
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 42

The Health and Personal Social Services (Superannuation Scheme, Injury Benefits and Additional Voluntary Contributions), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2012

PART 3

Amendment of the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008

Amendment of regulation 260

30.—(1) Regulation 260 (Employing authority and certain member record keeping and contribution estimates)⁽¹⁾ is amended as provided by paragraphs (2) and (3).

(2) In paragraphs (3) and (4) in each place for “superannuable” substitute “pensionable”.

(3) For paragraphs (5) to (15) substitute—

“(5) In respect of each scheme year, a GMS practice or an APMS contractor shall provide the Department with a statement of estimated pensionable earnings in respect of any—

- (a) non-GP provider that is a GMS practice or an APMS contractor who assists in the provision of HSC services provided by that GMS practice or APMS contractor;
- (b) principal medical practitioner who performs medical services as, or on behalf of, the practice or contractor;
- (c) assistant medical practitioner employed by the practice or contractor.

(6) In respect of each scheme year, each employing authority shall, in respect of any of the person’s referred to in paragraph (5)(a) to (c), provide the Department with an end-of-year statement of—

- (a) pensionable earnings;
- (b) contributions to this Section of the Scheme made under regulation 161 (Members’ contribution rate);
- (c) contributions to this Section of the Scheme made under regulation 162 (Contributions by employing authorities: general); and
- (d) any pensionable earnings deemed in accordance with regulation 144 (Pensionable earnings-breaks in service),

in respect of any of the persons referred to in paragraph (5)(a) to (c).

(7) The Department shall be provided with—

(1) Regulation 260 was substituted by [S.R. 2009 No.188](#) regulation 78 and amended by [S.R. 2010 No.22](#) regulations 13, 105, Schedule 2, Part 1, paragraph 1

- (a) the statement referred to in paragraph (5) at least 1 month before the beginning of that scheme year;
 - (b) the statement referred to in paragraph (6) no later than 3 months after the end of that scheme year.
- (8) All employing authorities must, for each scheme year—
- (a) provide the Department with a statement of estimated total contributions due to this Section of the Scheme under regulation 160 (Contributions by members) and 162 (Contributions by employing authorities: general); and
 - (b) maintain, in a manner approved by Department from time to time, the records of contributions to this Section of the Scheme made under regulations 160 and 161.
- (9) The statement referred to in paragraph (8)(a) must be provided to the Department no later than 2 months after the end of each scheme year and, except where the Department waives such requirement, an employing authority must provide the Department with a statement of contributions to this Section of the Scheme recorded in accordance with paragraph (8)(b) no later than 2 months after the end of each scheme year.
- (10) Subject to paragraphs (11) and (12), if, in respect of a scheme year, a member has failed to comply with the requirements of whichever of paragraphs (1) to (4) applies to that member, the member's pensionable earnings for that scheme year shall be zero.
- (11) If, in respect of a scheme year, the employing authority of a practitioner or non-GP provider member is in possession of a figure representing all or part of that member's pensionable earnings for that year, the Department may treat that figure as the amount of that member's pensionable earnings for that year where—
- (a) that member has failed to comply with the requirements of whichever of paragraphs (1) to (4), applies to them; and
 - (b) a benefit in respect of such services is payable to, or in respect of that member, under these Regulations.
- (12) If, in respect of a scheme year, a practitioner or non-GP provider—
- (a) dies without complying with the requirements of whichever of paragraphs (1) to (4) applies to them; or
 - (b) is, in the opinion of the Department, unable to look after their own affairs by reason of illness or lack of capacity,
- the Department may require that practitioner or non-GP provider's personal representatives or person (or person's) duly authorised to act on the member's behalf to provide the relevant certificate or statement within the period specified in paragraph (13).
- (13) The period is—
- (a) that referred to in whichever of paragraphs (1) to (4) was or is applicable to them
 - (b) such other period as the Department permits.
- (14) A host Board shall, for each scheme year and no later than 13 months after the end of each scheme year, forward to the Department a copy of the records that the host Board maintains in respect of practitioners under regulation 164(17)(b) (Payment of contributions).
- (15) The certificates and statements referred to in this regulation—
- (a) shall be in such form as the Department shall from time to time require;
 - (b) may be provided to the Department in such manner as the Department may from time to time permit.

(16) A person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment or disturbance in the functioning of his mind or brain”.