
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 2

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

Insertion of new regulation 235A

75. After regulation 235 (EU and other overseas transfers), insert—

“Transfers across

Transfers across from the HPSS Superannuation Scheme 1995

235A.—(1) An active member who is entitled to have a cash equivalent value calculated in respect of the entirety of the member’s rights under the HPSS Superannuation Scheme 1995, pursuant to regulation 59 of the 1995 Regulations, may apply to convert that cash equivalent value into rights under this Scheme.

(2) An application under paragraph (1)—

- (a) must be made in writing using an application form provided for the purpose by the Department;
- (b) may only be made before the end of the period of three months beginning with the guarantee date established under regulation 59 of the 1995 Regulations;
- (c) may only be made if the member has first been furnished with a statement of the pensionable service and increase in pensionable earnings that the member will be entitled to count under this Scheme if the application is accepted by the Department;
- (d) must meet such other conditions as the Department may require; and
- (e) is irrevocable.

(3) The statement mentioned in paragraph (2)(c) must—

- (a) inform the member of the amount of increase in pensionable earnings that will count under this Scheme for the purposes of calculating benefits payable to or in respect of the member; and

- (b) inform the member of the amount of pensionable service that will count under this Scheme when determining whether or not the member has reached 45 years of pensionable service for the purposes of regulation 139.
- (4) The amount of the increase in pensionable earnings mentioned in paragraph (3)(a) will be calculated by—
 - (a) treating the member as entitled to a period of officer service equal to the period of employment that qualified the member for the rights in the HPSS Superannuation Scheme 1995;
 - (b) calculating the reckonable pay that would have given rise to a cash equivalent in respect of that officer service under regulation 98 (Calculating amounts of transfer value payments); and
 - (c) increasing the member’s pensionable earnings by an amount equal to the pensionable pay that the member would have received during that period of officer service if the member’s pensionable pay had been equal to the reckonable pay mentioned in sub-paragraph (b) throughout that period.
- (5) The amount of pensionable service mentioned in paragraph (3)(b) will be calculated in accordance with any guidance, tables and other relevant factors provided by the Scheme actuary for that purpose, having regard to the period of employment that qualified the member for the rights in the HPSS Superannuation Scheme 1995.
- (6) If the Department accepts an application under paragraph (1)—
 - (a) the member is entitled to count under this Scheme the period of pensionable service mentioned in paragraph (3)(b) for the purpose specified therein;
 - (b) that period of pensionable service shall be credited to the member on the day that the Department received the member’s application;
 - (c) the member is entitled to count the increase in pensionable earnings calculated under paragraph (4) for the purposes of calculating benefits payable to or in respect of the member under this Scheme; and
 - (d) that increase in pensionable earnings shall be credited to the member in the financial year during which the day that the Department received the member’s application falls.”.