STATUTORY RULES OF NORTHERN IRELAND

2008 No. 96

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation Scheme and Compensation for Premature Retirement) (Amendment) Regulations (Northern Ireland) 2008

Made - - - -	*6th March 2008*
Coming into operation	*30th March 2008*

The Department of Health, Social Services and Public Safety(**1**), makes the following Regulations in exercise of the powers conferred by Articles 12, 14 and 19 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**2**) with the consent of the Department of Finance and Personnel.

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

Citation, commencement and retrospective effect

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation Scheme and Compensation for Premature Retirement) (Amendment) Regulations (Northern Ireland) 2008.

(2) These Regulations shall come into operation on 30th March 2008 and shall have effect from 1st December 2006.

Interpretation

2. In these Regulations—

"the Superannuation Scheme Regulations" means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**3**);

"the Compensation for Premature Retirement Regulations" means the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983(**4**).

(**1**) See S.I. 1999/283 (N.I 1): Article 3(6)
(**2**) S.I 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13), 1993 c.49 (N.I.) and S.I. 2002/1555
(**3**) 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 and S.R. 2006 Nos. 159 and 410
(**4**) S.R. 1983 No. 155 as amended by S.R. 1986 No. 322; S.R. 1991 No. 506 and S.R. 2005 No. 533

Amendment of the Superannuation Scheme Regulations

3.—(1) The Superannuation Scheme Regulations are amended in accordance with this regulation.

(2) In regulation 11 (Contributions by employing authorities)—

(a) in paragraph (3) after "regulation 14 (Early retirement pension (redundancy etc))", insert "or regulation 14A (Early retirement pension (termination of employment by employing authority))";

(b) for paragraph (3)(b), substitute—

"(b) the cost of providing the pension under—

(i) regulation 15 (Early retirement pension (employer's consent)) for the period between the member's leaving superannuable employment and reaching age 60;

(ii) regulation 14A (Early retirement pension (termination of employment by employing authority)) for the period between the member's leaving superannuable employment and reaching age 60 or, in the case of a member to whom regulation 75 (Nurses, physiotherapists, midwives and health visitors) or regulation 76 (Mental health officers) applies, age 55;";

(c) in paragraph (7)(a) and (b), before "15", insert "14A or".

(3) After—

(a) "regulation 14 (Early retirement pension (redundancy etc))" in each of the following provisions, insert "or regulation 14A (Early retirement pension (termination of employment by employing authority))"—

(i) paragraph (3) of regulation 57 (Early leaver without pension or preserved pension);

(ii) paragraph (3)(b) of regulation 75 (Nurses, physiotherapists, midwives and health visitors);

(iii) paragraph (9) of regulation 76 (Mental health officers);

(iv) paragraph (6) of regulation 77 (Members doing more than one job);

(b) "regulation 14" in paragraph (10A) (twice) and (10B) of regulation 77(**5**), insert "or regulation 14A".

(4) In paragraph (6) of regulation 78(**6**) (Part-time employment)—

(a) after "regulation 14 (Early retirement pension (redundancy etc))", insert "or regulation 14A (Early retirement pension (termination of employment by employing authority))";

(b) for sub-paragraph (a)(ii), substitute—

"(ii) the qualifying service for the purposes of regulation 14(2)(a) or regulation 14A(2)(a);".

(5) For regulation 14 (Early retirement pension (redundancy etc)), substitute—

"**Early retirement pension (redundancy etc)**

14.—(1) This regulation shall apply to a member—

(a) who—

(i) was in superannuable employment on 1st December 2006, or

(**5**) Paragraphs (10A) & (10B) were inserted in Regulation 77 by S.R. 1998 No. 299

(**6**) Regulation 78 was amended by S.R. 2002 No. 69 to include the reference to regulation 14 and to insert new sub-paragraph (a)(ii)

(ii) returns to such employment on, or after, that date and who is entitled to a preserved pension under regulation 49, or

(iii) returns to superannuable employment after that date having had a break in such employment which does not exceed 12 months but includes 1st December 2006 and who is not entitled to a preserved pension under regulation 49, or

(iv) is certified by his employing authority as having a period of continuous employment (determined in accordance with terms and conditions relevant to that employment and as they applied on 1st October 2006);

(b) whose employment is terminated by his employing authority before 1st October 2011; and

(c) who satisfies the conditions specified in paragraph (2).

(2) Those conditions are that—

(a) he has at least 5 years' qualifying service and has attained normal minimum pension age or, where relevant, protected pension age;

(b) the Department certifies—

(i) that the member's employment is terminated by reason of redundancy, or

(ii) with the agreement of the employing authority, that the member's employment is terminated in the interests of the efficiency of the service in which he is employed; and

(c) his employing authority does not certify that he has unreasonably refused to seek suitable alternative employment or accept an offer of such employment.

(3) A member who satisfies the conditions in paragraph (2) shall be entitled to a pension calculated as described in regulation 12 (Normal retirement pension).

(4) This regulation does not apply to—

(a) practice staff;

(b) practitioners; or

(c) non-GP providers.

Early retirement pension (termination of employment by employing authority)

14A.—(1) This regulation applies to a member—

(a) whose superannuable employment is terminated by his employing authority; and

(b) who satisfies the conditions specified in paragraph (2).

(2) Those conditions are that—

(a) he has 2 years' qualifying service and has attained normal minimum pension age or, where relevant, protected pension age;

(b) his employing authority certifies he has at least 2 years' continuous employment determined in accordance with any terms and conditions applying to that employment;

(c) his employing authority does not certify that he has unreasonably refused to seek suitable alternative employment or accept an offer of such employment;

(d) the Department certifies—

(i) that the member's employment is terminated by reason of redundancy, or

(ii) with the agreement of the employing authority, that the member's employment is terminated in the interests of the efficiency of the service in which he is employed; and

(e) he makes a claim for the pension referred to in this regulation.

(3) A claim referred to in paragraph (2)(e) shall —

(a) be in writing and addressed to the Department;

(b) be made within 6 months of the employment terminating; and

(c) contain such information as the Department may from time to time require.

(4) A member who satisfies the conditions in paragraph (2) shall be entitled to a pension calculated as described in regulation 12 (Normal retirement pension).

(5) Where a person who claims a pension under this regulation—

(a) has received—

(i) a redundancy payment under the Employment Rights (Northern Ireland) Order 1996(**7**),

(ii) a corresponding payment under the arrangements of the NHS Staff Council, or

(iii) a payment made by virtue of any arrangement made pursuant to paragraph 17 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991(**8**) (Health and Social Services Trusts – general powers),

in respect of the cessation of the employment; and

(b) the terms and conditions relevant to the employment require that payment or payments to be reduced to take account of the additional contributions the employing authority must make to the Department in accordance with regulation 11(3) (Contributions by employing authorities); but

(c) that payment or payments have not been so reduced,

the pension shall be reduced by an amount equal to the amount of that payment or payments and may be reduced to zero.

(6) This regulation does not apply to—

(a) practice staff;

(b) practitioners; or

(c) non-GP providers.

Early retirement pension (redundancy etc notifications)

14B.—(1) This regulation applies to a member—

(a) who satisfies the conditions specified in regulation 14 (Early retirement pension (redundancy etc)) and 14A (Early retirement pension (termination of employment by employing authority)); and

(b) whose superannuable employment is terminated by his employing authority on, or after, 1st December 2006 but before 1st October 2011.

(2) A member referred to in paragraph (1) may notify the Department as to which of those regulations he wishes to apply to him and such a notification shall be—

(**7**) S.I. 1996 /1919 (N.I. 16)
(**8**) S.I. 1991/ 194 (N.I. 1)