STATUTORY RULES OF NORTHERN IRELAND

2004 No. 103

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*11th March 2004*
Coming into operation	*11th May 2004*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred upon it by Articles 12 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**2**) 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 and commencement

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 2004.

(2) These Regulations shall come into operation on 11th May 2004 and shall have effect from 5th April 2002.

Interpretation

2. In these Regulations "the principal Regulations" means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**3**).

Amendment of regulation 5 of the principal Regulations

3. In regulation 5(1) (Meaning of qualifying service) –

(a) at the end of paragraph 1(b) the word "and" shall be deleted;

(b) after paragraph (1)(b) there shall be inserted the following sub-paragraph –

"(ba) in the case of a person who –

(**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)
(**3**) S.R. 1995 No. 95: relevant amending instrument is S.R. 1997 No. 217

(i) has become a member on the transfer of his employment to a new employer as a result of a transfer of an undertaking to that employer; and

(ii) has rights under another occupational pension scheme to which he was eligible to belong in his former employment in respect of which no transfer payment has been accepted under regulation 60(1) or 63;

the period of employment that qualified the member for those rights; and";

(c) after paragraph (4) there shall be inserted the following paragraph –

"(4A) Where a member who is employed on a casual basis –

(a) ceases to pay contributions because of a break in his superannuable employment of a period not exceeding 3 months, and

(b) re-enters superannuable employment on the same basis after the break,

for the purposes of these Regulations he is treated as continuing to be in qualifying service, (but not superannuable service) during the break, and as not being required to rejoin the Scheme when he re-enters superannuable employment.".

Amendment to regulation 53 of the principal Regulations

4.—(1) In regulation 53(1) (Member's right to transfer or buy out) the words "with a preserved pension before reaching age 60" shall be omitted.

(2) After regulation 53(1) there shall be inserted the following paragraph –

"(1A) Paragraph (1) only applies if the member –

(a) leaves superannuable employment with a preserved pension before reaching age 60, or

(b) leaves superannuable employment on the transfer of his employment to a new employer as a result of a transfer of an undertaking to that employer.".

Amendment to regulation 54 of the principal Regulations

5. After regulation 54(4) (Exercising a right to transfer or buy-out) there shall be inserted the following paragraph –

"(4A) Paragraph (2) does not apply if the member exercises the right to require a transfer on the transfer of his employment to a new employer as a result of a transfer of an undertaking to that employer.".

Amendment of regulation 58 of the principal Regulations

6. For regulation 58 (Transfers in respect of more than one member) there shall be substituted –

"**Special terms for transfers out**

58.—(1) If one or more members ("the transferring members) –

(a) leave superannuable employment;

(b) join another occupational pension scheme; and

(c) exercise a right to transfer to that scheme under regulation 54 (Exercising a right to transfer or buy-out)

the Department may, after taking advice from the Government Actuary, make a single transfer payment to that scheme in respect of the transferring members.