
STATUTORY RULES OF NORTHERN IRELAND

2024 No. 50

The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024

PART 5

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

New Regulation 35A

39.—(1) After regulation 35 (variations to lump sums for 1995 and 2008 pensioners joining new scheme) insert—

“35A Variations to lump sums for 1995 and 2008 pensioners joining new scheme (pensioners who have taken a partial retirement pension)

(1) This regulation applies to persons falling in Groups 1 to 4, 6, 7, 9 and 10 in the table at paragraph 1 of Schedule 1 and Groups 1 to 4, 6 and 7 in the table at paragraph 2 of Schedule 1 who have taken a partial retirement pension.

(2) Where this regulation applies the lump sum payable on the death of an active member in place of any lump sum otherwise payable in respect of that member under regulation 111(a) of the 2015 Regulations and regulation 85(2)(a) or regulation 193A(2)(a) of the 2008 Regulations are the lump sums found under—

- (a) paragraph (3), if the member has taken an old scheme partial retirement pension but has not taken a new scheme partial retirement pension; and
- (b) paragraph (4), if the member has taken a new scheme partial retirement pension.

(3) Where paragraph (2)(a) applies, the lump sum is an amount equal to the appropriate fraction of an amount that is the better of—

- (a) twice the member’s relevant earnings calculated in accordance with paragraph 7(2)(a)(i) of Schedule 12 to the 2015 Regulations (death of a partial retirement pensioner); and
- (b) twice the member’s re-valued pensionable earnings for the scheme year falling in the earnings reference period which has the largest re-valued pensionable earnings calculated in accordance with paragraph 7(2)(a)(ii) of Schedule 12 (lump sum on death) to the 2015 Regulations, that Schedule.

(4) Where paragraph (2)(b) applies, the lump sum is an amount determined by the scheme manager after taking advice from the scheme actuary.

(5) In this regulation—

“appropriate fraction” means—

DPS / TDPS

where—

DPS is, where the member continues in pensionable service as an active member of the 2015 Scheme on the option day (or the last such option day if the option has been exercised more than once), the total number of days of pensionable service in that Scheme and this Section of the scheme which do not relate to the specified percentage of pension at the option day; and

TDPS is the aggregate of DPS and the total number of days of pensionable service (at the option day or the last such option day if the option has been exercised more than once) which relate to the specified percentage of pension payable;

“old scheme partial retirement pension” means a pension under—

- (a) regulation 16A of the 1995 Regulations; or
- (b) regulation 49 or 180 of the 2008 Regulations (whichever applies);

“option day” has the meaning given in—

- (a) paragraph (11) of regulation 16A of the 1995 Regulations in the case of a member who has taken a partial retirement pension under that regulation;
- (b) paragraph (8) of regulation 49 of the 2008 Regulations in the case of a member who has taken a partial retirement pension under that regulation; and
- (c) paragraph (7)(b)(ii) of regulation 180 of the 2008 Regulations in the case of a member who has taken a partial retirement pension under that regulation; and

“specified percentage of pension” has the meaning given in—

- (a) paragraph (4) of regulation 16A of the 1995 Regulations in the case of a member who has taken a partial retirement pension under that regulation;
- (b) paragraph (4) of regulation 49 of the 2008 Regulations in the case of a member who has taken a partial retirement pension under that regulation; and
- (c) paragraph (3) of regulation 180 of the 2008 Regulations in the case of a member who has taken a partial retirement pension under that regulation.”.

Commencement Information

II Reg. 39 in operation at 1.4.2024, see [reg. 1](#)

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, Section 39.