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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 120**

**The Health and Social Care Pension Scheme  
Regulations (Northern Ireland) 2015**

**PART 5**

Member's benefits

CHAPTER 4

Partial retirement

**Election for partial retirement (members over normal retirement age)**

- 83.**—(1) This regulation applies to a member (M) if—
- (a) M has reached minimum pension age;
  - (b) M continues to be employed in an employment in which M is an active member;
  - (c) M is qualified for retirement benefits;
  - (d) the terms on which M holds or engages in the employment mentioned in sub-paragraph (b) change; and
  - (e) as a result of the change, M is subject to a relevant reduction.
- (2) In paragraph (1), M is subject to a relevant reduction if—
- (a) where M is neither a practitioner nor a non-GP provider, M's pensionable earnings in the employment mentioned in paragraph (1)(b) are reduced to 90% or less of the amount of M's pensionable earnings during the period of 12 months ending with the election day;
  - (b) where M is a practitioner or a non-GP provider, M's engagement in the employment is reduced to 90% or less of its level during that period.
- (3) If this regulation applies, M may elect to claim immediate payment of pension as specified in the election pursuant to paragraphs (a) and (b)—
- (a) M must specify the percentage of pension M claims (the specified percentage);
  - (b) M must specify whether M claims any additional pension to which M is entitled.
- (4) The election must be exercised by notice in writing to the scheme manager in such form as the scheme manager determines and must be accompanied by—
- (a) where M is neither a practitioner nor a non-GP provider, a statement in writing by the employing authority that the conditions in paragraph (1)(d) and (e) are met;
  - (b) where M is a practitioner or a non-GP provider—
    - (i) appropriate supporting evidence; and
    - (ii) a statement in writing by the [<sup>F1</sup>Department] that the conditions in paragraph (1)(d) and (e) are met.
- (5) The specified percentage must be such that—

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- (a) the amount of the pension to which M becomes entitled as a result of the election—
  - (i) is not less than 20% of the pension that would have been payable if M had ceased to be employed in all M's employments at the end of the election day; and
  - (ii) taken together with any increase to which M is entitled in consequence of the election, is not less than 0.05% of M's lifetime allowance on the election day;
- <sup>F2</sup>(b) .....
- (6) In applying paragraph (5)—
  - (a) any additional pension to which M is entitled must be ignored; and
  - (b) the amount in sub-paragraph (a) is the amount of the pension disregarding the effect of an application under regulation 76.
- (7) An election under this regulation may be made on not more than two occasions and the scheme manager must take advice from the scheme actuary regarding—
  - (a) any benefits to be paid after the first election (but before the second election);
  - (b) any benefits to be paid after a second election; and
  - (c) the final payment.
- (8) If M was not an active member during the whole of the period of 12 months mentioned in paragraph (2)(a), that paragraph applies as if M's pensionable earnings during that period were—

$$PE \times \frac{365}{N}$$

where—

PE is M's pensionable earnings for the part of that period during which M was an active member; and

N is the number of days in that period on which M was an active member.

(9) In this regulation and regulations 84 to 88, the election day is the day before the relevant deduction takes effect.

**Textual Amendments**

- F1** Word in reg. 83(4)(b)(ii) substituted (1.4.2023) by [The Health and Social Care Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/33\)](#), regs. 1(2), **37**
- F2** Reg. 83(5)(b) omitted (1.4.2024) by virtue of [The Health and Social Care Pension Schemes \(Partial Retirement etc.\) Regulations \(Northern Ireland\) 2024 \(S.R. 2024/50\)](#), regs. 1, **28**

**Modifications etc. (not altering text)**

- C1** Reg. 83 restricted (1.4.2015) by [The Health and Social Care Pension Scheme \(Transitional and Consequential Provisions\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/122\)](#), regs. 1, **31(2)**
- C2** Reg. 83(5) modified (1.4.2015) by [The Health and Social Care Pension Scheme \(Transitional and Consequential Provisions\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/122\)](#), regs. 1, **31(3)**

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**Changes and effects yet to be applied to :**

- reg. 83(2)(a) words inserted by [S.R. 2024/117 reg. 22\(2\)](#)
- reg. 83(5)(a)(ii) words substituted by [S.R. 2024/117 reg. 22\(3\)](#)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- reg. 21(2)(e) word omitted by [S.R. 2024/117 reg. 19](#)
- reg. 30(7)(8) inserted by [S.R. 2024/117 reg. 20\(4\)](#)
- reg. 31(9)(c) and semi-colon inserted by [S.R. 2024/117 reg. 21\(2\)\(a\)](#)
- reg. 31(11)(12) inserted by [S.R. 2024/117 reg. 21\(3\)](#)