
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 5

DEATH BENEFITS

Pensions for surviving adults

Amount of pensions under regulation 67: active [^{F1} and non-contributing] members

69.—^{F2}(1) In the case of an active member or a non-contributing member, for the period of 6 months beginning with the day after the member's death ("the initial period") the rate of the pension payable under regulation 67 (if that amount is greater than the amount of the pension payable to the surviving adult under this Chapter apart from this paragraph), is equal to—

- (a) in the case of a deceased active member, the rate of the member's pensionable pay at the time of death;
- (b) in the case of a deceased non-contributing member, the rate of the deceased's reckonable pay.]

(2) Subject to paragraph (3), after the initial period, if the member dies with 2 or more years of qualifying service, the annual amount of the pension payable under regulation 67—

- (a) if the member has not reached the age of 65, is equal to 37.5% of the tier 2 ill-health pension under regulation 52 to which the member would have been entitled if on the date of death the member had become entitled to such a pension, and
- (b) if the member has reached the age of 65, is equal to 37.5% of the pension under regulation 45 (normal retirement pensions) to which the member would have been entitled if on the date of death the member had become entitled to such a pension in respect of any period of pensionable service that the member is entitled to count.

^{F3}Sub-paragraph (b) is subject to paragraph (7).]

(3) After the initial period, if the member dies with less than 2 years of qualifying service but after reaching the age of 65, the annual amount of the pension payable under regulation 67 is equal to 37.5% of the pension to which the member would have been entitled (disregarding any additional pension) if on the date of death the member had become entitled to a pension under regulation 45 (normal retirement pensions) in respect of any period of pensionable service that the member is entitled to count.

^{F4}This is subject to paragraph (7).]

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(4) After the initial period, if—

- (a) the member dies with less than 2 year's qualifying service and before reaching the age of 65, and
- (b) the surviving adult has a guaranteed minimum under section 13 of the 1993 Act in relation to benefits in respect of the deceased member under [^{F5}this Section of] the Scheme,

the annual amount of the pension payable under regulation 67 is equal to that guaranteed minimum, unless paragraph (5) applies.

(5) This paragraph applies if the Department's liability to provide a guaranteed minimum pension in respect of the surviving adult is discharged by the payment of a contributions equivalent premium under section 51(2) of the 1993 Act.

(6) This regulation is subject to regulation 73 (re-employed pensioners).

[^{F6}(7) For the purposes of paragraphs (2)(b) and (3) any increase under—

- (a) regulation 47; or
- (b) regulation 136U,

is ignored.]

Textual Amendments

- F1** Words in [reg. 69 heading](#) inserted (with effect in accordance with [reg. 1\(2\)](#) of the amending Rule) by [The Health and Personal Social Services \(Superannuation Scheme and Injury Benefits\) and Health and Social Care \(Pension Scheme\) \(Amendment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/188\)](#), [regs. 1\(2\)](#), **35(2)**
- F2** [Reg. 69\(1\)](#) substituted (with effect in accordance with [reg. 1\(2\)](#) of the amending Rule) by [The Health and Personal Social Services \(Superannuation Scheme and Injury Benefits\) and Health and Social Care \(Pension Scheme\) \(Amendment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/188\)](#), [regs. 1\(2\)](#), **35(3)**
- F3** Words in [reg. 69\(2\)](#) 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 \(S.R. 2010/22\)](#), [regs. 1\(2\)](#), **39(2)**
- F4** Words in [reg. 69\(3\)](#) 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 \(S.R. 2010/22\)](#), [regs. 1\(2\)](#), **39(3)**
- F5** Words in [reg. 69\(4\)\(b\)](#) 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**
- F6** [Reg. 69\(7\)](#) added (with effect in accordance with [reg. 1\(2\)](#) of the amending Rule) by [The Health and Personal Social Services \(Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions\), and Health and Social Care \(Pension Scheme\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/22\)](#), [regs. 1\(2\)](#), **39(4)**

Modifications etc. (not altering text)

- C1** [Reg. 69\(1\)\(a\)](#) modified (1.4.2015) by [The Health and Social Care Pension Scheme \(Transitional and Consequential Provisions\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/122\)](#), [regs. 1](#), **38(1)** Table Pt. 2

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C2 Reg. 69(2)(a) modified (1.4.2015) by The Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015 (S.R. 2015/122), regs. 1, **38(1)** Table Pt. 2

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Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- [reg. 49\(9A\)](#) inserted by [S.R. 2024/117 reg. 12\(6\)](#)