STATUTORY RULES OF NORTHERN IRELAND

2008 No. 163

The Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 2008

Amendment of regulation 35

32.—(1) Regulation 35 (Member dies after pension becomes payable) is amended as provided by paragraphs (2) to (4).

(2) For paragraph (2) substitute—

"(2) Subject to paragraphs (2A) and (8), the allowance will be calculated, as described in whichever of paragraph (3) or (4) applies, as a proportion of the amount of the member's pension or, if greater, the amount that the member's pension would have been if it had been based on 10 years superannuable service.

(2A) If the member's superannuable employment ceased on or before 31st March 2008, the allowance will be calculated in whichever of paragraph (3) or (4) applies, as a proportion of the amount of the member's pension or, if greater, the amount that the member's pension would have been if it had been based on the shorter of—

(a) 10 years superannuable service; and

(b) the superannuable service the member could have completed if he had stayed in superannuable employment until age 65.".

(3) In paragraph (3), after "or civil partner" insert "or nominated partner".

(4) After paragraph (8) add—

"(9) If a member who was in receipt of a substitute tier 1 pension under regulation 13C dies before the end of the protection period that applies to him under regulation 13C(7) (a) or 13C(7)(b), the member's pension referred to in paragraph (2) means that member's original tier 2 pension.

(10) For the purpose of paragraphs (2) and (7), no account will be taken of any reduction to the member's pension under regulation 17A (General option to exchange part of pension for lump sum).".

Commencement Information

I1   Reg. 32 in operation at 9.4.2008 with effect in accordance with reg. 1(1)