STATUTORY RULES OF NORTHERN IRELAND

2009 No. 188

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation Scheme and Injury Benefits) and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*8th May 2009*
Coming into operation	*31st May 2009*

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred by Articles 12(1) and (2), 14(1), (2) and (4) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**1**), with the consent of the Department of Finance and Personnel.

In accordance with Article 12(4) of that Order, the Department has consulted with representatives of persons likely to be affected by these Regulations, as appeared to the Department to be appropriate.

PART 1

INTRODUCTORY

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation Scheme and Injury Benefits) and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2009.

(2) These Regulations shall come into operation on 31st May 2009 and, save as provided in paragraphs (3) to (6), shall have effect from 1st April 2009.

(3) The following regulations shall have effect from 6th April 2009—

(a) regulation 12;

(b) regulation 21;

(c) regulation 30(2);

(**1**) 1972/1073 (N.I. 10) as amended by SI 1990/1509 (N.I. 13)

(d) regulation 31(4);

(e) regulation 32;

(f) regulation 47;

(g) regulation 53;

(h) regulation 59(2);

(i) regulation 60(4);

(j) regulation 61; and

(k) regulation 76.

(4) The following regulations shall have effect from 1st April 2008—

(a) regulation 14;

(b) regulation 36;

(c) regulation 38(4);

(d) regulation 41;

(e) regulation 44(3);

(f) regulation 65;

(g) regulation 67(4);

(h) regulation 70;

(i) regulation 73(3); and

(j) regulation 74(3).

(5) Regulations 80 and 81 shall effect from 1st April 2004.

(6) Regulation 11(3) shall have effect from 1st April 1995.

PART 2

AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES (SUPERANNUATION) REGULATIONS (NORTHERN IRELAND) 1995

Amendment of the 1995 Regulations

2. The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**2**) shall be amended as provided by regulations 3 to 12.

Amendment of regulation 8

3. For paragraph (2) of regulation 8 (Restriction on further participation in the Scheme), substitute —

"(2) Persons whose pensions under the scheme are payable may not contribute to or accrue further superannuable service under the scheme, except in the cases referred to in—

(a) regulation 13(11);

(b) regulation 13A(11) but subject to paragraph (3);

(**2**) 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 and S.R. 2009 No. 65

(c) regulation 77(6).

(3) Persons to whom—

(a) regulation 13B(3)(a) applies may not (except where paragraph (b) applies) contribute to or accrue further superannuable service under the scheme from the date the Department makes a determination under that regulation;

(b) paragraph (a) applies may contribute to or accrue further superannuable service under the scheme from the day after the first anniversary of that person's HSC employment following the date of the Department's determination under regulation 13B if that person is under the age of 50 on that day.".

Amendment of regulation 10

4. For paragraphs (1) to (2T) of regulation 10 (Contributions by members), substitute—

"(1) Each member in superannuable employment must contribute to the scheme in accordance with the following paragraphs.

(1A) For the 2009–2010 scheme year and each subsequent scheme year, a member whose superannuable pay falls into a pay band specified in column 1 of the following table must contribute the percentage of the member's superannuable pay specified in column 2 of that table in respect of that amount.

Column 1 *Pay band*	*Column 2* *Contribution percentage rate*
Up to £20,224	5%
£20,225 to £66,789	6.5%
£66,790 to £105,318	7.5%
£105,319 to any higher amount	8.5%

(2) The Department may, with the consent of the Department of Finance and Personnel, make a determination substituting any or all of the pay bands or contribution percentage rates specified in paragraph (1A) with effect from a date specified in the determination.

(2A) Before making a determination under paragraph (2), the Department must consider —

(a) the advice of the Scheme Actuary; and

(b) advice from such employee and employer representatives as the Department considers appropriate.

(2B) For the purposes of this regulation—

(a) "previous scheme year" means the scheme year immediately preceding the scheme year in respect of which contributions are payable in accordance with this regulation ("the current scheme year"); and

(b) if a member holds two or more superannuable employments at the same time—

(i) the determinations referred to in paragraphs (2E) to (2V) shall apply to each such employment separately, and

(ii) each such employment shall be treated separately for the purpose of paying contributions.

(2C) Subject to paragraphs (2Q) and (2R), for the purposes of determining the relevant annual contribution rate for the current scheme year paragraphs (2D) to (2P) apply to a

member who is in superannuable employment with the same employing authority on both the last day of the previous scheme year and the first day of the current scheme year.

(2D) For the purposes of paragraphs (2E) to (2P)—

(a) a member shall be regarded as being in superannuable employment throughout the previous scheme year regardless of any period in that year during which the member continued to be employed by the same employer but did not make contributions to the scheme;

(b) for the purposes of calculating the member's superannuable pay—

(i) contributions for any period referred to in sub-paragraph (a) shall be deemed to have been paid, and

(ii) any additional superannuable pay that the member is treated as having received during an absence from work in accordance with regulation 65 or 66 shall be included;

(c) the amount of superannuable pay determined in accordance with those paragraphs shall be rounded down to the nearest whole pound.

(2E) If a member—

(a) was in superannuable employment with an employing authority on a whole-time basis throughout the previous scheme year;

(b) paid contributions in respect of that employment at the same percentage rate throughout that previous scheme year; and

(c) is employed by that authority on the first day of the current scheme year,

the member shall pay contributions during the current scheme year at the rate specified in column 2 of the table in paragraph (1A) in respect of the amount of superannuable pay referred to in column 1 of that table which corresponds to the member's superannuable pay received during the previous scheme year.

(2F) If a member—

(a) was in superannuable employment with an employing authority on a part-time basis throughout the previous scheme year;

(b) paid contributions in respect of that employment at the same percentage rate throughout that previous scheme year;

(c) is employed by that authority on the first day of the current scheme year,

the member shall pay contributions during the current scheme year at the rate specified in column 2 of the table in paragraph (1A) in respect of the amount of superannuable pay referred to in column 1 of that table which corresponds to the amount of the member's superannuable pay determined by reference to the amount the Department determines would have been paid in respect of a single comparable whole-time employment during the previous scheme year.

(2G) If a member—

(a) was in superannuable employment with an employing authority on a combination of a whole-time and part-time basis throughout the previous scheme year;

(b) paid contributions in respect of that employment at the same percentage rate throughout that previous scheme year; and

(c) is employed by that authority on the first day of the current scheme year,

the member shall pay contributions during the current scheme year at the rate specified in column 2 of the table in paragraph (1A) in respect of the amount of superannuable pay referred to in column 1 of that table which corresponds to the aggregate of—

(i) the member's superannuable pay received during the previous scheme year in respect of the member's whole-time employment, and

(ii) the amount the Department determines would have been paid in respect of a single comparable whole-time employment for that period in respect of the member's part-time employment.

(2H) If a member—

(a) was in superannuable employment with an employing authority on a whole-time basis throughout the previous scheme year;

(b) did not pay contributions in respect of that employment at the same percentage rate throughout that previous scheme year; and

(c) is employed by that authority on the first day of the current scheme year,

the member shall pay contributions during the current scheme year at the rate specified in column 2 of the table in paragraph (1A) in respect of the amount of superannuable pay referred to in column 1 of that table which corresponds to the member's superannuable pay determined by the formula—

$$\frac{RSP}{NDSE} \times 365$$

where—

RSP is the superannuable pay received in respect of that employment for the period commencing on the date the member's contribution rate last changed in that previous scheme year and ending on the last day of that previous scheme year;

NDSE is the number of days of superannuable employment with that employer commencing on the date the member's contribution rate last changed in that previous scheme year and ending on the last day of that previous scheme year.

(2I) If a member—

(a) was in superannuable employment with an employing authority on a part-time basis throughout the previous scheme year;

(b) did not pay contributions in respect of that employment at the same percentage rate throughout that previous scheme year; and

(c) is employed by that authority on the first day of the current scheme year,

the member shall pay contributions during the current scheme year at the rate specified in column 2 of the table in paragraph (1A) in respect of the amount of superannuable pay referred to in column 1 of that table which corresponds to the member's superannuable pay determined by the formula—

$$\frac{CWTE}{NDSE} \times 365$$

where—

CWTE is the amount the Department determines would have been paid in respect of a single comparable whole-time employment in respect of the member's part-time employment with that employer for the period commencing on the date the member's contribution rate last changed in that previous scheme year and ending on the last day of that previous scheme year;