STATUTORY RULES OF NORTHERN IRELAND

2005 No. 154

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*23rd March 2005*
Coming into operation	*9th May 2005*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred upon it by Articles 12(1), (2), (2A)(**2**), and (3) and 14(**3**)(1), (2), and 3 and (3A)(**4**) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**5**) and of all other powers enabling it in that behalf, after consulting with such representatives of persons likely to be affected by these Regulations as appear to it to 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) (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2005.

(2) These Regulations shall come into operation on 9th May 2005 and shall have effect from 1st April 2002.

Interpretation

2. In these Regulations "the principal Regulations" mean the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999(**6**).

(**1**) *See*S.I. 1999/283 (N.I. 1) Article 3(6)
(**2**) Paragraph 2(A) was inserted by Article 10(5) of S.I. 1990/1509 (N.I. 13)
(**3**) Article 14 of the Superannuation (Northern Ireland) Order 1972 was amended by Article 12 of S.I. 1990/1509 (N.I. 13)
(**4**) As inserted by Article 12(3) of S.I. 1990/1509 (N.I. 13)
(**5**) S.I. 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13)
(**6**) S.R.1999 No. 294 as amended by S.R. 2002 No. 129 and S.R. 2004 No. 104

Amendment of regulation 2 of the principal Regulations

3. In paragraph (1) of regulation 2(**7**) (Interpretation) after the definition of "normal benefit age"(**8**) there shall be inserted the following definition –

""occupational pension scheme" has the meaning given by section 1 of the Pensions Schemes (Northern Ireland) Act 1993(**9**);".

Amendment of regulation 3 of the principal Regulations

4. In regulation 3 (Making and acceptance of elections) –

(a) in sub-paragraph (3)(a), for the words "or while his earnings are reduced or have ceased" there shall be substituted "due to ill-health";

(b) after paragraph (7) there shall be inserted the following paragraph –

"(8) The Department shall notify in writing the person who has made an election under paragraph (1) of the Department's acceptance of that election."

Amendment of regulation 6 of the principal Regulations

5. In regulation 6 (Circumstances in which elections cease to have effect) –

(a) for "An" there shall be substituted "—(1) Subject to paragraph (2), an"; and

(b) after the end of sub-paragraph (d) there shall be inserted the following paragraph –

"(2) Where paragraph (1)(a) or (b) applies, an election shall be treated as not having ceased to have effect if a contributor gives written notice to the Department for the purpose specified in regulation 5(1)(c).".

Substitution of regulation 10 of the principal Regulations

6. For regulation 10 (Outward transfers) there shall be substituted the following regulation –

"**10.**—(1) Subject to paragraphs (4) to (7), the Department shall as soon as is reasonably practicable after having received a notice in writing from an eligible person requesting a transfer of the value of that person's investments made in relation to that person under regulation 7(1), 8(2) or as the case may be, 9(4) pay a transfer value representing the value of all such investments at that person's option –

(a) where that person has left superannuable employment, to one of the schemes specified in paragraph (2) in which that person may be participating; or

(b) where that person remains in superannuable employment, to the scheme specified in paragraph (3).

(2) The schemes specified in this paragraph are –

(a) an approved scheme which provides additional benefits by virtue of additional voluntary contributions but does not fall within section 591(2)(h) of the Taxes Act (discretionary approval);

(b) a personal pension scheme, including a personal pension scheme which is a stakeholder pension scheme under Part II of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**10**); and

(**7**) Regulation 2 was amended by S..R. 2002 No. 129 and S.R. 2004 No. 104
(**8**) The definition of "normal benefit age" was inserted by regulation 2 of S.R. 2004 No. 104
(**9**) 1993 (c. 49)
(**10**) S.I. 1999/3147 (N.I. 11)