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STATUTORY RULES OF NORTHERN IRELAND

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**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 7**

5.—(1) Regulation 7 (Restrictions on membership) is amended as provided by paragraphs (2) to (6).

(2) In paragraph (1), for sub-paragraph (i) substitute—

“(i) that person is a person who has been a member of the 2008 scheme;

(j) that person is a person who—

(i) ceased to be in superannuable employment on or before 31st March 2008,

(ii) on so ceasing was entitled to a preserved pension in accordance with regulation 49,

(iii) returns to HSC employment on or after 1st October 2008 and before returning exercises the member’s right to transfer out all of that person’s benefits in the scheme in accordance with regulation 53,

(iv) has had a break in superannuable employment for any one period of five years or more beginning with the day immediately following the cessation of employment referred to in paragraph (i) and ending on the day immediately before the employment referred to in paragraph (iii) commences, and

(v) is not in receipt of a pension under regulation 13 or 13A;

(k) that person is a person who—

(i) is entitled to a preserved pension in accordance with regulation 49,

(ii) returns to HSC employment on or after 1st October 2008,

(iii) has had a break in superannuable employment for any one period of five years or more beginning with the day immediately following the cessation of the superannuable employment in respect of which that person is entitled to the pension referred to in paragraph (i) and ending on the day immediately before the employment referred to in paragraph (ii) commences, and

(iv) is not in receipt of a pension under regulations 13 or 13A.”.

(3) In paragraph (2)—

- (a) in paragraph (a), for “HSC Pension Scheme 2008” substitute “2008 scheme”;
- (b) after sub-paragraph (b) add—
  - “(c) a reference to regulations 49, 50, 53 and 54 includes the equivalent of those regulations in a health service scheme the provisions of which correspond to the provisions of the superannuation scheme as set out in these Regulations.”.
- (4) For paragraph (3) substitute—
  - “(3) The Department may permit a person who would otherwise not be permitted to join the scheme in accordance with sub-paragraph (1)(f), (g), (h) or (k) to do so if—
    - (a) that person’s HSC employment was transferred to another employer by virtue of—
      - (i) a transfer of undertakings or arrangements equivalent to a transfer of undertakings, and
      - (ii) at no time since that transfer (or the last of them if more than one) has the person had a break in superannuable employment for any one period of five years or more; or
    - (b) that person’s employment is transferred to an employing authority by virtue of—
      - (i) a transfer of undertakings, or
      - (ii) arrangements equivalent to a transfer of undertakings,(whether or not the transferring employer is in the public sector provided that person’s employment was originally transferred out of the public sector); and
    - (c) the employment from which the member is transferred—
      - (i) qualified the member for benefits under an occupational pension scheme, and
      - (ii) the rules of that scheme (in the opinion of the Department) entitle the member to receive benefits on retirement upon, or prior to, attaining the age of 60 years.”.
- (5) In paragraph (4) for “(3)(a)”, substitute “(3)”.
- (6) In paragraph (5) for “(3)(b)(ii)”, substitute “(3)(c)(ii)”.