
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 256

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

PART 3

BENEFITS FOR PRACTITIONERS ETC.

[^{F1}CHAPTER 10

Section 2008 Optants

Miscellaneous provisions

[^{F1}Children's pensions payable on the death of a 2008 Section Optant who is in receipt of a tier 1 ill-health pension under regulation 13A of the 1995 Regulations.

260W

(1) This regulation applies to a 2008 Section Optant (“a deceased Optant”) who, in respect of service in this Section of the Scheme, was—

(a) at the date of the Optant's death—

- (i) an active member,
- (ii) a non-contributing member,
- (iii) a pensioner member, or
- (iv) a deferred member; and

(b) on that date was entitled to a tier 1 ill-health pension under regulation 13A of the 1995 Regulations (Ill-health pension on early retirement) in respect of service in the 1995 Section (“the earlier 1995 Section service”).

(2) In the case of a deceased Optant referred to in paragraph (1)(a)(i) and (ii), “the basic death pension” for the purposes of paragraph (3) of regulation 203 shall have the meaning given in paragraph (3).

(3) The “basic death pension” means twice the appropriate proportion of the deceased member's pension under regulation 176 and—

(a) in the case of a deceased Optant who was, at the date of the Optant's death, an active member that pension will include the greater of—

- (i) any increase due to such enhancement period that would have applied for the purposes of regulation 182(5) if the deceased Optant had become entitled to a tier 2 ill-health pension at that date, and
- (ii) the deceased Optant's later 2008 Section service as an active member plus the difference between—

- (aa) the aggregate of the deceased Optant’s earlier 1995 Section service and the later 2008 Section service as an active member, and
 - (bb) 10 years pensionable service,
- where the amount of service in paragraph (aa) is less than that specified in paragraph (bb);
- (b) in the case of a deceased Optant referred to in paragraph (1)(a)(ii), the pensionable service that the deceased Optant was entitled to count under this Section of the Scheme on the date of that Optant’s death.
- (4) In the case of a deceased Optant referred to in paragraph (1)(a)(iii), “the basic death pension” for the purposes of paragraph (3) of regulation 204 shall have the meaning given in paragraph (5).
- (5) The “basic death pension” means the greater of—
- (a) twice the appropriate proportion of the deceased Optant’s annual pension (disregarding any additional pension); and
 - (b) twice the appropriate proportion of the annual pension to which the deceased Optant would have been entitled calculated as the aggregate of the deceased Optant’s later 2008 Section service plus the difference between—
 - (i) the aggregate of the deceased Optant’s earlier 1995 Section service and the later 2008 Section service, and
 - (ii) 10 years pensionable service,
 where the amount of service in head (i) is less than that specified in head (ii).
- (6) In the case of a deceased Optant referred to in paragraph (1)(a)(iv), “the basic death pension” for the purposes of paragraph (3) of regulation 205 shall have the meaning given in paragraph (7).
- (7) The “basic death pension” means—
- (a) if the deceased Optant died within 12 months after ceasing to be an active member or a non-contributing member, the amount that would be the basic death pension for the purposes of regulation 203 if the deceased Optant had died on the day of so ceasing (disregarding any additional pension); and
 - (b) if the deceased Optant died more than 12 months after ceasing to be an active member or a non-contributing member, the greater of—
 - (i) twice the appropriate proportion of the pension to which the deceased Optant would have been entitled if the deceased had become entitled to a pension under regulation 176 on the date of death (disregarding any additional pension), and
 - (ii) twice the appropriate proportion of the annual pension to which the deceased Optant would have been entitled in respect of the aggregate of the deceased Optant’s later 2008 Section service that has been deferred plus the difference between—
 - (aa) the aggregate of the deceased Optant’s earlier 1995 Section service and the later 2008 Section service that has been deferred, and
 - (bb) 10 years pensionable service,
 where the amount of service in paragraph (aa) is less than that specified in paragraph (bb).]

Textual Amendments

- F1** Pt. 3 c. 10 added (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](#)

Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008, Section 260W. (See end of Document for details)

Additional Voluntary Contributions), and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/22), regs. 1(2), **96**

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There are currently no known outstanding effects for the The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008, Section 260W.