
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 188

The Health and Personal Social Services
(Superannuation Scheme and Injury Benefits)
and Health and Social Care (Pension Scheme)
(Amendment) Regulations (Northern Ireland) 2009

PART 3

AMENDMENT OF THE HEALTH AND SOCIAL CARE (PENSION
SCHEME) REGULATIONS (NORTHERN IRELAND) 2008

Amendment of regulation 76

38.—(1) Regulation 76 (Amount of children’s pension under regulation 74: deceased active members) is amended as provided by paragraphs (2) to (6).

(2) In the heading after “deceased active members” insert, “and deceased non-contributing members”.

(3) In paragraph (1) after “active” insert, “,or a non-contributing”.

(4) For paragraph (4), substitute—

“(4) For this purpose “relevant service” means—

(a) in the case of an active member, the greater of—

(i) the pensionable service the deceased was entitled to count on the date of death, increased by the enhancement period (if any) that would have applied for the purposes of regulation 52(5) if the deceased had become entitled to a tier 2 ill-health pension on the date of death, and

(ii) 10 years' pensionable service;

(b) in the case of a non-contributing member, the pensionable service that the deceased was entitled to count on the date of death.”.

(5) In paragraph (6) for “equal to the rate of the deceased’s pensionable pay at the date of death.”, substitute—

“equal to—

(i) in the case of a deceased active member, the rate of the deceased’s pensionable pay at the date of death, and

(ii) in the case of a deceased non-contributing member, the rate of the deceased’s reckonable pay.”.

(6) In paragraph (7) for “equal to the rate of the deceased’s pensionable pay at the date of death.”, substitute—

“equal to—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) in the case of a deceased active member, the rate of the deceased's pensionable pay at the date of death, and
- (ii) in the case of a deceased non-contributing member, the rate of the deceased's reckonable pay."