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## EXPLANATORY NOTE

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

These Regulations further 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 Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015 (S.R. 2015 No.122) (“the 2015 Transitional Regulations”) and the Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) (“the 2023 McCloud Regulations”) S.R. 2023 No.132.

These Regulations come into operation on 1<sup>st</sup> April 2024.

Part 1 provides for citation and commencement.

Part 2 makes amendments to the 1995 Regulations to provide for partial retirement for 1995 Section members and to permanently remove the ‘16 hour rule’, which requires a member’s pension benefits to be suspended if they return to HSC employment and commit to more than 16 hours per week within one month of the pension becoming payable. Regulations 3,4 and 5 update the definitions of “final year’s pensionable pay” and “pensionable service” and add a new definition of “active member”. Regulation 6 inserts new regulations 16A, 16B and 16C. New regulation 16A which sets out the qualifying requirements for partial retirement and the entitlements. New regulation 16B deals with abatement of partial retirement benefits if members who partially retire then increase their pensionable pay. New regulation 16C makes provision for how new regulations 16A and 16B apply in circumstances where a member is in pensionable employment in two or more part-time employments. Regulation 7 updates the provisions for lump sum on retirement. Regulation 8 makes a consequential amendment to Regulation 19 and Regulation 9 inserts a new Regulation 19A to provide lump sums for members who die after a partial retirement pension becomes payable. Regulation 10 provides that any actuarial reduction applied to a partial retirement pension is not applied to the corresponding widow’s pension that is payable. Regulation 11 provides that any actuarial reduction is not applied to any child survivor pension payable. Regulation 12 disapplies the 10 year underpin from the calculation of child survivor pension payable where members have taken partial retirement. Regulation 13 provides that members taking partial retirement are not entitled to allocate part of that pension to their partner or spouse on death. Regulation 14, 17, 19 and 20 amend the 1995 Regulations to permanently remove the ‘16 hour rule’, which requires a member’s pension benefits to be suspended if they return to HSC employment and commit to more than 16 hours per week within one month of the pension becoming payable. Regulation 15 makes an amendment to exclude non-pensionable members becoming entitled to their pension without having to leave HSC employment. Regulation 16 prevents added years being included automatically in the calculation of partial retirement. Regulation 18 ensures that partial retirement pensions are in scope of the rules on reduction of added years. Regulation 21 amends the provisions in Schedule 2 on partial retirement pensions for medical and dental practitioners.

Part 3 makes amendments to the 2008 Regulations. Regulations 23 and 25 makes an amendment to allow 100% drawdown for 2008 Section members. Regulation 24 makes an amendment to exclude non-pensionable members becoming entitled to their pension without having to leave HSC employment.

**Status:** Point in time view as at 12/06/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024. (See end of Document for details)

Part 4 makes amendments to the 2015 Regulations. Regulation 27 makes an amendment to allow non-pensionable old scheme members to join the 2015 Scheme. Regulation 28 makes an amendment to allow 100% drawdown in the 2015 Scheme. Regulation 29 corrects a pre-existing error in the 2015 Regulations.

Part 5 makes amendments to the 2015 Transitional Regulations. Regulation 31 inserts the new terms into the interpretation provision to cover non-pensionable old scheme members. Regulation 32 makes amendment in respect of such a member recommencing service after a break. Regulation 33 makes provision on the determination of such a member's pensionable pay, final pensionable pay and reckonable pay. Regulation 34 makes provision regarding the refund of contributions in cases of inordinate pay. Regulation 35 makes provision regarding cessation of the final salary link on payment of benefits. Regulation 36 makes provision that the final salary link may not be applied to non-pensionable old scheme members joining the 2015 scheme, if to not apply it would be more beneficial to the member. Regulation 37 makes amendments requiring members who take partial retirement to claim their benefits from the old scheme before claiming any benefits in the new scheme. Regulations 38 and 39 make provision regarding the variation of lump sums for members who have taken partial retirement. Regulation 40 makes provision for death benefits for non-pensionable old scheme members, inserting a new Table 2 setting out the benefits payable to non-pensionable old scheme members who join the 2015 scheme, ensuring their entitlements under the new scheme are not worse than under the old scheme. Regulation 41 amends the 2015 Transitional Regulations to allow certain 1995 Scheme pensioners to join the 2015 Scheme and receive the correct lump sum for death in service.

Part 6 makes amendments to the Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) 2023. Regulation 43 makes provision for the 1995 scheme members in respect of certain retirement categories supplementing or varying the effect the remedy would otherwise have in relation to benefits already in payment including those paid on the grounds of partial retirement in the interests of efficiency.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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**Changes to legislation:**

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