STATUTORY RULES OF NORTHERN IRELAND

2006 No. 159

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation Scheme and Injury Benefits) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*24th March 2006*
Coming into operation	*24th April 2006*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 12(1), (2) and (3) and 14(1) and (2) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**2**) and of all other powers enabling it in that behalf, and after consulting with such representatives of persons likely to be affected by these Regulations as appear to it be appropriate as required by Article 12(4) of that Order, and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation, commencement and retrospective effect

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation Scheme and Injury Benefits) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 24th April 2006.

(2) These Regulations shall have retrospective effect from 1st April 2004.

Interpretation

2. In these Regulations—

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

"the Injury Benefits Regulations" means the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001(**4**).

(**1**) See S.I. 1999/283 (N.I): Article 3(6)
(**2**) S.I.1972/1073 (N.I. 10)as amended by S.I. 1990/1509 (N.I. 13)
(**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. 154, 155, 533, 534 and 565
(**4**) S.R.2001 No.367 as amended by S. R. 2005 Nos. 533 and 565

Amendment of Schedule 2 to the Superannuation Scheme Regulations

3.—(1) Schedule 2 (Medical and dental practitioners) shall be amended in accordance with paragraph (2).

(2) In paragraph 10(**5**) (Contributions to the Scheme)—

(a) in sub-paragraph (3)(b) for the words "is not a special class officer" there shall be substituted "is a special class officer";

(b) in sub-paragraph (9)(a) for the words "regulation 11" there shall be substituted " regulation 10".

Amendment of the Injury Benefits Regulations

4.—(1) The Injury Benefits Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) For paragraph (4) of regulation 3 (Persons to whom these Regulations apply) there shall be substituted—

"(4) These Regulations shall not apply to a person—

(a) in relation to any injury or disease wholly or mainly due to, or seriously aggravated by, his own culpable negligence or misconduct;

(b) eligible to participate in a superannuation scheme established under Article 3 of the Superannuation (Northern Ireland) 1972.".

(3) After regulation 19 (Avoidance of duplicate benefits), insert—

"**Claim for benefits**

19A. A person claiming to be entitled to benefits under these Regulations and his employing authority including any previous employing authority of his shall provide such evidence of his entitlement as the Department may from time to time require."

(4) After regulation 22 (Payment to personal representatives) insert—

"**Decisions by employing authorities**

22A. The Department may make arrangements for its functions under Part II of these Regulations, in relation to a decision whether a person has sustained an injury or contracted a disease to which regulation 3(3) (Persons to whom these Regulations) applies and, if so, by what degree his earning ability has been temporarily reduced for the purpose of the payment of an allowance referred to in regulation 4(4) (Scale of benefit), to be discharged by the employing authority of that person."

(5) In regulation 5 (Recovery of costs) in sub-paragraph 7(f)(ii)(**6**), for the words "non-GP provider" there shall be substituted "a non-GP provider".

(**5**) Paragraph 10 of Schedule 2 was substituted by regulation 12(7) of S. R. 2005 No. 565
(**6**) Sub-paragraph (7)(f) was inserted by regulation 13(4) of S.R. 2005 No. 565