

SCHEDULES

SCHEDULE 11

Calculation of pension

PART 2

Conversion of part of pension into lump sum

Conversion of part of pension

- 3.—(1) Subject to sub-paragraphs (2) and (3), an application under regulation 76 must—
- (a) be in writing in such form as the scheme manager may require;
 - (b) be made—
 - (i) when the member applies under paragraph 4 of Schedule 3 for payment of the pension; or
 - (ii) before such later time as the scheme manager specifies in writing; and
 - (c) specify—
 - (i) the amount of the lump sum which the member wishes to receive (which must be a multiple of £12); or
 - (ii) the conversion amount (which must be a whole number of pounds and a multiple of 12).
- neither of which must exceed the member's permitted maximum.
- (2) If the pension is an ill-health pension under regulation 89 an application under regulation 76 must be made—
- (a) at the time of claiming that ill-health pension; or
 - (b) before such later time as the scheme manager specifies in writing.
- (3) If the pension is an ill-health pension at Tier 2 paid in substitution for an ill-health pension at Tier 1 by virtue of regulation 92(5) an application under regulation 76—
- (a) may only be made in relation to the difference between those pensions; and
 - (b) must be made—
 - (i) at the time the member become aware of the determination under regulation 92(5); or
 - (ii) before such later time as the scheme manager specifies in writing.
- (4) A member must not exchange pension for a lump sum under regulation 76 to the extent that it would result in a scheme chargeable payment for the purposes of Part 4 (pension schemes etc) of the 2004 Act (see section 241 of that Act) ^{M1}.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Marginal Citations

M1 [Section 241](#) has been amended by section 158(1) of, and paragraphs 2 and 9 of Schedule 21 to, the [Finance Act 2005 \(c.25\)](#); [section 69](#) of, and paragraphs 1 and 15 of Schedule 19 to, the [Finance Act 2007 \(c.11\)](#) and section 65 of, and paragraphs 62 and 74 of Schedule 16 to, the [Finance Act 2011 \(c.11\)](#)

Member declaration

4.—(1) The scheme manager must not pay a member a lump sum under regulation 76 unless the member declares in writing that, on payment of the lump sum, paragraph 3A of Schedule 29 to the 2004 Act ^{M2} would not apply.

(2) The declaration must be—

- (a) signed by the member;
- (b) in a form specified by the scheme manager; and
- (c) provided by a date determined by the scheme manager.

Marginal Citations

M2 [Paragraph 3A](#) of Schedule 29 was inserted by section 159 of the [Finance Act 2006](#)

Protection of guaranteed minimum pension

5. If the member has a guaranteed minimum under section 10 of the 1993 Act ^{M3} in relation to the whole or part of a pension, regulation 76 only applies to so much of the pension as exceeds that guaranteed minimum, multiplied by such factor as is indicated for a person of the member's description in tables provided to the scheme manager by the scheme actuary.

Marginal Citations

M3 [Section 10](#) was amended by the [Pensions \(Northern Ireland\) Order 1995 \(S.I. 1995/3213 \(N.I. 22\)\)](#) Articles 147, 168, Schedule 3 paragraph 20, Schedule 5 Part III; the [Social Security Contributions \(Transfer of Functions, etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\)](#) Article 3(1) and Schedule 1 paragraph 41; the [Proceeds of Crime Act 2002 \(2002 c.29\)](#) Schedule 11 paragraph 23(3)

Changes to legislation:

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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\(3\)](#)