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*Status: Point in time view as at 16/08/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)*

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STATUTORY RULES OF NORTHERN IRELAND

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**2022 No. 196**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**PUBLIC SERVICE PENSIONS**

**The Health and Social Care Pension Schemes,  
Additional Voluntary Contributions and Injury Benefits  
(Amendment) Regulations (Northern Ireland) 2022**

*Made* - - - - *26 July 2022*

*Coming into operation* *16 August 2022*

The Department of Health makes the following Regulations in exercise of the powers conferred by Articles 12(1), (2) and (3), and 14(1) and (2) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972<sup>(1)</sup> and sections 1(1) and (2)(e), 3(1), (2) and (3) and 18(5) of, and paragraph 5 of Schedule 2 and Schedule 3 to, the Public Service Pensions Act (Northern Ireland) 2014<sup>(2)</sup>.

In accordance with Article 12(4) of the Superannuation (Northern Ireland) Order 1972 and section 21(1) of the Public Service Pensions Act (Northern Ireland) 2014, the Department has consulted the representatives of such persons as appear to the Department likely to be affected by these Regulations.

In accordance with Article 12(1) of the Superannuation (Northern Ireland) Order 1972 and section 3(5) of the Public Service Pensions Act (Northern Ireland) 2014, these Regulations are made with the consent of the Department of Finance.

**PART 1**

**Introductory**

**Citation, commencement and effect**

1.—(1) These Regulations may be cited as the Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022.

(2) These Regulations come into operation on 16 August 2022.

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(1) 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13); 1993 c.49 and S.I. 2002/1555

(2) 2014 c. 2 (N.I.)

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(3) Regulation 2, the definition of “marriage” and “married” in regulation 3(2) and regulations 4, 11, 12, 13(1), (2) and (4), 14 to 17, 20, 21, 28(1) and (2), 29(1) and (2), 34(1) and (3), 35, 73 and 76 have effect from 5 December 2005.

(4) The definitions of “scheme partner” and “surviving scheme partner” in regulation 3(2) and regulations 9, 10, 13(3), 18, 19, 22 to 26, 28(3), 29(3), 30 to 33, 34(4), 37 to 42, 48 to 53, 69 to 75, and 77 to 79 have effect from 1 April 2008.

(5) Regulations 44 and 55 have effect from 1 October 2009.

(6) Regulations 45 and 56 have effect from 1 April 2010.

(7) Regulations 34(2) and 47 have effect from 1 April 2014.

(8) Regulations 57 to 65, 67, 68, 80 and 81 have effect from 1 April 2015.

(9) Regulations 3(3), 36 and 66 have effect from 1 April 2019.

(10) Regulations 6 to 8 and 27 have effect from 6 April 2019.

#### Commencement Information

**I1** Reg. 1 in operation at 16.8.2022, see [reg. 1\(2\)](#)

## PART 2

### Amendment of the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995

#### General

**2.** The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(3) are amended as provided by regulations 3 to 34.

#### Commencement Information

**I2** Reg. 2 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 2

**3.—(1)** Regulation 2 (Interpretation) is amended as provided by paragraphs (2) and (3).

(2) At the appropriate place in alphabetical order, insert—

““marriage” and “married” do not include a reference to marriage of a same sex couple unless otherwise provided;”;

““scheme partner” has the meaning given in regulation 31E(7);”;

““surviving scheme partner” has the meaning given in regulation 31E(8);”.

(3) Omit the definition of “CCT”.

(3) S.R. 1995 No.95 as amended by S.R. 1997 Nos.217 and 390; S.R. 1998 No.299; S.R. 1999 No.293; S.R. 2002 No.69; S.R. 2004 Nos.103 and 104; S.R. 2005 Nos.155, 533, 534 and 565; S.R. 2006 Nos.159 and 410; S.R. 2008 Nos.96, 130 and 163; S.R. 2009 Nos.65 and 188; S.R. 2010 Nos.22, 286 and 420; S.R. 2011 No.256; S.R. 2012 Nos.42 and 78; S.R. 2013 Nos.40, 73, 247 and 259; S.R. 2014 Nos.59 and 225; S.R. 2015 Nos.56, 121 and 122; S.R. 2016 No.384 and S.R. 2019 No.62.

**Commencement Information**

**I3** Reg. 3 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**New regulation 2C**

4. After regulation 2B (Change of name of HPSS employment) insert—

**“2C Civil partnerships and marriage of same sex couples**

(1) In these Regulations, except as provided in paragraph (5), a reference to—

- (a) civil partnership is to be read as including a reference to marriage of a same sex couple and a reference to civil partners and a person who is in a civil partnership is to be construed accordingly;
- (b) a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, a reference to a person whose civil partnership has ended, or a reference to persons formerly living together as civil partners) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) The application of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 in relation to these Regulations is modified so that regulation 6(1) and (2) has effect subject to paragraphs (1) to (3).

(5) In this regulation, “civil partnership” and “civil partners” have the meanings given by section 1 of the Civil Partnership Act 2004.”

**Commencement Information**

**I4** Reg. 4 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 11A**

5.—(1) Regulation 11A (Further contributions by employing authorities in respect of excessive pay increases)(4) is amended as provided by paragraphs (2) to (7).

- (2) In paragraphs (3)(b)(i), (4)(b)(i) and (5)(b), for “4.5%” substitute “7%”.
- (3) Omit paragraphs (7) to (11).
- (4) After paragraph (12) insert—

“(12A) Paragraphs (12B) to (12G) apply in circumstances where a payer has been notified of a liability to pay an excess employer contribution on or after 1 April 2021.

(12B) Where a payer—

- (a) has paid all of the excess employer contribution; and

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(b) applies for a determination under this paragraph which is received by the Department within a period of six months from the commencement of this regulation,

the Department must determine the excess employer contribution in accordance with this regulation.

(12C) Where the amount of any excess employer contribution payable following a determination under paragraph (12B) is less than the amount of any excess employer contribution together with any interest already paid, the Department must pay to the payer a sum equal to the difference between those amounts.

(12D) Where a payer—

(a) has failed to pay all, or any part, of the excess employer contribution; and

(b) applies for a determination under this paragraph which is received by the Department within a period of six months from the commencement of this regulation,

the Department must determine the excess employer contribution in accordance with this regulation.

(12E) Subject to paragraph (12F), the amount of any excess employer contribution payable following a determination under paragraph (12D) must be paid to the Department within 1 month of the Department notifying the payer of its liability for that amount.

(12F) where the amount of any excess employer contribution payable following a determination under paragraph (12D) is less than any excess employer contribution together with any interest already paid by the payer, the Department must pay to the payer a sum equal to the difference between those amounts.

(12G) Where the Department makes a determination under paragraph (12B) or (12D), any previous determination of an excess employer contribution payable in respect of the same member has no effect.”

(5) In paragraph (17)(b), omit the words after “1st April 2015” to the end.

(6) After paragraph (19) insert—

“(19A) An increase in a member’s superannuable pay solely due to an increase in the national minimum wage is to be ignored for the purposes of this regulation.

(19B) Where—

(a) the Department has approved terms and conditions relating to HSC employment; and

(b) a member’s superannuable pay has increased pursuant to those terms and conditions,

the increase in the member’s superannuable pay is to be disregarded for the purposes of this regulation.

(19C) An increase in a member’s superannuable pay by reason of an amount in respect of a national award recommended by the Advisory Committee on Clinical Excellence Awards is to be ignored for the purposes of this regulation.

(19D) An increase in a member’s superannuable pay due to promotion on the basis of fair and open competition is to be ignored for the purposes of this regulation.

(19E) An increase in the superannuable pay of a non-GP provider due to an increase in partnership profits within the three year period immediately prior to the date on which the non-GP provider ceased to be in superannuable employment is to be ignored for the

purposes of this regulation if the non-GP provider's percentage share in the partnership profits:

- (a) has not increased during the same three year period;
- (b) has increased during the same three year period, but only as the result of another partner leaving the practice; or
- (c) has increased during the same three year period, but only as the result of another partner reducing their sessional commitment.

(19F) An increase in a member's superannuable pay solely due to the ending of a salary sacrifice arrangement is to be ignored for the purposes of this regulation."

(7) In paragraph (21) for sub-paragraph (h), substitute—

- "(h) "national minimum wage" means the single hourly rate prescribed by the Department pursuant to section 1(3) of the National Minimum Wage Act 1998;
- (i) "salary sacrifice arrangement" means an arrangement under which the member gives up the right to receive an amount of superannuable pay in return for the provision of a benefit in kind including, but not limited to, a benefit consisting of a motor car or other vehicle, meals, care or vouchers."

**Commencement Information**

**I5** Reg. 5 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 12**

**6.** In regulation 12 (Normal retirement pension)(**5**), in paragraph (4) for from "consistent" to the end substitute—

"consistent with—

- (a) the contracting-out requirements; and
- (b) the preservation requirements."

**Commencement Information**

**I6** Reg. 6 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 13**

**7.** In regulation 13 (Ill-health pension on early retirement)(**6**), in paragraph (7) for from "consistent" to the end substitute—

"consistent with—

- (a) the contracting-out requirements; and
- (b) the preservation requirements."

(5) Regulation 12 was amended by [S.R.2008 No.63](#), regulation 9

(6) Regulation 13 as amended by [S.R. 1998 No.299](#), regulation 4; [S.R. 2006 No.410](#), regulation 5 and [S.R. 2008 No.163](#), regulation 10

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#### Commencement Information

**I7** Reg. 7 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 13A

**8.** In regulation 13A (Early retirement pension (ill-health))(7), in paragraph (7) for from “consistent” to the end substitute—

“consistent with—

- (a) the contracting-out requirements; and
- (b) the preservation requirements.”.

#### Commencement Information

**I8** Reg. 8 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 22

**9.** In regulation 22 (Payment of lump sum)(8), for paragraph (12) substitute—

“(12) In this regulation “surviving partner” means—

- (a) a surviving scheme partner; or
- (b) one of the following, who survives the member—
  - (i) a widow;
  - (ii) a widower;
  - (iii) a civil partner.”

#### Commencement Information

**I9** Reg. 9 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 28

**10.** In regulation 28 (Member marries after leaving superannuable employment)(9), in paragraph (4)—

- (a) for “nominated partner” substitute “scheme partner”;
- (b) for “nominated partner’s pension substitute “scheme partner’s pension”;
- (c) for “nominated partner pension” substitute “surviving scheme partner’s pension”.

#### Commencement Information

**I10** Reg. 10 in operation at 16.8.2022, see [reg. 1\(2\)](#)

(7) Regulation 13A was inserted by [S.R. 2008 No.163](#), regulation 11

(8) Regulation 22 was substituted by [S.R. 2008 No.163](#), regulation 17 and amended by [S.R. 2010 No.286](#), regulation 21

(9) Regulation 28 as amended by [S.R. 2013 No.256](#), regulation 6

### Amendment of regulation 29

11.—(1) Regulation 29 (Widower’s pension)(10) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (2), for “(3)” substitute “(2A)”.

(3) After paragraph (2), insert—

“(2A) Paragraph (3) applies if a female member died on or before 4th December 2005 in the circumstances described in any of regulations 24 to 28 and left a surviving widower.”.

#### Commencement Information

I11 Reg. 11 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment of regulation 30

12.—(1) Regulation 30 (Dependent widower’s pension)(11) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1), for “A female” substitute “Subject to paragraph (7), a female”.

(3) After paragraph (6) insert—

“(7) This regulation does not apply to a female member who dies on or after 5th December 2005.”.

#### Commencement Information

I12 Reg. 12 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment of regulation 31

13.—(1) Regulation 31 (Increased widower’s pension)(12) is amended as provided by paragraphs (2) to (4).

(2) In paragraph (1), for “If” substitute “Subject to paragraph (6), if”.

(3) In paragraph (5), in sub-paragraph (b), for “nominated partner” substitute “scheme partner”.

(4) After paragraph (5) insert—

“(6) This regulation does not apply to a female member who dies on or after 5th December 2005 and leaves a widower or a surviving civil partner.”.

#### Commencement Information

I13 Reg. 13 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment of regulation 31A

14.—(1) Regulation 31A (Surviving civil partner’s pension)(13) is amended as provided by paragraphs (2) and (3).

(10) Regulation 29 as amended by [S.R. 2008 no.163](#), regulation 23

(11) Regulation 30 as amended by [S.R. 2008 No.163](#), regulation 24

(12) Regulation 31 as amended by [S.R. 2008 No.163](#), regulation 25

(13) Regulation 31A was inserted by [S.R. 2005 No.533](#), regulation 3(5)

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- (2) In paragraph (2), omit “Subject to paragraph (3),”.
- (3) Omit paragraphs (3), (4) and (5).

**Commencement Information**

**I14** Reg. 14 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Omission of regulation 31B**

15. Omit regulation 31B (dependent surviving civil partner’s pension).

**Commencement Information**

**I15** Reg. 15 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Omission of regulation 31C**

16. Omit regulation 31C (purchase of surviving civil partner’s pension in respect of service prior to 6th April 1988).

**Commencement Information**

**I16** Reg. 16 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Omission of regulation 31D**

17. Omit regulation 31D (Increased surviving civil partner’s pension).

**Commencement Information**

**I17** Reg. 17 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 31E**

18. For regulation 31E (Surviving nominated partner’s pension)(14), substitute—

**“Surviving scheme partner’s pension**

**31E.**—(1) This regulation applies on the death of a member, if—

- (a) the member has superannuable service on or after 1st April 2008,
- (b) the member dies in any of the circumstances described in regulations 24 to 28, and
- (c) the member leaves a surviving scheme partner.

(2) Where this regulation applies, a surviving scheme partner is entitled to a surviving scheme partner’s pension.

(3) A surviving scheme partner’s pension is calculated and paid—

(14) Regulation 31E was inserted by [S.R. 2008 No.163](#), regulation 29 and amended by [S.R. 2010 No.22](#), regulation 7; [S.R. 2010 No.286](#), regulation 10 and [S.R. 2013 No.259](#), regulation 7



- (a) in accordance with regulations 23 to 28, as they apply to pensions for widows, and
  - (b) excluding any part of the member's benefit that is based on superannuable service before 6th April 1988.
- (4) Paragraph (3)(b) is subject to the following—
- (a) If regulation 24(3) or (3C) or regulation 26(2) or (2A) applies to the calculation of a surviving scheme partner's pension on a member's death in superannuable employment or with a preserved pension—
    - (i) the whole of the member's superannuable service is taken into account when calculating whether and, if so, the extent to which there would have been an increase, by the application of regulation 13(3) or regulation 13A(4), in the superannuable service on which the member's pension, under regulation 13 or regulation 13A, would have been based, and
    - (ii) the whole period, if any by which the member's pension would have increased, is treated, in this regulation, as superannuable service after 5th April 1988 for the purpose of calculating a surviving scheme partner's pension;
  - (b) If regulation 25(2) applies, so that the surviving scheme partner's pension is equal to the member's pension for a limited period, the surviving scheme partner's pension for that limited period is equal to the whole of the member's pension.
- (5) If regulation 28 applies, paragraph (1) of that regulation is to be read as if the words "where the member and his wife were not married to each other during a period of superannuable employment" are replaced with "if the Department is not satisfied that a member's partner was the member's scheme partner for a continuous period of at least two years ending on the member's last day of superannuable service".
- (6) A reference in these Regulations to regulation 23 to 28 means, in relation to benefits in respect of a member who has a scheme partner, those regulations as applicable to the member's surviving scheme partner.
- (7) A person (P) is the scheme partner of a member if —
- (a) the member and P are living together as if they were husband and wife or civil partners,
  - (b) the member and P are not prevented from marrying or entering into a civil partnership,
  - (c) the member and P are financially interdependent or P is financially dependent on the member, and
  - (d) neither the member nor P is living with a third person as if they were husband and wife or as if they were civil partners.
- (8) A person is a surviving scheme partner of a member if the Department is satisfied that for a continuous period of at least two years, ending with the member's death, the person was the scheme partner of that member."

**Commencement Information**

**I18** Reg. 18 in operation at 16.8.2022, see [reg. 1\(2\)](#)

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### Amendment of regulation 31F

**19.**—(1) Regulation 31F (Dependent surviving nominated partner’s pension)(**15**) is amended as provided by paragraphs (2) to (8).

(2) In the heading for “nominated partner’s substitute “scheme partner’s”.

(3) For paragraph (1), substitute—

“(1) A member may apply for the member’s scheme partner to receive a dependent surviving scheme partner’s pension on the member’s death.

(1A) An application must—

(a) be made by the member giving notice in writing to the Department before leaving superannuable employment, and

(b) be in relation to a person who has been the member’s scheme partner for a continuous period of at least two years on the member’s last day of superannuable service.”.

(4) In paragraph (2) for “nominated partner” substitute “scheme partner’s”.

(5) For paragraph (3) substitute—

“(3) If the Department has accepted a member’s application and the member subsequently dies before the member’s scheme partner, a scheme partner entitled to a surviving scheme partner’s pension is entitled to a dependent surviving scheme partner’s pension.”.

(6) In paragraph (4) for “nominated partner’s” substitute “scheme partner’s”.

(7) In paragraph (5) for “nominated partner’s” substitute “scheme partner’s”.

(8) In paragraph (6) for “nominated partner” substitute “scheme partner”.

#### Commencement Information

**I19** Reg. 19 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment of regulation 31G

**20.** In regulation 31G (Purchase of surviving partner’s pension in respect of service before 6th April 1988)(**16**), for paragraph (5) substitute—

“(5) In this regulation “survivor’s pension” means a pension that becomes payable by virtue of regulation 31E.”.

#### Commencement Information

**I20** Reg. 20 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment of regulation 31H

**21.**—(1) Regulation 31H (Increased surviving partner’s pension)(**17**) is amended as provided by paragraphs (2) and (3).

(2) For paragraph (1) substitute—

(15) Regulation 31F was inserted by [S.R. 2008 No.163](#), regulation 29

(16) Regulation 31G was inserted by [S.R. 2008 No.163](#), regulation 29

(17) Regulation 31H was inserted by [S.R. 2008 No.163](#), regulation 29

“(1) If a member makes a valid election pursuant to regulation 31G(3)(a) to buy an increased surviving partner’s pension under regulation 31G(1), any surviving scheme partner’s pension that becomes available in respect of that member by virtue of regulation 31E will be based on superannuable service after 5th April 1988 plus any period of superannuable service before that date that the member elected to buy for this purpose under regulation 31G(1).”.

(3) Omit paragraph (2).

**Commencement Information**

**I21** Reg. 21 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 32**

**22.** In regulation 32 (Dependent child)(**18**), in paragraph (1)—

- (a) in sub-paragraph (c) for “nominated partner” substitute “surviving scheme partner”;
- (b) for sub-paragraph (e) substitute—

“(e) a child of a member’s surviving scheme partner if the Department is satisfied that the surviving scheme partner was the member’s scheme partner before the date on which the member leaves pensionable employment.”.

**Commencement Information**

**I22** Reg. 22 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 34**

**23.**—(1) Regulation 34 (Member dies in pensionable employment)(**19**) is amended as provided by paragraphs (2) to (6).

- (2) In paragraph (4A) for “nominated partner” substitute “scheme partner”.
- (3) In paragraph (4B)—
  - (a) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”;
  - (b) for “nominated partner” substitute “scheme partner”.
- (4) In paragraph (4C)—
  - (a) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”;
  - (b) for “nominated partner” substitute “scheme partner”.
- (5) In paragraph (4D) for “nominated partner” substitute “scheme partner”.
- (6) In paragraph (4E) for “nominated partner” substitute “scheme partner”.

**Commencement Information**

**I23** Reg. 23 in operation at 16.8.2022, see [reg. 1\(2\)](#)

(18) Regulation 32 as amended by [S.R. 1999 No.293](#), regulation 8; [S.R. 2005 No.533](#), regulation 3(6); [S.R. 2006 No.410](#), regulation 11 and [S.R. 2008 No.163](#), regulation 30  
(19) Regulation 34 as amended by [S.R. 2005 No.533](#), regulation 3(7); [S.R. 208 No.130](#), regulation 3(7); [S.R. 2008 No.163](#), regulation 31 and [S.R. 2010 No.22](#), regulation 23

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### Amendment of regulation 35

**24.**—(1) Regulation 35 (Member dies after pension becomes payable)(**20**) is amended as provided by paragraphs (2) to (6).

- (2) In paragraph (3) for “nominated partner” substitute “scheme partner”.
- (3) In paragraph (4) for “nominated partner” substitute “scheme partner”.
- (4) In paragraph (5)—
  - (a) for “nominated partner” substitute “scheme partner”;
  - (b) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”;
- (5) In paragraph (6)—
  - (a) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”;
  - (b) for “surviving nominated partner” substitute “surviving scheme partner”.
- (6) In paragraph (7)—
  - (a) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”;
  - (b) for “surviving nominated partner” substitute “surviving scheme partner”.

#### Commencement Information

**I24** Reg. 24 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment of regulation 36

**25.**—(1) Regulation 36 (Member dies with preserved pension)(**21**) is amended as provided by paragraphs (2) to (4).

- (2) In paragraph (4) for “nominated partner” substitute “scheme partner”.
- (3) In paragraph (5) for “nominated partner” substitute “scheme partner”.
- (4) In paragraph (6)—
  - (a) for “nominated partner” substitute “scheme partner”;
  - (b) for “surviving nominated partner’s pension” substitute “surviving scheme partner’s pension”.

#### Commencement Information

**I25** Reg. 25 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment of regulation 38

**26.**—(1) Regulation 38 (Child not dependent on surviving parent or spouse of a parent)(**22**) is amended as provided by paragraphs (2) to (4).

(20) Regulation 35 as amended by [S.R. 2005 No.533](#), regulation 3(8); [S.R. 2008 No.163](#), regulation 32; [S.R. 2009 No.188](#), regulation 8; [S.R. 2010 No.286](#), regulation 11 and [S.R. 2013 No.259](#), regulation 8

(21) Regulation 36 as amended by [S.R. 2005 No.533](#), regulation 3(9); [S.R. 2008 No.163](#), regulation 33 and [S.R. 2009 No.65](#), regulation 9

(22) Regulation 38 as amended by [S.R. 2005 No.533](#), regulation 3(10) and [S.R. 2008 No.163](#), regulation 34

(2) For the heading substitute “Dependent child not being maintained by surviving parent or spouse or civil partner or scheme partner of a parent”.

(3) In paragraph (1) in each place for “nominated partner” substitute “scheme partner”.

(4) In paragraph (2) for “nominated partner” substitute “scheme partner”.

#### **Commencement Information**

**I26** Reg. 26 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### **Amendment of regulation 49**

**27.** In regulation 49 (Preserved pension)(**23**), in paragraph (5), for from “consistent” to the end substitute—

“consistent with—

- (a) the contracting-out requirements; and
- (b) the preservation requirements.”.

#### **Commencement Information**

**I27** Reg. 27 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### **Amendment of regulation 67**

**28.**—(1) Regulation 67 (Right to buy additional service)(**24**) is amended as provided by paragraphs (2) and (3).

(2) Omit paragraph (5A).

(3) In paragraph (5B) for “nominated partner” substitute “surviving scheme partner”.

#### **Commencement Information**

**I28** Reg. 28 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### **Amendment of regulation 71**

**29.**—(1) Regulation 71 (Paying for unreduced retirement lump sum by single payment)(**25**) is amended as provided by paragraphs (2) and (3).

(2) Omit paragraph (2A).

(3) In paragraph (2B)—

- (a) in each place for “nominated partner” substitute “scheme partner”;
- (b) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(23) Regulation 49 as amended by [S.R. 2002 No.69](#), regulation 6; [S.R. 2005 No.155](#), regulation 5; [S.R. 2006 No.410](#), regulation 13; [S.R. 2008 No.163](#), regulation 38; [S.R. 2009 No.65](#), regulation 10; [S.R. 2009 No.188](#), regulation 9 and [S.R. 2015 No.122](#) Schedule 2, paragraph 5

(24) Regulation 67 as amended by [S.R. 1998 No.299](#), regulation 8; [S.R. 2005 No.533](#), regulation 3(19); [S.R. 2008 No.130](#), regulation 3(12) and [S.R. 2008 No.163](#), regulation 45

(25) Regulation 71 as amended by [S.R. 2005 No.533](#), regulation 3(21) and [S.R. 2008 No.163](#), regulation 48

*Status: Point in time view as at 16/08/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)*

#### Commencement Information

**I29** Reg. 29 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 76

**30.** In regulation 76 (Mental health officers)(**26**), in paragraph (7), in sub-paragraph (b) for “nominated partner’s pension” substitute “scheme partner’s pension”.

#### Commencement Information

**I30** Reg. 30 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 87

**31.**—(1) Regulation 87 (Benefits on death in superannuable employment after pension under regulation 13 becomes payable)(**27**) is amended as provided by paragraphs (2) to (6).

(2) In paragraph (4) in each place for “nominated partner” substitute “scheme partner”.

(3) In paragraph (6)(b) for “nominated partner” substitute “scheme partner”.

(4) In paragraph (10) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(5) In paragraph (11) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(6) In paragraph (12)(b) for “nominated partner pension” substitute “surviving scheme partner’s pension”.

#### Commencement Information

**I31** Reg. 31 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 87A

**32.**—(1) Regulation 87A (Benefits on death in superannuable employment after pension under regulation 13A becomes payable)(**28**) is amended as provided by paragraphs (2) to (7).

(2) In paragraph (7) in each place for “nominated partner” substitute “scheme partner”.

(3) In paragraph (9)(b) for “nominated partner” substitute “scheme partner”.

(4) In paragraph (12) for “nominated partner’s pension” substitute “surviving scheme partner’s pension”.

(5) In paragraph (13) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(6) In paragraph (14) for “nominated partner’s pension” substitute “scheme partner’s pension”.

(7) In paragraph (15) for “nominated partner” substitute “scheme partner”.

(26) Regulation 76 as amended by [S.R. 205 No.533](#), regulation 3(22) and [S.R. 2008 No.163](#), regulation 52

(27) Regulation 87 as amended by [S.R. 2005 No.533](#), regulation 3(23); [S.R. 2008 No.130](#), regulation 3(16); [S.R. 2008 No.163](#), regulation 60 and [S.R. 2009 No.65](#), regulation 16

(28) Regulation 87A was inserted by [S.R. 2008 No.163](#), regulation 61 and amended by [S.R. 2009 No.65](#), regulation 17

**Commencement Information**

**I32** Reg. 32 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 93**

**33.** In regulation 93 (Loss of rights to benefits)(**29**), in paragraph (1A) for “nominated partner” substitute “scheme partner”.

**Commencement Information**

**I33** Reg. 33 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment to Schedule 2**

**34.**—(1) Schedule 2 (Medical and dental practitioners), is amended as provided by paragraphs (2) to (5).

(2) In paragraph 10 (2K) (**30**), for “NDPS is the number of days of dentist performer service from the date the dentist performer service is commenced in the scheme year to the end of the scheme year”, substitute “NDPS is the number of days of dentist performer’s service in the scheme year”.

(3) Omit paragraph 16A (Increased surviving civil partner’s pension).

(4) In paragraph 16B (Increased dependent surviving nominated partner’s pension)(**31**) for the words “nominated partner’s pension” in each place they occur substitute “scheme partner’s pension”.

(5) In paragraph 23 (Accounts and actuarial reports)(**32**) after sub-paragraph (8) insert—

“(8A) If an employing authority does not provide the statement referred to in sub-paragraph (6) in accordance with sub-paragraph (8)(a), the member contributions in respect of the members of that employing authority referred to in sub-paragraphs 6(a) to (c), will be payable at the maximum contribution percentage rate specified in column 2 of table 2 in paragraph 10(1A) of this Schedule based on estimated superannuable pay as determined by the Department.”.

**Commencement Information**

**I34** Reg. 34 in operation at 16.8.2022, see [reg. 1\(2\)](#)

(29) Regulation 93 as amended by [S.R. 2005 No.155](#), regulation 9; [S.R. 2005 No.533](#), regulation 3(24) and [S.R. 2009 No.65](#), regulation 19

(30) Paragraph (2K) was substituted by [S.R. 2009 No.188](#) and amended by [S.R. 2010 No.420](#), regulation 8(4)

(31) Paragraph 16B was inserted by [S.R. 2008 No.163](#), regulation 63(9)

(32) Paragraph 23 was substituted by [S.R. 2009 No.188](#), regulation 11(3) and amended by [S.R. 2009 No.65](#), regulation 20(5); [S.R. 2012 No.42](#), regulation 10(4) and [S.R. 2014 No.225](#), regulation 6(5)

*Status: Point in time view as at 16/08/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)*

## PART 3

### Amendments to the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008

#### General

**35.** The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008<sup>(33)</sup> are amended as provided by regulations 36 to 56.

#### Commencement Information

**I35** Reg. 35 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 6

- 36.** In regulation 6 (Interpretation: general) for the definition of “officer” substitute—
- ““officer” means a person employed by an employing authority including a GP Registrar and a non-GP provider, but does not include—
- (a) a GP performer;
  - (b) a dentist performer;
  - (c) a person engaged under a contract for services;”.

#### Commencement Information

**I36** Reg. 36 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 52

- 37.** In paragraph (5) of regulation 52 (Early retirement on ill-health (active members and non-contributing members))<sup>(34)</sup>—
- (a) for sub-paragraph (a) substitute—
    - “(a) is increased by the enhancement period where the member—
      - (i) has not had a break in pensionable service of 12 months or more; or
      - (ii) has returned to pensionable employment 12 months or more after having a break in such service and it would be more favourable to the member to treat the member’s pensionable service before and after the break, and all such other breaks (if any), as continuous;”.
  - (b) in sub-paragraph (b), after “(a)” insert “(ii)”.

<sup>(33)</sup> [S.R. 2008 No.256](#) as amended by [S.R. 2009 Nos.65 and 188](#); [S.R. 2010 Nos.22, 286 and 420](#); [S.R. 2011 No.256](#); [S.R. 2012 Nos.42 and 78](#); [S.R. 2013 Nos.40, 73, 247 and 259](#); [S.R. 2014 Nos.59 and 225](#); [S.R. 2015 Nos.56, 121 and 122](#); [S.R. 2016 No.384](#) and [S.R. 2019 No.62](#)

<sup>(34)</sup> Regulation 52 as amended by [S.R. 2008 No.188](#), regulation 26; [S.R. 2010 No.22](#), regulation 32 and [S.R. 2010 No.286](#), regulation 24



**Commencement Information**

**I37** Reg. 37 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 67**

**38.** In regulation 67 (Surviving adult dependants' pensions)(**35**), in paragraph (2), for “nominated partner” substitute “scheme partner”.

**Commencement Information**

**I38** Reg. 38 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 68**

**39.** For regulation 68 (Meaning of “surviving nominated partner”) substitute—

**“Meaning of “surviving scheme partner”**

**68.** In this Part, a person (P) is a “surviving scheme partner” if the Department is satisfied that for a continuous period of at least two years, ending with the member’s death—

- (a) the member and P were living together as if they were husband and wife or civil partners,
- (b) the member and P were not prevented from marrying or entering into a civil partnership,
- (c) the member and P were financially interdependent or P was financially dependent on the member, and
- (d) neither the member nor P were living with a third person as if they were husband and wife or as if they were civil partners.”.

**Commencement Information**

**I39** Reg. 39 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 75**

**40.** In paragraph (2) of regulation 75 (Meaning of “dependent child”)(**36**)—

- (a) in sub-paragraph (d)—
  - (i) for “regulation 68(1)(b)(i)” substitute “regulation 68(a) and (b)”;
  - (ii) in each place for “nominated partner” substitute “scheme partner”;
- (b) in sub-paragraph (e) for “nominated partner” substitute “scheme partner”;
- (c) in sub-paragraph (f) for “nominated partner” substitute “scheme partner”.

(35) Regulation 67 as amended by [S.R. 2009 No.188](#), regulation 34

(36) Regulation 75 as amended by [S.R. 2012 No.42](#), regulation 16

*Status: Point in time view as at 16/08/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)*

#### Commencement Information

**I40** Reg. 40 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 86

**41.**—(1) Regulation 86 (Amount of lump sum: pension credit members) is amended as provided by paragraphs (2) and (3).

(2) Omit paragraph (3).

(3) In paragraph (4), omit the definition of “the beginning date” and the “and” which precedes it.

#### Commencement Information

**I41** Reg. 41 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 130

**42.** In regulation 130 (Forfeiture of rights to benefits)(**37**), in paragraph (5)(a), for “nominated partner” substitute “surviving scheme partner”.

#### Commencement Information

**I42** Reg. 42 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 136

**43.** For paragraph (2) of regulation 136 (Employing authority and certain member record keeping and contribution estimates) substitute—

“(2) As regards a GMS practice or an APMS contractor, in respect of each scheme year, the practice or contractor must provide the Department with a statement of estimated pensionable earnings in respect of any non-GP provider that is a GMS practice or APMS contractor or who assists in the provision of HSC services provided by that GMS practice or APMS contractor, at least 1 month before the beginning of that scheme year.”.

#### Commencement Information

**I43** Reg. 43 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 136T

**44.** In paragraph (2) of regulation 136T (Nominations and notices accepted by the Department under the 1995 Regulations and Chapter 5 of this Part of these Regulations)(**38**), omit subparagraph (c).

(37) Regulation 130 as amended by [S.R. 2009 No.65](#), regulation 49

(38) Regulation 136T was inserted by [S.R. 2010 No.22](#), regulation 55

**Commencement Information**

**I44** Reg. 44 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 136Z**

**45.** In paragraph (2) of regulation 136Z (Nominations and notices accepted by the Department under the 1995 Regulations to apply under Chapter 5 of this Part of these Regulations)(**39**), omit sub-paragraph (c).

**Commencement Information**

**I45** Reg. 45 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 137**

**46.** In regulation 137 (Interpretation of part 3: general) for the definition of “officer” substitute—  
““officer” means a person employed by an employing authority including a GP Registrar and a non-GP provider, but does not include—  
(a) a GP performer;  
(b) a dentist performer;  
(c) a person engaged under a contract for services;”.

**Commencement Information**

**I46** Reg. 46 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 161**

**47.** In paragraph (8) of regulation 161 (Member’s contribution rate)(**40**), for “NDPS is the number of days of dentist performer service from the date the dentist performer service is commenced in the scheme year to the end of the scheme year”, substitute “NDPS is the number of days of dentist performer’s service in the scheme year”.

**Commencement Information**

**I47** Reg. 47 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 182**

**48.**—(1) Regulation 182 (Early retirement on ill-health (Active members and non-contributing members))(**41**) is amended as provided by paragraphs (2) and (3).  
(2) In paragraph (5)—

(39) Regulation 136Z was inserted by [S.R. 2010 No.286](#), regulation 34

(40) Regulation 161 was substituted by [S.R. 2009 No.188](#), regulation 52

(41) Regulation 182 as amended by [S.R. 2009 No.188](#), regulation 57; [S.R. 2010 No.22](#), regulation 73 and [S.R. 2010 No.286](#), regulation 41

**Status:** Point in time view as at 16/08/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022*. (See end of Document for details)

- (a) for sub-paragraph (a) substitute—
  - “(a) is increased by the enhancement period where the member—
    - (i) has not had a break in pensionable service of 12 months or more; or
    - (ii) has returned to pensionable employment 12 months or more after having a break in such service and it would be more favourable to the member to treat the member’s pensionable service before and after the break, and all such other breaks (if any) as continuous;”;
  - (b) in sub-paragraph (b), after “(a)” insert “(ii)”.
- (3) In paragraph (7)—
  - (a) for “If the member’s pensionable service includes both officer service and practitioner service—” substitute “If a member is entitled to have the member’s pensionable service increased by the enhancement period—”;
  - (b) in sub-paragraph (b), after “(under Part 2)” insert “, if any,”.

#### Commencement Information

**I48** Reg. 48 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 194

**49.** In regulation 194 (Surviving adult dependants’ pensions)(**42**), in paragraph (2) for “nominated partner” substitute “scheme partner”.

#### Commencement Information

**I49** Reg. 49 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 195

**50.** For regulation 195 (Meaning of “surviving nominated partner”) substitute—

##### “Meaning of “surviving scheme partner”

**195.**—(1) In this Part, a person (P) is a “surviving scheme partner” if the Department is satisfied that for a continuous period of at least two years, ending with the member’s death—

- (a) the member and P were living together as if they were husband and wife or civil partners,
- (b) the member and P were not prevented from marrying or entering into a civil partnership,
- (c) the member and P were financially interdependent or P was financially dependent on the member, and
- (d) neither the member nor P were living with a third person as if they were husband and wife or as if they were civil partners.”.

**Commencement Information**

**I50** Reg. 50 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 202**

- 51.** In paragraph (2) of regulation 202 (Meaning of “dependent child”)(**43**),—
- (a) in sub-paragraph (d)—
    - (i) for “regulation 195(1)(b)(i)” substitute “regulation 195(a) and (b)”;
    - (ii) in each place for “nominated partner” substitute “scheme partner”;
  - (b) in sub-paragraph (e) for “nominated partner” substitute “scheme partner”;
  - (c) in sub-paragraph (f) for “nominated partner” substitute “scheme partner”.

**Commencement Information**

**I51** Reg. 51 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 213**

- 52.**—(1) Regulation 213 (Amount of lump sum: pension credit members) is amended as provided by paragraphs (2) and (3).
- (2) Omit paragraph (3).
  - (3) In paragraph (4), omit the definition of “the beginning date” and the “and” which precedes it.

**Commencement Information**

**I52** Reg. 52 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 254**

- 53.** In regulation 254 (Forfeiture of rights to benefits)(**44**), in paragraph (5)(a) for “nominated partner” substitute “surviving scheme partner”.

**Commencement Information**

**I53** Reg. 53 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 260**

- 54.**—(1) Regulation 260 (Employing authority and certain member record keeping and contribution estimates)(**45**) is amended as provided by paragraphs (2) and (3).
- (2) After paragraph (7) insert—

(43) Regulation 202 as amended by [S.R. 2012 No.42](#), regulation 26

(44) Regulation 254 as amended by [S.R. 2009 No.65](#), regulation 78

(45) Regulation 260 was substituted by [S.R. 2009 No.188](#), regulation 78 and amended by [S.R. 2012 No.42](#), regulation 30

**Status:** Point in time view as at 16/08/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)

“(7A) If a GMS practice or APMS contractor does not provide the statement referred to in sub-paragraph (5) in accordance with sub-paragraph (7)(a), the member contributions in respect of the members of that practice or contractor referred to in sub-paragraphs (5)(a) to (c), will be payable at the maximum contribution percentage rate specified in paragraph (17) of regulation 161 based on estimated pensionable pay as determined by the Department”.

(3) In paragraph (9) for the first reference to “2 months after the end” substitute “1 month before the beginning”.

**Commencement Information**

**I54** Reg. 54 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 260L**

**55.** In regulation 260L (Nominations and notices accepted by the Department under the 1995 Regulations to apply under Chapter 5 of this Part of these Regulations)(**46**), in paragraph (2) omit sub-paragraph(c).

**Commencement Information**

**I55** Reg. 55 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 260Y**

**56.** In regulation 260Y (Nominations and notices accepted by the Department under the 1995 Regulations and Chapter 5 of this Part of these Regulations)(**47**), in paragraph (2) omit sub-paragraph (c).

**Commencement Information**

**I56** Reg. 56 in operation at 16.8.2022, see [reg. 1\(2\)](#)

## PART 4

### Amendments to the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015

**General**

**57.** The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015(**48**) are amended as provided by regulations 58 to 68.

**Commencement Information**

**I57** Reg. 57 in operation at 16.8.2022, see [reg. 1\(2\)](#)

(46) Regulation 260L was inserted by [S.R. 2010 no.22](#), regulation 96

(47) Regulation 260Y was inserted by [S.R. 2010 No.286](#), regulation 51

(48) [S.R. 2015 No.120](#) as amended by [S.R. 2016 No.384](#) and [S.R 2019 No.62](#),

### Amendment to regulation 37

58. In paragraph (3)(a) of regulation 37 (Members contributions: supplementary: medical practitioners and non-GP providers) for “NDPS is the number of days of group D service from the date M’s service commenced in the scheme year to the end of the scheme year”, substitute “NDPS is the number of days of M’s group D service in the scheme year”.

#### Commencement Information

I58 Reg. 58 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment to regulation 38

59. In paragraph (3)(a) of regulation 38 (Members’ contributions: supplementary: dental practitioners) for “NDPS is the number of days of dental practitioner service from the date the dental practitioner service commenced in the scheme year to the end of the scheme year”, substitute “NDPS is the number of days of dental practitioner service in the scheme year”.

#### Commencement Information

I59 Reg. 59 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment of regulation 112

60. In regulation 112 (Surviving adult dependant pension), in paragraph (2), for sub-paragraph (c) substitute—

“(c) a surviving scheme partner.”.

#### Commencement Information

I60 Reg. 60 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Substitution of regulation 113

61. For regulation 113 (Surviving nominated partner) substitute—

#### “Surviving scheme partner

113.—(1) A person (P) is the scheme partner of a member if –

- (a) the member and P are living together as if they are husband and wife or civil partners,
- (b) the member and P are not prevented from marrying or entering a civil partnership,
- (c) the member and P are financially interdependent or P is financially dependent on the member, and
- (d) neither the member or P is living with a third person as if they are husband and wife or civil partners.

(2) A person is a surviving scheme partner of a member if the Department is satisfied that for a continuous period of at least two years, ending with the member’s death, the person was the scheme partner of that member.”.

*Status: Point in time view as at 16/08/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)*

#### Commencement Information

**I61** Reg. 61 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 121

**62.**—(1) Paragraph (2) of regulation 121 (Eligible child), is amended as provided by paragraphs (2) to (4).

(2) In sub-paragraph (d)—

(a) for “nominated partner” substitute “scheme partner”;

(b) for “regulation 113(1)(b)(i)” substitute “regulation 113(1)(a) and (d)”.

(3) In sub-paragraph (e), in paragraph (ii), for “nominated partner” substitute “surviving scheme partner”.

(4) In sub-paragraph (f), in paragraph (ii), for “nominated partner” substitute “surviving scheme partner”.

#### Commencement Information

**I62** Reg. 62 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 134

**63.** In regulation 134 (Application for statement of entitlement), for paragraph (3)(d) substitute—  
“(d) is within the period of 10 days ending with the date on which the member is provided with the statement of entitlement.”.

#### Commencement Information

**I63** Reg. 63 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of Schedule 3

**64.** In Schedule 3 (Administrative matters), in paragraph 12(5)(a) (Forfeiture of rights to benefits), for “nominated partner” substitute “surviving scheme partner”.

#### Commencement Information

**I64** Reg. 64 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of Schedule 5

**65.** In Schedule 5 (Membership gateways)(**49**), in paragraph (7)(a), for “practitioner” substitute “performer”.



**Commencement Information**

**I65** Reg. 65 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment to Schedule 10**

**66.** In sub-paragraph (2)(b) of paragraph 10 of Schedule 10 (Practitioner contribution payments), for “such a deduction must be to the member’s advantage and is subject to the member’s consent” substitute “such a deduction may only be made where the Department has notified the member of an intention to do so”.

**Commencement Information**

**I66** Reg. 66 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of Schedule 12**

- 67.** In Schedule 12 (Lump sum on death), in paragraph 8 (Death of pension credit member)—
- (a) in sub-paragraph (5)(a), omit “at the date of death”;
  - (b) in sub-paragraph (6), omit the definitions of “annual amount of pension” and “the beginning date”.

**Commencement Information**

**I67** Reg. 67 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of Schedule 13**

**68.** In Schedule 13 (Definitions), after the expression “deferred member” in Colum 1 insert a new expression “dental performer” and for the corresponding entry in column 2 insert—

“a dentist who has undertaken to provide general dental services (GDS) and whose name is included in a list of dentists prepared by the Regional Business Services Organisation (RBSO) under regulation 4 of the Health and Personal Social Services General Dental services Regulations (Northern Ireland) 1993”.

**Commencement Information**

**I68** Reg. 68 in operation at 16.8.2022, see [reg. 1\(2\)](#)

*Status: Point in time view as at 16/08/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)*

## PART 5

### Amendments to the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999

#### General

**69.** The Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999(**50**) are amended as provided by regulations 70 to 72.

**70.**—(1) Regulation 2 (Interpretation) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1), in the definition of “dependent”(**51**) in sub-paragraph (d), for “nominated partner” substitute “scheme partner”;

(3) For paragraphs (1A) to (1C)(**52**), substitute—

“(1A) A person (P) is the scheme partner of a participator if —

- (a) the participator and P are living together as if they were husband and wife or civil partners,
- (b) the participator and P are not prevented from marrying or entering into a civil partnership,
- (c) the participator and P are financially interdependent or P is financially dependent on the participator, and
- (d) neither the participator nor P is living with a third person as if they were husband and wife or as if they were civil partners.

(1B) A person is a surviving scheme partner of a participator, if the Department is satisfied that for a continuous period of at least two years, ending with the participator’s death, the person was the scheme partner of that participator”.

#### Commencement Information

**169** Reg. 69 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**170** Reg. 70 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 15

**71.** In paragraph (3) of regulation 15 (Payments by the Department), in sub-paragraphs (a) and (b)(**53**) in each place for “nominated partner” substitute “surviving scheme partner”.

#### Commencement Information

**171** Reg. 71 in operation at 16.8.2022, see [reg. 1\(2\)](#)

(50) [S.R. 1999 No.294](#) as amended by [S.R. 2002 No.129](#); [S.R. 2004 No.104](#); [S.R. 2005 Nos.154 and 533](#); [S.R. 2006 No.470](#); [S.R. 2008 Nos.130 and 350](#); [S.R. 2010 Nos.22 and 286](#); [S.R. 2012 No.42](#); [S.R. 2013 No.259](#) and [S.R. 2015 No.121](#)

(51) This definition was inserted by [S.R. 2008 No.350](#), regulation 2(2)(b) and amended by [S.R. 2015 No.121](#), regulation 49(2)(d)

(52) Paragraphs (1A) to (1C) were inserted by [S.R. 2015 No.121](#), regulation 49(3)

(53) Paragraph (3) was substituted by [S.R. 2015 No.121](#), regulation 56(3)

## Amendment of Schedule 2

72. In Schedule 2 (Pension Sharing On Divorce Or Nullity Of Marriage), in paragraph 11 (Payment of lump sum on death), in sub-paragraph (2)(54), in each place for “nominated partner” substitute “surviving scheme partner”.

### Commencement Information

I72 Reg. 72 in operation at 16.8.2022, see [reg. 1\(2\)](#)

## PART 6

### Amendments to the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001

#### General

73. The Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001(55) are amended as provided by regulations 74 to 79.

### Commencement Information

I73 Reg. 73 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### Amendment of regulation 2

- 74.—(1) Regulation 2 (Interpretation) is amended as provided by paragraphs (2) and (3)
- (2) At the appropriate place in alphabetical order insert—
- ““scheme partner” has the meaning given in regulation 2C;”;
  - ““surviving scheme partner” has the meaning given in regulation 2D;”.
- (3) In the definition of “surviving partner” for “nominated partner” substitute “scheme partner”.

### Commencement Information

I74 Reg. 74 in operation at 16.8.2022, see [reg. 1\(2\)](#)

#### New regulations 2C and 2D

75. After regulation 2B (Meaning of average remuneration)(56) insert—

#### “Meaning of scheme partner

2C. A person (person B) is the “scheme partner” of a person to whom these regulations apply (person A) if—

(54) The expression “nominated partner” was inserted by [S.R. 2008 No.350](#), regulation 2(15)(d)

(55) [S.R. 2001 No.367](#) as amended by [S.R. 2005 Nos.533 and 565](#); [S.R. 2006 Nos.159 and 410](#); [S.R. 2008 Nos.130 and 350](#); [S.R. 2009 Nos.65 and 188](#); [S.R. 2010 No.286](#); [S.R. 2012 No.42](#); [S.R. 2013 Nos.40 and 141](#) and [S.R. 2015 No.121](#)

(56) Regulation 2B was inserted by [S.R. 2015 No.121](#), regulation 45

*Status: Point in time view as at 16/08/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)*

- (a) person A and person B are living together as if they were husband and wife or civil partners,
- (b) person A and person B are not prevented from marrying or entering into a civil partnership,
- (c) person A and person B are financially interdependent or person B is financially dependent on person A, and
- (d) neither person A nor person B is living with a third person as if they were husband and wife or civil partners.

### Meaning of surviving scheme partner

**2D.** A person (person B) is a “surviving scheme partner” of a person to whom these regulations apply (person A) if the Department is satisfied that for a continuous period of at least two years, ending with person A’s death, person B was the scheme partner of person A.”.

### Commencement Information

**I75** Reg. 75 in operation at 16.8.2022, see [reg. 1\(2\)](#)

### Amendment of regulation 8

**76.**—(1) Regulation 8 (Surviving partner allowances)(**57**) is amended as provided by paragraphs (2) and (3)

(2) For paragraph (3) substitute—

“(3) Except if paragraph (3A) applies, a surviving partner is not entitled to receive an allowance—

- (a) if the marriage took place or the civil partnership was formed after the later of the date on which—
  - (i) the deceased last ceased to be employed as person to whom these Regulations apply; or
  - (ii) the earning ability of the deceased was permanently reduced as a result of the injury or disease;
- (b) if the Department is not satisfied that the deceased’s partner was the deceased’s scheme partner for a continuous period of at least two years ending with the later of the dates referred to in (a);
- (c) if at the date of the deceased’s death such surviving partner is not married or in a civil partnership but is living with another person as if married or in a civil partnership; or
- (d) in respect of any period after such surviving partner—
  - (i) remarries or forms a civil partnership; or
  - (ii) during which she or he lives together with another person as if married to or in a civil partnership with that other person,

but where such relationship has terminated, the Department may restore an allowance to a surviving partner if the Department is satisfied that such surviving partner is suffering hardship.”.

(57) Regulation 8 as amended by [S.R. 2005 No.533](#), regulation 4(2) and [S.R. 2008 No.350](#), regulation 3(6)

(3) In paragraph (3A)(b), after “civil partnership” insert “with a person of the same sex”.

**Commencement Information**

**I76** Reg. 76 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 9**

**77.** In regulation 9 (Child’s allowance)(**58**), in paragraph (2), in sub-paragraph (c), for “nominated partner” substitute “surviving scheme partner”.

**Commencement Information**

**I77** Reg. 77 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 10**

**78.** In regulation 10 (Dependent relative’s allowance)(**59**), in paragraph (1), in sub-paragraph (a), for “nominated partner’s” substitute “surviving scheme partner’s”.

**Commencement Information**

**I78** Reg. 78 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 12**

**79.** In regulation 12 (Lump sum payment on death)(**60**), in paragraph (1), in sub-paragraph (b), for “nominated partner” substitute “surviving scheme partner”.

**Commencement Information**

**I79** Reg. 79 in operation at 16.8.2022, see [reg. 1\(2\)](#)

## PART 7

### Amendments to the Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015

**General**

**80.** The Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015(**61**) are amended as provided by regulation 81.

(58) Regulation 9 as amended by [S.R. 2005 No.533](#), regulation 4(3); [S.R. 2008 No.350](#), regulation 3(7) and [S.R. 2015 No.121](#), regulation 47

(59) Regulation 10 as amended by [S.R. 2005 No.533](#), regulation 4(4) and [S.R. 2008 No.350](#), regulation 3(8)

(60) Regulation 12 as amended by [S.R. 2005 No.533](#), regulation 4(5) and [S.R. 2008 No.350](#), regulation 3(9)

(61) [S.R. 2015 No.122](#)

**Status:** Point in time view as at 16/08/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022*. (See end of Document for details)

**Commencement Information**

**180** Reg. 80 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Amendment to regulation 5**

**81.** In regulation 5 (Nominations, notices and declarations), in paragraph 1, in the Table—

- (a) In Column 1, omit in full—
  - (i) the entry starting “A notice given for the purposes of regulation 31E of the 1995 Regulations”;
  - (ii) the entry starting “A declaration made for the purposes of regulation 68 or 195 of the 2008 Regulations”.
- (b) In Column 2, omit in full the entry starting “A declaration made for the purposes of regulation 113 of the 2015 Regulations.”.

**Commencement Information**

**181** Reg. 81 in operation at 16.8.2022, see [reg. 1\(2\)](#)

## PART 8

### Miscellaneous

**Option to persons detrimentally affected by these Regulations**

**82.—(1)** This regulation applies in relation to any benefit which is being paid or may become payable under the regulations amended by these Regulations to or in respect of a person who—

- (a) served in an employment or office which qualified the person to participate in the benefits provided under the regulations amended by these Regulations; and
- (b) ceased to serve in that employment or office before these Regulations came into operation.

(2) Where, in a case to which this regulation applies, any provision of Part 2 or Part 3 of these Regulations would operate in relation to any person so as to place that person in a worse position than that person would have been if that provision had not applied, that person may elect that the provision will not apply to them by giving notice in accordance with paragraph (3).

(3) A notice given pursuant to paragraph (2) is to be given in writing and delivered to the Department within six months of the coming into operation of these Regulations or such longer period as the Department may allow.

**Commencement Information**

**182** Reg. 82 in operation at 16.8.2022, see [reg. 1\(2\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)

Sealed with the Official Seal of the Department of Health on 26 July 2022

(L.S.)

*Philip Rodgers*  
A senior officer of the Department of Health

The Department of Finance consents to the foregoing Regulations.  
Sealed with the Official Seal of the Department of Finance on 26 July 2022

(L.S.)

*Barry Armstrong*  
A senior officer of the Department of Finance

**Status:** Point in time view as at 16/08/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 ([S.R. 1995 No.95](#)) (“the 1995 Regulations”), the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008 ([S.R. 2008 No.256](#)) (“the 2008 Regulations”), the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015 ([S.R. 2015 No.120](#)) (“the 2015 Regulations”), the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999 ([S.R. 1999 No.294](#)) (“the AVC Regulations”), The Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001 ([S.R. 2001 No.367](#)) (“the Injury Benefit Regulations”) and the Health and Social Care Service Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015 ([S.R. 2015 No.120](#)) (“the Transitional and Consequential Regulations”).

In exercise of the powers conferred by Article 14(1) of the Superannuation (Northern Ireland) Order 1972 and section 3(3) of the Public Service Pensions Act (Northern Ireland) 2014 certain regulations have retrospective effect from specified dates.



**Status:**

Point in time view as at 16/08/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2022.