STATUTORY RULES OF NORTHERN IRELAND

2002 No. 69

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 2002

Made - - - - 28th February 2002

Coming into operation 1st May 2002

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 12(1), (2), (2A)(**2**) and (3) and 14(**3**) (1), (2), (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 and commencement

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 2002.

(2) These Regulations shall come into operation on 1st May 2002. Regulation 6 shall have effect from 30th June 2000 and regulations 5 and 9 shall have effect from 1st July 2000.

Interpretation

2. In these Regulations, "the principal Regulations" means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**6**).

Amendment of regulation 2 of the principal Regulations (Interpretation)

3. In regulation 2 of the principal Regulations (Interpretation)—

(1) In the definition of "dental pilot scheme employee"(**7**) for the word "individual" where it occurs in the second place, there shall be substituted the words "a person".

(**1**) *See*S.I.1999/283 (N.I. 1); Article 3(6)
(**2**) Paragraph 2A and paragraph 11 were inserted by Article 10(5) and Article 10(6) of S.I. 1990/1509 (N.I. 13)
(**3**) Article 14 of the Superannuation (Northern Ireland) Order 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. 1995 No. 95 as amended by S.R. 1997 Nos. 217 and 390; S.R. 1998 No. 299 and S.R. 1999 No. 293
(**7**) This definition was inserted by S.R. 1999 No. 293

(2) In the definition of "medical pilot scheme employee"(**8**) for the word "individual" where it occurs in the second place, there shall be substituted the words "a person".

Amendment of regulation 14 of the principal Regulations (Early retirement pension (redundancy etc))

4. In paragraph (1)(*b*) of regulation 14 (Early retirement pension (redundancy etc)) for the words from "certifies" to the end there shall be substituted the following words:—

"certifies—

(a) that the member's employment is terminated by reason of redundancy; or

(b) 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.".

Amendment of regulation 22 of the principal Regulations (Payment of Lump Sum)

5. For paragraphs (1) to (3) of regulation 22 (Payment of lump sum) there shall be substituted the following paragraphs:—

"(1) A lump sum under any of regulations 18 to 21 shall be paid in accordance with the following paragraphs.

(2) Unless paragraph (3) or (3A) applies, where a member dies the lump sum shall be paid to the member's personal representative.

(3) Where the member dies and leaves a widow or widower, the lump sum may be paid to the widow or widower, unless—

(a) the member has given notice to the Department in accordance with paragraph (3B) that the widow or widower is not to receive the payment, and has not revoked that notice; or

(b) paragraph (3A) applies.".

"(3A) Where the member has given notice to the Department in accordance with paragraphs (3B) and (3C) that the lump sum is to be paid to a person specified in the notice, and has not revoked that notice, the lump sum may be paid to that person unless—

(a) that person has died before the payment can be made; or

(b) payment to that person is not, in the opinion of the Department, reasonably practicable.

(3B) Notice to the Department for the purpose of paragraphs (3) or (3A)—

(a) shall be given only by a member who is in superannuable employment under the scheme;

(b) shall be given in writing; and

(c) may at any time be revoked in writing

and, subject to sub-paragraph (*a*), a member who revoked such a notice may give further notice for the purpose of one of those paragraphs."

Amendment of regulation 49 of the principal Regulations (Preserved pension)

6. In regulation 49 (Preserved pension)—

(1) for paragraph (2) there shall be substituted the following paragraph:—

(**8**) This definition was inserted by S.R. 1999 No. 293