or after 1st April 2015 in circumstances where the provisions of regulation 7 do not apply.
- (10) This paragraph applies to a person whose eligibility cessation date calculated in accordance with paragraph (15) has not been reached.
- (11) This paragraph applies to a person if on the day before that person's eligibility cessation date calculated in accordance with paragraph (10), that person is in superannuable employment as a special class officer either—
 - (a) under regulation 75, or
 - (b) under regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation.
- (12) A person who, on 1st April 2012 has attained the age of 41 years and 7 months but has not attained the age of 45, may not contribute or accrue further superannuable service under this Section of the Scheme unless either paragraph (13) or (14) applies to that person and that person—
 - (a) is in superannuable employment on 31st March 2015, or
 - (b) returns to superannuable employment on or after 1st April 2015 in circumstances where the provisions of regulation 7 do not apply.
- (13) This paragraph applies to a person if that person was, on 1st April 2012, in superannuable employment as a special class officer—
 - (a) either under—
 - (i) regulation 75, or
 - (ii) regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation, and
 - (b) that person's eligibility cessation date calculated in accordance with paragraph (16) has not been reached.
- (14) This paragraph applies to a person if that person was, on 31st March 2015, in superannuable employment as a special class officer—
 - (a) either under—
 - (i) regulation 75, or
 - (ii) under regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation, and

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(b) that person’s eligibility cessation date calculated in accordance with paragraph (16) has not been reached.

(15) For the purposes of paragraphs (10) and (11), the “eligibility cessation date” in relation to a person is to be determined according to the formula—

$$A - (2 \times M)$$

where—

A is 1st April 2022

M is the number of months (rounded up to the nearest whole month) by which the person’s age on 1st April 2012 is less than 50.

(16) For the purposes of paragraphs (13) and (14), the “eligibility cessation date” in relation to a person is to be determined according to the formula—

$$A - (2 \times N)$$

where—

A is 1st April 2022

N is the number of months (rounded up to the nearest whole month) by which the person’s age on 1st April 2012 is less than 45.

(17) Paragraph (18) applies to a person who in the opinion of the Department—

- (a) was previously an active member of a health service scheme corresponding to this Section of the scheme;
- (b) the regulations governing that corresponding scheme include provisions pursuant to subsection (5) of section 18 of the 2014 Act that provide for exceptions to subsection (1) of that section, and
- (c) pursuant to those provisions, the member would have been eligible to re-join that corresponding scheme if the member had returned to HSC employment for the purposes of that scheme on the day the member commenced HSC employment within the meaning of these Regulations.

(18) The Department may permit a person referred to in paragraph (17) to join this Section of the scheme and, for the purposes of paragraphs (5) to (16), the member’s previous superannuable employment under the corresponding health service scheme referred to in paragraph (17) will be treated as if it were previous superannuable employment under this Section of the scheme.”.

Commencement Information

I4 Sch. 2 para. 4 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 49

5. In paragraph (14) of regulation 49 (Preserved pension), for the definition of “HSC employment”, substitute—

““HSC employment” does not include employment with an employing authority in respect of which a member is eligible to join—

- (a) the 2008 Section; or

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- (b) the 2015 Scheme and that member’s service in this Section does not qualify as, or has ceased to be, pensionable service to which paragraphs 1(2)(i) and (ii) or paragraphs 2(i) and (ii) of Schedule 7 (final salary link) to the 2014 Act applies.”.

Commencement Information

I5 Sch. 2 para. 5 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 81

6. After paragraph (5) of regulation 81 (Former members of health service schemes)(4), add—

“(6) A member who leaves employment in respect of which the member qualified for benefit under a health service scheme and who joins the 2015 Scheme may, by notice in writing, require the Department to credit the member with a relevant period of superannuable service (together with the rights attaching to that service) under this Section of the scheme.

This is subject to paragraphs (8) and (9).

- (7) That relevant period of superannuable service is calculated as if—

- (a) the employment to which the health service scheme applied were HSC employment; and
(b) the member’s contributions to that health service scheme were contributions to this Section of the scheme.

- (8) The member may only exercise the right referred to in paragraph (6) if—

- (a) a transfer payment is made from the health service scheme to this Section of the scheme, and
(b) on the day the member becomes an active member of the 2015 Scheme, paragraph 2 of Schedule 7 to the 2014 Act applies to the period of service in respect of which that transfer value payment is made.

- (9) A notice referred to in paragraph (6) must be addressed to the Department and given within 1 year after joining the 2015 Scheme.”.

Commencement Information

I6 Sch. 2 para. 6 in operation at 1.4.2015, see [reg. 1\(1\)](#)

New regulation 97D

7. After regulation 97C (Interest and administration charges: late paid contributions)(5), add—

“Benefit information statements

97D.—(1) The Department must provide a benefit information statement to each member in accordance with—

- (a) section 14 (Information about benefits) of the 2014 Act; and

(4) Regulation 81 as amended by [S.R. 2012 No.78](#), regulation 5

(5) Regulation 97C was inserted by [S.R. 2015 No.121](#), regulation 14

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- (b) any Department of Finance and Personnel directions given from time to time pursuant to that section.
- (2) Paragraph (1) does not provide a right for a member to request a benefit information statement.
- (3) The Department is only required to provide a member with one benefit statement per scheme year.
- (4) A benefit information statement provided pursuant to paragraph (1) is to be treated as though it is the information mentioned in regulation 16(2)(a) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014⁽⁶⁾ for the purposes of determining whether or not information must be given under regulation 16(1) of those Regulations.”.

Commencement Information

I7 Sch. 2 para. 7 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of Schedule 2

- 8. For paragraph 17A of Schedule 2⁽⁷⁾, substitute—
 - “17A. Regulation 49(14)⁽⁸⁾ is modified so that—
 - (a) paragraph (b) in the definition of “HSC employment” reads—
 - “(b) the 2015 Scheme and that member has a break of service under the 2015 Regulations that exceeds five years.”; and
 - (b) the definition of “regular employment of like duration” reads—
 - ““regular employment of like duration” means such employment as the Department considers would involve a similar level of engagement to the member’s superannuable service as a practitioner immediately before that service ceased.””

Commencement Information

I8 Sch. 2 para. 8 in operation at 1.4.2015, see [reg. 1\(1\)](#)

PART 2

Amendment of the 2008 regulations

General

- 9. The 2008 Regulations are amended in accordance with paragraphs 10 to 21.

⁽⁶⁾ [S.R. 2014 No.79](#)

⁽⁷⁾ Paragraph 17A was inserted by [S.R. 2008 No.163](#), regulation 63

⁽⁸⁾ See paragraph 5

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Commencement Information

19 Sch. 2 para. 9 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 21

10.—(1) Regulation 21 (Eligibility: general)(**9**), is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1), after “Scheme” insert “on or after 1st April 2015”.

(3) For paragraphs (3) to (6), substitute—

“(3) Condition B is that the person—

(a) enters HSC employment on or after 1st April 2008 and has service (“relevant service”) as an active member of this Section of the scheme—

(i) on or before 1st April 2012, or

(ii) after 1st April 2012, but only where that service is pursuant to the provisions of Chapter 10;

(b) has not had a break in service for any one period of five years or more ending in the period starting on 2nd April 2012 and finishing on 1st April 2015; and

(c) meets all of the “other Section conditions” (see paragraph (5)).

(4) Condition C is that the person has not reached the age of 75 and was born on, or before, 31st August 1960.

(5) The “other section conditions” are that—

(a) the person has not received a repayment of contributions under regulation 44 (Repayment of contributions) in respect of their relevant service;

(b) the person’s rights under this Section of the Scheme in respect of their relevant service have not been extinguished under regulation 99;

(c) the person is not entitled to a repayment of contributions under regulation 44 by virtue of paragraph (2)(a) to (c) of that regulation.

(6) A person—

(a) who—

(i) was in pensionable employment on 31st March 2012 but ceased to be so after that date, or

(ii) ceased HSC employment before 1st April 2012,

and is not the subject of a direction made under Article 12 of the Superannuation (Northern Ireland) Order 1972(**10**),

(b) who would, if paragraph (a) did not apply, fall within regulation 22(1B) to (1G), and

(c) to whom the Treasury’s guidance “Fair Deal for staff pensions: staff transfer from central government”(**11**) applies,

(9) Regulation 21 as amended by [S.R. 2009 No.65](#), regulation 29; [S.R. 2010 No.22](#), regulation 20 and [S.R. 2010 No.286](#), regulation 19

(10) [1972/1073 \(N.I. 10\)](#)

(11) ISBN 978-1-909790-36-0, PU1571 Copies are available at <https://www.gov.uk/government/publications/fair-deal-guidance> and from The Correspondence and Enquiry Unit, HMT, 1 Horse Guards Road, London, SW1A 2HQ.

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may, if the Department considers it appropriate and makes a direction under Article 12 of the Superannuation (Northern Ireland) Order 1972, be a member of this Section of the scheme.”.

Commencement Information

I10 Sch. 2 para. 10 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 22

11. In regulation 22 (Restrictions on eligibility: general)(**12**), after paragraph (1), insert—

“(1A) A person who was born on, or after, 1st September 1960 is not eligible to be an active member of this Section of the Scheme in respect of service in HSC employment on, or after, 1st April 2015.

(1B) A person is not eligible to be an active member of this Section of the Scheme if that person has had a break in service ending on or after 2nd April 2012, and any of the following apply—

- (a) that break in service is for any one period of five years or more;
- (b) that person receives a repayment of contributions under regulation 44 in respect of their service before that break (see regulation 21(3)(a));
- (c) that person becomes entitled to a repayment of contributions under regulation 44 by virtue of paragraph (2)(a) to (c) of that regulation in respect of their service before that break; or
- (c) that person’s rights under this Section of the Scheme in respect of their service before that break have been extinguished under regulation 99 because a transfer value payment is made in respect of them.

(1C) A person who on 1st April 2012 has attained the age of 55 may not contribute or accrue further pensionable service under this Section of the Scheme unless that person either—

- (a) is, on 1st April 2015, an active member of this Section of the Scheme in accordance with regulation 21, or
- (b) returns to HSC employment on or after 2nd April 2015 in circumstances where paragraph (1B)(a) does not apply.

(1D) Paragraph (1E) applies to a person—

- (a) who, on 1st April 2012, has attained the age of 51 years and 7 months but has not attained the age of 55, and
- (b) whose eligibility cessation date has not been reached (see paragraph (1F)).

(1E) A person referred to in paragraph (1D) may not contribute or accrue further pensionable service under this Section of the Scheme unless that person either—

- (a) is, on 1st April 2015, an active member of this Section of the Scheme in accordance with regulation 21, or
- (b) returns to HSC employment on or after 2nd April 2015 in circumstances where paragraph (1B)(a) does not apply.

(1F) For the purposes of paragraph (1D), a person’s eligibility cessation date is to be determined according to the formula—

(12) Regulation 22 as amended by [S.R. 2009 No.65](#) regulation 30; [S.R. 2010 No.22](#) regulation 22 and [S.R. 2010 No.286](#) regulation 21

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$$A - (2 \times T)$$

where—

A is 1st April 2022

T is the number of months (rounded up to the nearest whole month) by which the person's age on 1st April 2012 is less than 55.

(1G) For the purposes of paragraphs (1C)(b) and (1E)(b), any break in service where the member was in pensionable service in an existing scheme (within the meaning of Schedule 5 to the 2014 Act) is to be disregarded.

(1H) Paragraph (1I) applies to a person who in the opinion of the Department—

- (a) was previously an active member of a corresponding 2008 scheme;
- (b) the regulations governing that corresponding scheme include provisions pursuant to subsection (5) of section 18 of the 2014 Act that provide for exceptions to subsection (1) of that section, and
- (c) pursuant to those provisions, the member would have been eligible to re-join that corresponding scheme if the member had returned to HSC employment for the purposes of that scheme on the day the member commenced HSC employment within the meaning of these Regulations.

(1I) The Department may permit a person referred to in paragraph (1H) to join this Section of the Scheme and, for the purposes of paragraphs (1C) to (1G), the member's previous pensionable employment under the corresponding scheme referred to in paragraph (1H) will be treated as if it were previous pensionable employment under this Section of the Scheme.

(1J) Paragraph (1K) applies to a person who, in the opinion of the Department—

- (a) was previously an active member in respect of service in an existing scheme (within the meaning of Schedule 5 to the 2014 Act),
- (b) is not receiving a pension in respect of that service on the relevant day,
- (c) the regulations of that existing scheme include provisions pursuant to subsection (5) of section 18 of the 2014 Act that provide for exceptions to subsection (1) of that section,
- (d) pursuant to those provisions, the person would have been eligible to be an active member of the existing scheme if the member had returned to employment for the purposes of that scheme on the relevant day, and
- (e) the member would, if the member's previous service in the existing scheme had been previous service under this Section of the Scheme, have been eligible for active membership of this Section of the Scheme on the relevant day pursuant to paragraphs (1A) to (1G).

(1K) The Department may permit a person referred to in paragraph (1J) to join this Section of the Scheme and, for the purposes of paragraphs (1C) to (1G), the member's previous service as an active member under the existing scheme referred to in paragraph (1J) will be treated as if it were previous service as an active member of this Section of the Scheme.

(1L) For the purposes of paragraphs (1J) and (1K) "the relevant day" is the day the member commences HSC employment for the purposes of these Regulations.

(1M) A person referred to in paragraph (1C), (1E), (1I) or (1K) may elect, using a form provided by the Department, not to make contributions or accrue further service under this

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Section of Scheme in accordance with whichever of those paragraphs apply, but instead (where eligible) to become an active member of the 2015 Scheme.

(1N) Such an election—

- (a) is irrevocable,
- (b) must be given to the Department before the date specified by the Department in the election form,
- (c) is to be treated as having been given on the date the election form is received by the Department.

(1O) The date referred to in sub-paragraph (1N)(b) must be a date that is at least three months later than the date on which the Department provided the member with an election form.

(1P) An election shall be effective from the first day of the member’s pensionable employment in the 2008 Section falling on, or after, 1st April 2015, and from that date—

- (a) that member is to be treated as if that member had been an active member of the 2015 Scheme; and
- (b) contributions made in respect of the member in the 2008 Section shall be treated as if they had been contributions made in respect of that member in the 2015 Scheme.

(1Q) The Department may allow a member to exercise an election after the date specified under sub-paragraph (1N)(b) where the Department considers that the member has not had a reasonable opportunity to consider whether to exercise an election before that date.”

Commencement Information

I11 Sch. 2 para. 11 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 57

12.—(1) Regulation 57 (Exceptions to requirements that HSC employment must have ceased) is amended as provided by paragraphs (2) to (4).

(2) In paragraphs (1) and (6), after “(2)” insert “or (2A)”.

(3) After paragraph (2), insert—

“(2A) This paragraph applies if the member is in employment with an employing authority in respect of which the member is eligible to join the 2015 Scheme and that member’s service in this Section does not qualify as, or has ceased to be, pensionable service to which paragraphs 1(2)(i) and (ii) or paragraphs 2(i) and (ii) of Schedule 7 (final salary link) to the 2014 Act applies.”

(4) For paragraph (3), substitute—

“(3) In paragraph (1), “relevant service” means—

- (a) the pensionable service referred to in paragraph (2)(b) in respect of which the member is a deferred member; or
- (b) the service in this Section referred to in paragraph (2A).”

Commencement Information

I12 Sch. 2 para. 12 in operation at 1.4.2015, see [reg. 1\(1\)](#)

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Amendment of regulation 101

13. For sub-paragraph (c) of paragraph (1) of regulation 101 (Procedure for applications under regulation 100)(13), substitute—

- “(c) may only be made—
- (i) during the period of one year beginning with the day on which the applicant becomes eligible to be an active member of this Section of the Scheme and before the applicant reaches the age of 65, or
 - (ii) where the applicant is not eligible to be an active member of this Section of the Scheme and the application is made in respect of a transfer from a corresponding 2008 Scheme, during the period of one year beginning with the day on which the applicant becomes eligible to be an active member of the 2015 Scheme if on that day paragraph 2 of Schedule 7 to the 2014 Act applies to the period of service in respect of which the transfer value payment will be made.”.

Commencement Information

I13 Sch. 2 para. 13 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Substitution of regulation 105

14. For regulation 105 (Public sector transfer arrangements), substitute—

“Public sector transfer arrangements

105.—(1) This Chapter applies to a transfer where—

- (a) the member is an active member of the 2015 Scheme,
- (b) the member makes an application under regulation 100 for a transfer value payment in respect of some or all of the rights that have accrued to or in respect of the member under—
 - (i) an existing scheme listed in Schedule 5 to the 2014 Act,
 - (iii) another occupational pension scheme that participates in the Public Sector Transfer Club,
- (c) the application under regulation 100 is made within one year beginning with the day the member became eligible to be an active member of the 2015 Scheme and before the member reaches the member’s normal pension age in the 2015 Scheme,
- (d) the transfer value payment is made and accepted under the public sector transfer arrangements, and
- (e) on the day the transfer is completed, paragraph 2 of Schedule 7 to the 2014 Act applies to the period of service in respect of which the transfer value payment is made.

(2) This Chapter also applies in the case of any other transfer to which the public sector transfer arrangements apply (not being a transfer referred to in paragraph (1)) as it applies in other cases, except to the extent that—

- (a) any provision in this Chapter provides otherwise, or
- (b) the arrangements themselves make different provision.”.

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Commencement Information

I14 Sch. 2 para. 14 in operation at 1.4.2015, see [reg. 1\(1\)](#)

New regulation 136ZA

15. After regulation 136 (Employing authority and certain member record keeping and contribution estimates), insert—

“Benefit information statements

136ZA.—(1) The Department must provide a benefit information statement to each member in accordance with—

- (a) section 14 (Information about benefits) of the 2014 Act; and
- (b) any Department of Finance and Personnel directions given from time to time pursuant to that section.

(2) Paragraph (1) does not provide a right for a member to request a benefit information statement.

(3) The Department is only required to provide a member with one benefit statement per scheme year.

(4) A benefit information statement provided pursuant to paragraph (1) is to be treated as though it is the information mentioned in regulation 16(2)(a) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014⁽¹⁴⁾ for the purposes of determining whether or not information must be given under regulation 16(1) of those Regulations.”.

Commencement Information

I15 Sch. 2 para. 15 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 153

16.—(1) Regulation 153 (Eligibility: general)⁽¹⁵⁾ is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1), after “Scheme” insert “on or after 1st April 2015”.

(3) For paragraphs (3) to (6), substitute—

“(3) Condition B is that the person—

- (a) enters practitioner service on or after 1st April 2008 and has service (“relevant service”) as an active member of this Section of the Scheme—
 - (i) on or before 1st April 2012, or
 - (ii) after 1st April 2012, but only where that service is pursuant to the provisions of Chapter 10;
- (b) has not had a break in service for any one period of five years or more ending in the period starting on 2nd April 2012 and finishing on 1st April 2015; and

⁽¹⁴⁾ S.R. 2014 No.79

⁽¹⁵⁾ Regulation 153 as amended by S.R. 2009 No.65 regulation 58; S.R. 2010 No.22 regulation 62 and S.R. 2010 no.286 regulation 37

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- (c) meets all of the “other Section conditions” (see paragraph (5)).
- (4) Condition C is that the person has not reached the age of 75 and was born on, or before, 31st August 1960.
- (5) The “other section conditions” are that—
 - (a) the person has not received a repayment of contributions under regulation 175 (Repayment of contributions) in respect of their relevant service;
 - (b) the person’s rights under this Section of the Scheme in respect of their relevant service have not been extinguished under regulation 226;
 - (c) the person is not entitled to a repayment of contributions under regulation 175 by virtue of paragraph (2)(a) to (c) of that regulation.”.

Commencement Information

I16 Sch. 2 para. 16 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 154

17. In regulation 154 (Restrictions on eligibility: general)(**16**), after paragraph (1) insert—
- “(1A) A person who was born on, or after, 1st September 1960 is not eligible to be an active member of this Section of the Scheme in respect of practitioner service on, or after, 1st April 2015.
- (1B) A person is not eligible to be an active member of this Section of the Scheme if that person has had a break in service ending on or after 2nd April 2012, and any of the following apply—
- (a) that break in service is for any one period of five years or more;
 - (b) that person receives a repayment of contributions under regulation 175 in respect of their service before that break (see regulation 153(3)(a));
 - (c) that person becomes entitled to a repayment of contributions under regulation 175 by virtue of paragraph (2)(a) to (c) of that regulation in respect of their service before that break; or
 - (d) that person’s rights under this Section of the Scheme in respect of their service before that break have been extinguished under regulation 226 because a transfer value payment is made in respect of them.
- (1C) A person who on 1st April 2012 has attained the age of 55 may not contribute or accrue further pensionable service under this Section of the Scheme unless that person either—
- (a) is, on 1st April 2015, an active member of this Section of the Scheme in accordance with regulation 153, or
 - (b) returns to HSC employment on or after 2nd April 2015 in circumstances where paragraph (1B)(a) does not apply.
- (1D) Paragraph (1E) applies to a person—
- (a) who, on 1st April 2012, has attained the age of 51 years and 7 months but has not attained the age of 55, and
 - (b) whose eligibility cessation date has not been reached (see paragraph (1F)).

(16) Regulation 154 as amended by [S.R. 2008 No.65](#) regulation 59; [S.R. 2009 No.188](#) regulation 51; [S.R. 2010 No.286](#) regulation 39 and [S.R. 2013 No.40](#) regulation 18

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(1E) A person referred to in paragraph (1D) may not contribute or accrue further pensionable service under this Section of the Scheme unless that person either—

- (a) is, on 1st April 2015, an active member of this Section of the Scheme in accordance with regulation 153, or
- (b) returns to HSC employment on or after 2nd April 2015 in circumstances where paragraph (1B)(a) does not apply.

(1F) For the purposes of paragraph (1D), a person's eligibility cessation date is to be determined according to the formula—

$$A - (2 \times T)$$

where—

A is 1st April 2022

T is the number of months (rounded up to the nearest whole month) by which the person's age on 1st April 2012 is less than 55.

(1G) For the purposes of paragraphs (1C)(b) and (1E)(b), any break in service where the member was in pensionable service in an existing scheme (within the meaning of Schedule 5 to the 2014 Act) is to be disregarded.

(1H) Paragraph (1I) applies to a person who in the opinion of the Department—

- (a) was previously an active member of a corresponding 2008 scheme;
- (b) the regulations governing that corresponding scheme include provisions pursuant to subsection (5) of section 18 of the 2014 Act that provide for exceptions to subsection (1) of that section, and
- (c) pursuant to those provisions, the member would have been eligible to re-join that corresponding scheme if the member had returned to HSC employment for the purposes of that scheme on the day the member commenced HSC employment within the meaning of these Regulations.

(1I) The Department may permit a person referred to in paragraph (1H) to join this Section of the Scheme and, for the purposes of paragraphs (1C) to (1G), the member's previous pensionable employment under the corresponding scheme referred to in paragraph (1H) will be treated as if it were previous pensionable employment under this Section of the Scheme.

(1J) Paragraph (1K) applies to a person who, in the opinion of the Department—

- (a) was previously an active member in respect of service in an existing scheme (within the meaning of Schedule 5 to the 2014 Act),
- (b) is not receiving a pension in respect of that service on the relevant day,
- (c) the regulations of that existing scheme include provisions pursuant to subsection (5) of section 18 of the 2014 Act that provide for exceptions to subsection (1) of that section,
- (d) pursuant to those provisions, the person would have been eligible to be an active member of the existing scheme if the member had returned to employment for the purposes of that scheme on the relevant day, and
- (e) the member would, if the member's previous service in the existing scheme had been previous service under this Section of the Scheme, have been eligible for active membership of this Section of the Scheme on the relevant day pursuant to paragraphs (1A) to (1G).

(1K) The Department may permit a person referred to in paragraph (1J) to join this Section of the Scheme and, for the purposes of paragraphs (1C) to (1G), the member's

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previous service as an active member under the existing scheme referred to in paragraph (1J) will be treated as if it were previous service as an active member of this Section of the Scheme.

(1L) For the purposes of paragraphs (1J) and (1K) “the relevant day” is the day the member commences HSC employment for the purposes of these Regulations.

(1M) A person referred to in paragraph (1C), (1E), (1I) or (1K) may elect, using a form provided by the Department, not to make contributions or accrue further service under this Section of Scheme in accordance with whichever of those paragraphs apply, but instead (where eligible) to become an active member of the 2015 Scheme.

(1N) An election—

- (a) is irrevocable,
- (b) must be given to the Department before the date specified by the Department in the election form,
- (c) is to be treated as having been given on the date the election form is received by the Department.

(1O) The date referred to in sub-paragraph (1N)(b) must be a date that is at least three months later than the date on which the Department provided the member with an election form.

(1P) An election shall be effective from the first day of the member’s pensionable employment in the 2008 Section falling on, or after, 1st April 2015, and from that date—

- (a) that member is to be treated as if that member had been an active member of the 2015 Scheme; and
- (b) contributions made in respect of the member in the 2008 Section shall be treated as if they had been contributions made in respect of that member in the 2015 Scheme.

(1Q) The Department may allow a member to exercise an election after the date specified under sub-paragraph (1N)(b) where the Department considers that the member has not had a reasonable opportunity to consider whether to exercise an election before that date.”

Commencement Information

I17 Sch. 2 para. 17 in operation at 1.4.2015, see [reg. 1\(1\)](#)

New regulation 193A

18. After regulation 193 (Guaranteed minimum pensions etc), insert—

“193A Exceptions to requirement that HSC employment must have ceased

(1) A member is not prevented from becoming entitled to a pension under regulation 176 in respect of pensionable service in respect of which the member is a deferred member because of continuing in HSC employment if paragraph (2) applies.

(2) This paragraph applies if the member—

- (a) is in employment with an employing authority in respect of which the member is eligible to join the 2015 Scheme; and
- (b) has a break of service under the 2015 Regulations that exceeds five years.”

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Commencement Information

I18 Sch. 2 para. 18 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Amendment of regulation 228

19. For sub-paragraph (c) of paragraph (1) of regulation 228 (Procedure for applications under regulation 227)(17), substitute—

- “(c) may only be made—
- (i) during the period of one year beginning with the day on which the applicant becomes eligible to be an active member of this Section of the Scheme and before the applicant reaches the age of 65, or
 - (ii) where the applicant is not eligible to be an active member of this Section of the Scheme and the application is made in respect of a transfer from a corresponding 2008 Scheme during the period of one year beginning with the day on which the applicant becomes eligible to be an active member of the 2015 Scheme if on that day paragraph 2 of Schedule 7 to the 2014 Act applies to the period of service in respect of which the transfer value payment will be made.”.

Commencement Information

I19 Sch. 2 para. 19 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Substitution of regulation 232

20. For regulation 232 (Public sector transfer arrangements), substitute—

“Public sector transfer arrangements

232.—(1) This Chapter applies to a transfer where—

- (a) the member is an active member of the 2015 Scheme,
- (b) the member makes an application under regulation 227 for a transfer value payment in respect of some or all of the rights that have accrued to or in respect of the member under—
 - (i) an existing scheme listed in Schedule 5 to the 2014 Act,
 - (iii) another occupational pension scheme that participates in the Public sector Transfer Club,
- (c) the application under regulation 227 is made within one year beginning with the day the member became eligible to be an active member of the 2015 Scheme and before the member reaches the member’s normal pension age in the 2015 Scheme,
- (d) the transfer value payment is made and accepted under the public sector transfer arrangements, and
- (e) on the day the transfer is completed, paragraph 2 of Schedule 7 to the 2014 Act applies to the period of service in respect of which the transfer value payment is made.

(17) Regulation 228 as amended by [S.R. 2009 No.65](#), regulation 72 and [S.R. 2010 No.22](#), regulation 91

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(2) This Chapter also applies in the case of any other transfer to which the public sector transfer arrangements apply (not being a transfer referred to in paragraph (1)) as it applies in other cases, except to the extent that—

- (a) any provision in this Chapter provides otherwise, or
- (b) the arrangements themselves make different provision.”.

Commencement Information

I20 Sch. 2 para. 20 in operation at 1.4.2015, see [reg. 1\(1\)](#)

New regulation 260ZA

21. After regulation 260 (Employing authority and certain member record keeping and contribution estimates), insert—

“Benefit information statements

260ZA.—(1) The Department must provide a benefit information statement to each member in accordance with—

- (a) section 14 (Information about benefits) of the 2014 Act; and
- (b) any Department of Finance and Personnel directions given from time to time pursuant to that section.

(2) Paragraph (1) does not provide a right for a member to request a benefit information statement.

(3) The Department is only required to provide a member with one benefit statement per scheme year.

(4) A benefit information statement provided pursuant to paragraph (1) is to be treated as though it is the information mentioned in regulation 16(2)(a) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014⁽¹⁸⁾ for the purposes of determining whether or not information must be given under regulation 16(1) of those Regulations.”.

Commencement Information

I21 Sch. 2 para. 21 in operation at 1.4.2015, see [reg. 1\(1\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- reg. 10A(1)(a) words inserted by [S.R. 2024/50 reg. 32](#)
- reg. 17A and cross heading inserted by [S.R. 2024/50 reg. 36](#)
- reg. 35A and cross heading inserted by [S.R. 2024/50 reg. 39\(1\)](#)
- reg. 35A(2)(a) words inserted by [S.R. 2024/117 reg. 30\(2\)\(a\)](#)
- reg. 35A(2)(aa) inserted by [S.R. 2024/117 reg. 30\(2\)\(b\)](#)
- reg. 35A(3A) inserted by [S.R. 2024/117 reg. 30\(3\)](#)
- reg. 38(1A) inserted by [S.R. 2024/50 reg. 40\(3\)](#)