
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 163

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

Amendment of regulation 82

55.—(1) Regulation 82 (Members whose earnings are reduced) is amended as provided by paragraphs (2) to (6).

(2) For paragraphs (1) and (2) substitute—

“(1) The Department may agree to pay a preserved pension under regulation 49 in respect of a member’s superannuable service before his earnings were reduced if—

- (a) the member has at least two years qualifying service; and
- (b) within the three month period after the member’s earnings are reduced that the member’s employer certifies that the reduction is due to the circumstances described in paragraph (2); or
- (c) the member satisfies all of the conditions specified in paragraph (2A).

(2) The circumstances referred in paragraph (1)(b) are that the reduction is due to—

- (a) the member being transferred to other employment with an employing authority; or
- (b) the member taking up other employment with an employing authority, in circumstances approved by the Department; or
- (c) a change in the member’s duties, while continuing in the same employment, otherwise than at the member’s request or as a result of something done by the member.

(2A) The conditions referred to in paragraph (1)(c) are that—

- (a) the member has attained normal minimum pension age or, where relevant, protected pension age;
- (b) the member makes an election and the Department has not previously accepted an election made by that member, and
- (c) the member’s employer has certified that—
 - (i) the member’s superannuable pay is reduced by at least 10 per cent for a period of at least one year beginning with the first pay day on which the reduced superannuable pay was paid;
 - (ii) for a period of at least 12 months ending immediately before the reduction referred to in head (i), the member’s superannuable pay had not been subject to any other reduction;
 - (iii) the reduction to the member’s superannuable pay is the result of a change to that member’s duties so that his new, or remaining, duties are less demanding and carry less responsibility than the member’s previous duties.”.

(3) For paragraph (4), substitute—

“(4) An election referred to in paragraph (2A) must be made—

(a) in writing and addressed to the Department; and

(b) within 15 months of the member’s superannuable pay being reduced.”.

(4) In paragraph (5) for “exercising the option described in this regulation”, substitute “the Department agrees to pay a preserved pension under regulation 49 in accordance with paragraph (1)”.

(5) In paragraph (6)(b) after “(Early retirement pension (ill-health))”, insert “or 13A”.

(6) For paragraph (7), substitute—

“(7) If the member leaves superannuable employment with a pension under regulation 13 or 13A and the member’s superannuable service falls to be increased as described in—

(a) paragraphs (4) to (6) of regulation 13; or

(b) paragraphs (4) to (6) of regulation 13A,

then, if the member’s superannuable service before and after the break is treated separately under paragraph (5), the increase will apply only in respect of benefits attributable to the period after the member’s earnings were reduced.

(8) For the purposes of this regulation, “superannuable pay” in respect of part-time employment means the amount that the Department determines would have been paid in respect of a single comparable whole-time employment.”.