
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 141

**The Public Service (Civil Servants and Others) Pensions
(Remediable Service) Regulations (Northern Ireland) 2023**

PART 7

Provision about special cases

CHAPTER 1

Ill-health retirement

Deferred choice members entitled to ill-health benefits in their alternative scheme only

55.—(1) This regulation applies where—

- (a) it was finally determined, pursuant to the initial assessment, that M was not entitled to any ill-health benefits under alpha,
- (b) it is determined, pursuant to regulation 54, that at the relevant time M met the IHR criteria in whichever of Section I, Section II or Section III is M's relevant Chapter 1 legacy scheme, and
- (c) M is a deferred choice member.

(2) The scheme manager must, as soon as reasonably practicable following the determination mentioned in paragraph (1)(b), send to M a written notice setting out—

- (a) that an election (an "immediate IHR election") may be made,
- (b) the time by which an immediate IHR election must be received by the scheme manager, and
- (c) the consequences of making (or not making) an immediate IHR election.

(3) M may make an immediate IHR election by sending notice of the election to the scheme manager—

- (a) in a form and manner determined by the scheme manager, and
- (b) so that it is received by the scheme manager no later than the end of the period of three months beginning with the day on which the notice mentioned in paragraph (2) is issued.

(4) Where an immediate IHR election is made, M is, subject to paragraph (5), to be treated—

- (a) for all purposes as if a deferred choice decision has been made that no section 10 election is to be made in relation to M's remediable service (and, accordingly, the benefits payable in relation to M's remediable service are PCSPS(NI) benefits),
- (b) as not being entitled to any benefits in respect of service in an employment or office which—

- (i) took place on or after 1st April 2022, and
- (ii) is pensionable service under alpha;

- (c) as not being entitled to the payment of ill-health benefits from the PCSPS(NI), and
 - (d) as being entitled to the payment of ill-health benefits which are—
 - (i) of an amount that would have been determined under the PCSPS(NI) if the relevant time had been 31st March 2022, and
 - (ii) payable—
 - (aa) from alpha, and
 - (bb) from the day after M’s last day of service in an employment or office which is capable of being pensionable service in a civil service scheme.
- (5) Where M does not leave all service in an employment or office which is capable of being pensionable service in a civil service scheme before—
- (a) the end of the period of three months beginning with the day on which notice of the immediate IHR election is received by the scheme manager, or
 - (b) such later time as the scheme manager considers reasonable in all the circumstances,
- M is to be treated as if the immediate IHR election had not been made (and no subsequent immediate IHR election may be made).
- (6) An immediate IHR election is irrevocable.
- (7) The provisions of Chapter 1 of PSPJOA 2022 and of these Regulations about the timing and effect of, as the case may be, a deferred choice decision and a section 10 election apply subject to this regulation.

Commencement Information

II Reg. 55 in operation at 1.10.2023, see [reg. 1\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023, Section 55.