
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 163

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

Amendment of regulation 36

33.—(1) Regulation 36 (Member dies with preserved pension) is amended as provided by paragraphs (2) to (6).

(2) In paragraph (2)—

- (a) for “if the member dies” substitute “Subject to paragraph (2A), if the member dies”;
- (b) omit “and, where applicable, 34(3)”.

(3) After paragraph (2) insert—

“(2A) Subject to paragraph (2B) if the member’s superannuable employment ceased on or before 31st March 2008 the allowance will be calculated, as described in whichever of paragraph (4) or (5) applies, as a proportion of the pension that would have been payable to the member under the scheme if the member retired through ill-health with a pension under regulation 13 on the day the member died.

(2B) If the member has less than 5 years’ superannuable service, the allowance will be calculated as if the pension described in paragraph (2A) were 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.”.

(4) For paragraph (3) substitute—

“(3) Subject to paragraph (3A), if the member dies 12 months or more after leaving superannuable employment, the allowance will be calculated as described in whichever of paragraph (4) or (5) applies, as a proportion of the amount of the member’s preserved pension or, if greater, the amount that the preserved pension would have been if it had been based on 10 years superannuable service.

(3A) If the member’s superannuable employment ceased on or before 31st March 2008, the allowance will be calculated as described in whichever of paragraph (4) or (5) applies, as a proportion of the amount of the member’s preserved pension or, if greater, the amount of that the preserved 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.”.

(5) In paragraphs (4) and (5)(1)—

- (a) after “or civil partner” insert “or nominated partner”;
- (b) for “paragraph (2)” substitute “paragraphs (2) to (3A).”.

Changes to legislation: *There are currently no known outstanding effects for the The Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 2008, Section 33. (See end of Document for details)*

(6) In paragraph (6)(2)—

- (a) after “or civil partner” insert “or nominated partner”;
- (b) for “or surviving civil partner's” substitute “, surviving civil partner’s or surviving nominated partner's”.

Commencement Information

II Reg. 33 in operation at 9.4.2008 with effect in accordance with reg. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 2008, Section 33.