STATUTORY RULES OF NORTHERN IRELAND

1997 No. 217

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*17th April 1997*
Coming into operation	*16th June 1997*

The Department of Health and Social Services, in exercise of the powers conferred by Articles 12 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**1**), 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 for Northern Ireland, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1997. These Regulations come into operation on 16th June 1997.

Interpretation

2. In these Regulations:—

"the principal Regulations" means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**2**);

"the Taxes Act" means the Income and Corporation Taxes Act 1988(**3**).

Amendment of regulation 3 of the principal Regulations

3.—(1) After regulation 3(3) of the principal Regulations there shall be inserted the following paragraph—

"(3A) Where a member who was eligible to be a member before 1st June 1989 joins the scheme on or after that date by virtue of being a person to whom regulation 9A applies,

(**1**) S.I.1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13)
(**2**) S.R. 1995 No. 95
(**3**) 1988 c. 1

any amount by which that member's superannuable pay exceeds the permitted maximum will not be ignored when calculating the amount of any contributions or benefits payable under these Regulations except in relation to a period following a break in superannuable employment on or after that date.".

(2) In regulation 3(4) of the principal Regulations—

(a) for the words "paragraph (3)" there shall be substituted the words "paragraphs (3) and (3A)"; and

(b) after sub-paragraph (*e*) there shall be added the following sub-paragraph:—

"(f) the break is due to the member opting out of the scheme as the result of a contravention which is actionable under section 62 of the Financial Services Act 1986"(**4**).

Insertion of new regulation 9A of the principal Regulations

4. After regulation 9 of the principal Regulations there shall be inserted the following regulation:—

"**Opting into the Scheme: Mis-sold Pensions**

9A.—(1) This regulation shall apply to a person who, during any period:—

(a) was eligible to be an active member of the scheme;

(b) opted out of the scheme under regulation 9(1) and instead made contributions to a personal pension scheme; and

(c) has suffered loss as the result of a contravention which is actionable under section 62 of the Financial Services Act 1986.

(2) Where, at any time, a person to whom this regulation applies elects to join or rejoin the scheme under regulation 9(5), there shall, if the Department so determines, be counted as superannuable service in respect of that person a period equal to the aggregate of—

(a) his additional period of superannuable service as approved by the Department for the purposes of regulation 62A(2)(i); and

(b) his "transferred-out service", if any, within the meaning of regulation 62A(5),

provided there has been paid to the Department in respect of that person a transfer payment calculated in accordance with regulation 62A.

(3) Where, at any time, a person to whom this regulation applies elects to join or rejoin the scheme under regulation 9(5) but dies in superannuable employment or becomes entitled to benefits under Part III of these Regulations before the transfer payment referred to in paragraph (2) has been paid to the Department in respect of him, paragraph (2) shall continue to apply in the case of that person.

(4) In this regulation—

"active member" means a person who is in superannuable employment under the scheme; and

"personal pension scheme" has the meaning given by section 1 of the Pension Schemes (Northern Ireland) Act 1993(**5**)."

(**4**) 1986 c. 60
(**5**) 1993 c. 49