
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 256

The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008

PART 2 N.I.

BENEFITS FOR OFFICERS

CHAPTER 1 N.I.

INTRODUCTION

Qualifying service

Meaning of “qualifying service” N.I.

10.—(1) In this Part, references to a member's qualifying service, are references to the aggregate of the following periods—

- (a) the member's pensionable service under this Part other than such pensionable service as is referred to in regulation 7(1)(c) (transferred-in service),
- (b) in the case of a person in respect of whom a transfer value in respect of his rights under another pension arrangement [^{F1}(including the [^{F2}1995 Section])] has been accepted under Chapter 6 (transfers), a period equal to the person's period as an active member in any occupational pension scheme in respect of which the rights accrued,
- (c) in the case of a person who—
 - (i) became an active member on the transfer of the person's employment to a new employer as the result of a transfer of an undertaking to that employer, and
 - (ii) has rights under another occupational pension scheme to which the person was eligible to belong in the person's employment with the former employer, in respect of which no transfer payment has been accepted under regulation 102,the period of employment that qualified the member for those rights, and
- (d) any period treated as qualifying service under paragraph (3), (5) or (6) or under regulation 11, ^{F3}...
- (e) where the member ceased to be an active member under Part 3 not more than 12 months before becoming a member under this Part, any period of qualifying service under Part 3^{F4}; and
- (f) in the case of a person—
 - (i) who is eligible to join [^{F5}this Section of] the Scheme by virtue of regulation 21(5)(c), and

- (ii) for whom the interval between leaving the [^{F6}1995 Section] and joining [^{F5}this Section of] the Scheme is less than one month,
 - a period equal to the period of qualifying service (within the meaning of the 1995 Regulations), measured in years and days, that the member was entitled to count under regulation 5 of the 1995 Regulations when the member left that scheme][^{F7}; ^{F8} ...
- (g) in the case of a 2008 Section Optant, any period of qualifying service the member is entitled to count under Chapter 10 of this Part.]
- [^{F9}(h) in the case of a Waiting Period Joiner referred to in regulation 136Y, a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section; and
 - (i) in the case of a person who is eligible to join this Section of the scheme by virtue of regulation 21(5)(e), (g) or (h) (Eligibility: general), a period equal in length to the period of qualifying service which the member is entitled to count under the 1995 Section.]
- (2) Paragraph (3) applies if a member who is employed on a casual basis—
 - (a) ceases to pay contributions because of a break in the employment in which the member is an active member of a period not exceeding three months, and
 - (b) re-enters employment in which the member is eligible to be an active member on the same basis after the break.
- (3) For the purposes of this Part the member is treated—
 - (a) as continuing to be in qualifying service during the break, and
 - (b) as not being required to rejoin [^{F10}this Section of] the Scheme on re-entering the employment.
- (4) For the other rules applying where there is a short break in service, see regulation 11.
- (5) If—
 - (a) a pension becomes payable to a member under regulation 55 (early retirement on termination of employment by employing authority) in a case where regulation 57 (5) applies, and
 - (b) the member has elected to take benefits under regulation 55 only in respect of the old employment and to continue to accrue rights to benefits in respect of any continuing employments in which the member is an active member,

the pensionable service in respect of which that pension is calculated is treated as qualifying service in relation to any employment in respect of which rights to benefits continue to accrue.

(6) In determining the service that is pensionable service for the purposes of this regulation, regulation 8 (meaning of “pensionable service”: part-time service) does not apply, but for those purposes part-time employments held concurrently are treated as a single employment.

Textual Amendments

- F1** Words in [reg. 10\(1\)\(b\)](#) inserted (with effect in accordance with reg. 1(3) of the amending Rule) by [The Health and Personal Social Services \(Superannuation\), Health and Social Care \(Pension Scheme\) and Health and Personal Social Services \(Injury Benefits\) \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/65\), regs. 1\(2\), 27\(2\)](#) (with [reg. 89](#))
- F2** Words in [reg. 10\(1\)\(b\)](#) substituted (with effect in accordance with reg. 1(2) of the amending Rule) by [The Health and Personal Social Services \(Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions\), and Health and Social Care \(Pension Scheme\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/22\), reg. 1\(2\), Sch. 2 Pt. 2](#)

- F3** Word in reg. 10(1)(d) omitted (with effect in accordance with reg. 1(2) of the amending Rule) by virtue of The Health and Personal Social Services (Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions), and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/22), reg. 1(2), **18(a)**
- F4** Reg. 10(1)(f) and word added (with effect in accordance with reg. 1(5) of the amending Rule) by The Health and Personal Social Services (Superannuation), Health and Social Care (Pension Scheme) and Health and Personal Social Services (Injury Benefits) (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2009 (S.R. 2009/65), reg. 1(2), **27(3)** (with reg. 89)
- F5** Words in reg. 10(1)(f) inserted (with effect in accordance with reg. 1(2) of the amending Rule) by The Health and Personal Social Services (Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions), and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/22), reg. 1(2), **Sch. 2 Pt. 1**
- F6** Words in reg. 10(f)(ii) substituted (with effect in accordance with reg. 1(2) of the amending Rule) by The Health and Personal Social Services (Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions), and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/22), reg. 1(2), **Sch. 2 Pt. 2**
- F7** Reg. 10(1)(g) and word inserted (with effect in accordance with reg. 1(2) of the amending Rule) by The Health and Personal Social Services (Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions), and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/22), reg. 1(2), **18(b)**
- F8** Word in reg. 10(1)(f) omitted (9.2.2012) by virtue of The Health and Personal Social Services (Superannuation Scheme, Injury Benefits and Additional Voluntary Contributions), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/42), reg. 1(4), **13(2)**
- F9** Reg. 10(1)(h)(i) inserted (9.2.2012) by The Health and Personal Social Services (Superannuation Scheme, Injury Benefits and Additional Voluntary Contributions), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/42), reg. 1(4), **13(3)**
- F10** Words in reg. 10(3)(b) inserted (with effect in accordance with reg. 1(2) of the amending Rule) by The Health and Personal Social Services (Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions), and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/22), reg. 1(2), **Sch. 2 Pt. 1**

Modifications etc. (not altering text)

- C1** Reg. 10 excluded (1.4.2015) by The Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015 (S.R. 2015/122), reg. 1, **7(5)(b)**

Qualifying service: disregard of breaks in service **N.I.**

11.—(1) This regulation applies for the purpose of calculating the qualifying service of a member whose pensionable service ceases for an interval (other than in circumstances where regulation 10(2) applies).

(2) Subject to paragraph (6), if the interval—

- (a) does not exceed one month, or
- (b) is due to a trade dispute,

the member's qualifying service before and after the interval is treated as continuous for the purpose of calculating the member's qualifying service after the interval (but the period of the interval is ignored).

(3) For the purposes of paragraph (2) it does not matter if the member's pensionable service before the interval is treated separately from that after the interval for the purpose of calculating the member's benefits.

(4) Subject to paragraph (6), if—

- (a) a person who is an active member ceases to be employed in the employment that qualifies the person to belong to ^{F11}this Section of] the Scheme and becomes a deferred member, but not a pensioner member, in respect of the service in that employment, and
- (b) after a period not exceeding 12 months the person becomes employed again in such an employment and becomes an active member again in that employment,

qualifying service in the earlier employment is treated as a single continuous period of qualifying service with that in the later employment.

(5) Subject to paragraph (6), if—

- (a) a person who is an active member in an employment opts to cease to be such a member whilst continuing to be employed in the employment and becomes a deferred member, but not a pensioner member, in respect of that service, and
- (b) after a period not exceeding 12 months the person becomes such an active member again in that employment,

qualifying service in the earlier period of active membership is treated as a single period of qualifying service with that in the later period of such membership.

(6) ^{F12}Where] —

- (a) the person has received a repayment of contributions under regulation 44 in respect of the earlier period ^{F13}, paragraphs (4) and (5) do not apply] (but see paragraph (7)), or
- (b) the person's rights under ^{F14}this Section of] the Scheme in respect of that period have been extinguished under regulation 99 because a transfer value payment has been made^{F15}, paragraphs (2), (4) and (5) do not apply] .

(7) Paragraph (6)(a) does not apply if the person repays to the Department any contributions repaid to the person as mentioned in that paragraph together with any interest on those contributions, before the expiry of the period of 6 months beginning with the date on which the member becomes a member again.

(8) If—

- (a) a member is a deferred member or pensioner member in respect of the period of pensionable service before pensionable service ceases for an interval, and
- (b) the periods of pensionable service before and after pensionable service ceases for an interval are not treated as a single period of continuous service under regulation 9(5) or regulation 111(2)(a),

the period of pensionable service in respect of which the member is a deferred member or a pensioner member is treated as qualifying service in relation to the period after the interval.

Textual Amendments

- F11** Words in [reg. 11\(4\)\(a\)](#) inserted (with effect in accordance with [reg. 1\(2\)](#) of the amending Rule) by [The Health and Personal Social Services \(Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions\), and Health and Social Care \(Pension Scheme\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/22\)](#), [reg. 1\(2\)](#), **Sch. 2 Pt. 1**
- F12** Word in [reg. 11\(6\)](#) substituted (retrospective and with effect in accordance with [reg. 1\(4\)\(b\)](#) of the amending Rule) by [The Health and Personal Social Services \(Superannuation Scheme and Additional Voluntary Contributions\), Health and Social Care \(Pension Scheme\) \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/259\)](#), [regs. 1\(2\)](#), **21(a)**
- F13** Words in [reg. 11\(6\)\(a\)](#) inserted (retrospective and with effect in accordance with [reg. 1\(4\)\(b\)](#) of the amending Rule) by [The Health and Personal Social Services \(Superannuation Scheme and Additional](#)

Voluntary Contributions), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/259), regs. 1(2), **21(b)**

- F14** Words in reg. 11(6)(b) inserted (with effect in accordance with reg. 1(2) of the amending Rule) by The Health and Personal Social Services (Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions), and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/22), reg. 1(2), **Sch. 2 Pt. 1**
- F15** Words in reg. 11(6)(b) added (retrospective and with effect in accordance with reg. 1(4)(b) of the amending Rule) by The Health and Personal Social Services (Superannuation Scheme and Additional Voluntary Contributions), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/259), regs. 1(2), **21(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008, Cross Heading: Qualifying service.