
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 256

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

PART 2

BENEFITS FOR OFFICERS

CHAPTER 1

INTRODUCTION

Pensionable pay

Meaning of “pensionable pay”

13.—(1) In this Part, subject to the following paragraphs, “pensionable pay” means all salary, wages, fees and other regular payments made to a person in respect of employment in which the person is an active member of [^{F1}this Section of] the Scheme.

(2) In the case of a member who, in addition to one or more such employments, holds an honorary office or appointment, any distinction award payable to the member as a consequence of holding the honorary office or appointment, is treated—

- (a) in the case of a member in one such employment, as pensionable pay of that employment, and
- (b) in the case of a member in two or more such employments, as pensionable pay of such of those employments as the Department considers appropriate.

(3) “Pensionable pay” does not include—

- (a) bonuses,

[^{F2}(aa) pay awards and pay increases that are expressed by the Department to be non-consolidated,]

- (b) payments made to cover expenses, or
- (c) payments for overtime.

(4) If—

- (a) a person is an active member in respect of two or more part-time employments, and
- (b) in the opinion of the Department, the total pensionable pay for the employments (apart from this paragraph) exceeds the amount that would be the pensionable pay for a comparable whole-time employment, not held concurrently with any other employment under which services of the kinds performed in the two or more part-time employments are performed,

the excess pensionable pay is ignored for the purposes of this Part.

(5) In the case of a non-GP provider who is not in receipt of any salary, wages, fees or any other regular payment, pensionable pay means practitioner income less any sum on account of practice expenses (for these purposes, contributions payable under regulation 27(5) or (6) are neither practitioner income nor practice expenses).

(6) For the purposes of this regulation, the practitioner income of a non-GP provider means income that accrues to the non-GP provider which is derived from—

- (a) a GMS contract;
- (b) an APMS contract;
- (c) payments from, or to, a practitioner who is a GMS practice or an APMS contractor in respect of the performance of certification services, commissioned services or collaborative services.

(7) In the case of a non-GP provider who is in partnership with a principal medical practitioner practising in partnership, the pensionable earnings of each non-GP provider who is a partner in a partnership shall be calculated by aggregating the pensionable earnings of each partner (including for this purpose, any amount that would constitute pensionable earnings in the case of any of them who are not included in the Scheme) and, subject to paragraph (8), dividing the total equally by reference to the number of such partners.

(8) If the non-GP providers and any principal medical practitioners who are partners in a partnership do not share equally in the partnership profits, they may elect that each partner's pensionable earnings shall correspond to each partner's share of the partnership profits.

(9) The calculations described in paragraph (8) will be made by the Health and Social Services Board to which the partners are required to give notice of their election in accordance with paragraph (10).

(10) Non-GP providers and any principal medical practitioners who are partners in any partnership must exercise the election described in paragraph (8) by giving notice in writing to their host Board in accordance with paragraph (11).

(11) A notice given under this regulation—

- (a) must be signed by all the non-GP providers and principal medical practitioners in the partnership and must state as a fraction each non-GP provider's and practitioner's share in the partnership profits;
- (b) will take effect—
 - (i) from the date agreed between the partners and the Health and Social Services Board concerned; or
 - (ii) if no agreement is reached, a date decided by the Department;
- (c) will continue in effect until cancelled or amended by a subsequent notice in writing signed by all the partners in the partnership;
- (d) will be automatically cancelled upon a change in the members of the partnership.

Textual Amendments

- F1** Words in [reg. 13\(1\)](#) 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](#)
- F2** [Reg. 13\(3\)\(aa\)](#) inserted (with effect in accordance with of the amending Rule) by [The Health and Personal Social Services \(Superannuation Scheme, Additional Voluntary Contributions and Injury](#)

Changes to legislation: *There are currently no known outstanding effects for the The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008, Section 13. (See end of Document for details)*

Benefits), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/121), regs. 1(3), **19**

Changes to legislation:

There are currently no known outstanding effects for the The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008, Section 13.