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STATUTORY RULES OF NORTHERN IRELAND

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**2022 No. 196**

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

**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>(1)</sup> are amended as provided by regulations 36 to 56.

**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;”.

**Amendment of regulation 52**

- 37.** In paragraph (5) of regulation 52 (Early retirement on ill-health (active members and non-contributing members))<sup>(2)</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)”.

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(1) [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](#)

(2) 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

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

38. In regulation 67 (Surviving adult dependants' pensions)(3), in paragraph (2), for “nominated partner” substitute “scheme partner”.

#### **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.”.

#### **Amendment of regulation 75**

40. In paragraph (2) of regulation 75 (Meaning of “dependent child”)(4)—

- (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”.

#### **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.

#### **Amendment of regulation 130**

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

#### **Amendment of regulation 136**

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

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

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

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

“(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.”.

#### **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)(**6**), omit sub-paragraph (c).

#### **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)(**7**), omit sub-paragraph (c).

#### **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;”.

#### **Amendment of regulation 161**

**47.** In paragraph (8) of regulation 161 (Member’s contribution rate)(**8**), 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”.

#### **Amendment of regulation 182**

**48.**—(1) Regulation 182 (Early retirement on ill-health (Active members and non-contributing members))(**9**) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (5)—

(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

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

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

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

(9) 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

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,".

#### **Amendment of regulation 194**

**49.** In regulation 194 (Surviving adult dependants' pensions)(**10**), in paragraph (2) for "nominated partner" substitute "scheme partner".

#### **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."

#### **Amendment of regulation 202**

**51.** In paragraph (2) of regulation 202 (Meaning of "dependent child")(b),—

- (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".

#### **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.

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(10) Regulation 194 as amended by S.R. 2009 No.188, regulation 63

(11) Regulation 202 as amended by S.R. 2012 No.42, regulation 26

#### **Amendment of regulation 254**

**53.** In regulation 254 (Forfeiture of rights to benefits)(**12**), in paragraph (5)(a) for “nominated partner” substitute “surviving scheme partner”.

#### **Amendment of regulation 260**

**54.**—(1) Regulation 260 (Employing authority and certain member record keeping and contribution estimates)(**13**) is amended as provided by paragraphs (2) and (3).

(2) After paragraph (7) insert—

“(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”.

#### **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)(**14**), in paragraph (2) omit sub-paragraph(c).

#### **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)(**15**), in paragraph (2) omit sub-paragraph (c).

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

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

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

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