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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 122**

The Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015

PART 2

Transitional provisions

CHAPTER 7

Retirement benefits

**Abatement**

**36.**—(1) This regulation applies to an officer transition member who is—

- (a) a pensioner member of the new scheme to whom regulation 100(1) of the 2015 Regulations applies in respect of a pension under regulation 80 of those Regulations; and
- (b) a pensioner member of—
  - (i) the 1995 Section to whom regulation 85 of the 1995 Regulations applies in respect of a relevant pension referred to at paragraph (1A)(b)(ii) of that regulation<sup>(1)</sup>; or
  - (ii) the 2008 Section to whom regulation 115 applies in respect of a pension referred to at paragraph (1)(c)(iii) of that regulation.

(2) In respect of a member to whom paragraph (1)(b)(i) applies, for the purposes of—

- (a) establishing whether the pensioner's relevant income for a scheme year exceeds their previous earnings for the purposes of that regulation 102 of the 2015 Regulations; and
- (b) finding amount B in paragraph (3D) of regulation 85 of the 1995 Regulations<sup>(2)</sup>,

the enhancement amount for the purposes of regulation 103(2) of the 2015 Regulations is the aggregate of the amounts found under that regulation and amount B found under regulation 85(3D) of the 1995 Regulations.

(3) For the purposes of paragraph (2), the amount B found under regulation 85(3D) of the 1995 Regulations is the aggregate of the amount found under that paragraph and the amount found under regulation 103(2) of the 2015 Regulations.

(4) Where the pensioner's relevant income exceeds their previous pay or earnings, the amount of any reduction that is to apply to the pensions payable under each of the 1995 Regulations and 2015 Regulations is equal to the same proportion of the excess as the amount of pension for the scheme year before the reduction bears to the sum of those pensions for that year before the reduction.

(5) For the purposes of paragraph (4), the excess in the 1995 Section is equal to amount B found under regulation 85(3D) of the 1995 Regulations.

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(1) Paragraph (1A) was inserted by [S.R. 2005 No.155](#) regulation 8; amended by [S.R. 2008 No.163](#) regulation 57 and [S.R. 2012 No.42](#) regulation 7

(2) Paragraph (3D) was inserted by [S.R. 2008 No.163](#) regulation 57(3)

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Health and Social Care Pension Scheme (Transitional and Consequential Provisions) 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](#)

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- (6) In respect of a member to whom paragraph (1)(b)(ii) applies, for the purposes of—
- (a) establishing whether the pensioner’s relevant income for a scheme year exceeds their previous earnings for the purposes of regulation 102 of the 2015 Regulations; and
  - (b) establishing whether the pensioner’s relevant income for a financial year exceeds their previous pay for the purposes of regulation 117 of the 2008 Regulations,

the enhancement amount for the purposes of regulation 118(2) of the 2008 Regulations and regulation 103(2) of the 2015 Regulations is the aggregate of the amounts found under each of those regulations.

(7) Where the pensioner’s relevant income exceeds their previous pay or earnings, the amount of any reduction that is to apply to the pensions payable under each of the 2008 Regulations and 2015 Regulations is equal to the same proportion of the excess as the amount of pension for the scheme year before the reduction bears to the sum of those pensions for that year before the reduction.

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**Commencement Information**

**II** Reg. 36 in operation at 1.4.2015, see [reg. 1\(1\)](#)

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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. 10A(1)(a) words inserted by [S.R. 2024/50 reg. 32](#)
- reg. 17A and cross heading inserted by [S.R. 2024/50 reg. 36](#)
- reg. 35A and cross heading inserted by [S.R. 2024/50 reg. 39\(1\)](#)
- reg. 35A(2)(a) words inserted by [S.R. 2024/117 reg. 29\(2\)\(a\)](#)
- reg. 35A(2)(aa) inserted by [S.R. 2024/117 reg. 29\(2\)\(b\)](#)
- reg. 35A(3A) inserted by [S.R. 2024/117 reg. 29\(3\)](#)
- reg. 38(1A) inserted by [S.R. 2024/50 reg. 40\(3\)](#)