
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 65

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

PART 1

AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES
(SUPERANNUATION) REGULATIONS (NORTHERN IRELAND) 1995

Amendment of regulation 87

16.—(1) Regulation 87 (Benefits on death in superannuable employment after pension under regulation 13 becomes payable) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1A)—

(i) for “This regulation”, substitute “Subject to the modifications set out in paragraph (1B), this regulation”,

(ii) in sub-paragraph (b)(iii), after “members)” insert “on or before 1st April 2008”.

(3) After paragraph (1A), add—

“(1B) The modifications referred to in paragraph (1A) are—

(a) in paragraph (3A), for “on the date of the member’s death” substitute “on the member’s last day of superannuable employment”;

(b) in paragraph (7), for “superannuable pay when the member died” substitute “final year’s superannuable pay”;

(c) in paragraph (8), for “the 6 months immediately following the member’s death” substitute “the 3 months immediately following the member’s death or the 6 months immediately following the member’s death if he leaves a dependent child”;

(d) in paragraph (11), for “the 6 month period” substitute “the 3 month or, as the case may be, the 6 month period”;

(e) in paragraph (12)—

(i) for “rate of superannuable pay when he died” substitute “final year’s superannuable pay”, and

(ii) for “at that time” substitute “when he died”.

(1C) Subject to the modifications set out in paragraph (1D), this regulation shall also apply to a member in respect of whom a pension is payable under regulation 13 (early retirement on grounds of ill-health) who—

- (a) returns to superannuable employment after that pension becomes payable; and
 - (b) on the day the member dies, the member is—
 - (i) under the age of 75,
 - (ii) in HSC employment,
 - (iii) no longer required to pay contributions pursuant to regulation 10(3) or (4) (Contributions by members) on, or after, 2nd April 2008, and
 - (iv) except where regulation 77(6) applies, not in receipt of a pension under any of regulations 12 to 16 in respect of the member’s later service.
- (1D) The modifications referred to in paragraph (1C) are—
- (a) in paragraph (3A), for “on the date of the member’s death” substitute “on the member’s last day of superannuable employment”;
 - (b) in paragraph (7), for “superannuable pay when the member died” substitute “final year’s superannuable pay”;
 - (c) in paragraph (12)—
 - (i) for “rate of superannuable pay when he died” substitute “final year’s superannuable pay”, and
 - (ii) for “at that time” substitute “when he died”.”.