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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 259**

**HEALTH AND PERSONAL SOCIAL SERVICES**

The Health and Personal Social Services (Superannuation  
Scheme and Additional Voluntary Contributions),  
Health and Social Care (Pension Scheme)  
(Amendment) Regulations (Northern Ireland) 2013

*Made* - - - - - *7th November 2013*

*Coming into operation* *9th December 2013*

The Department of Health, Social Services and Public Safety, with the consent of the Department of Finance and Personnel, makes the following Regulations in exercise of the powers conferred by Articles 12(1) and (2), 14(1), (2) and (3) and 19 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(1).

In accordance with Article 12(4) of that Order, the Department has consulted with representatives of persons likely to be affected by these Regulations, as appeared to the Department to be appropriate.

**PART 1**

**INTRODUCTORY**

**Citation, commencement and effect**

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation Scheme and Additional Voluntary Contributions), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2013.

(2) These Regulations come into operation on 9th December 2013 and, save as provided in paragraphs (3) and (4), shall have effect from 1st April 2013.

(3) The following regulations shall have effect from 12th February 2007—

- (a) regulation 52; and
- (b) regulation 53.

(4) The following regulations shall have effect from 1st April 2008—

- (a) regulations 6 to 8;
- (b) regulation 21;
- (c) regulation 26;
- (d) regulation 28;
- (e) regulation 38;
- (f) regulation 43; and
- (g) regulation 44.

## PART 2

### AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES (SUPERANNUATION) REGULATIONS (NORTHERN IRELAND) 1995

2. The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(2) are amended as provided by regulations 3 to 16.

#### **Amendment of regulation 2**

3. In regulation 2(1) (Interpretation), in the definition of “employing authority”, in paragraph (e), after the words “health services” insert “(in whole or in part)”.

#### **Amendment of regulation 11**

4.—(1) Regulation 11 (Contributions by employing authorities)(3) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (7), at the end insert (as full out words) “This is subject to paragraph (7A).”.

(3) After paragraph (7), insert—

“(7A) Where the member leaves superannuable employment on or after 1st April 2013, any additional contributions that are due to the Department under paragraph (3)(b), (c), (e) and (f) may only be paid by a single payment of an amount determined by the Department on the advice of the Scheme Actuary: that payment must be made within one month of the date on which the pension under regulation 14A became payable.”.

#### **Amendment of regulation 14A**

5. In regulation 14A (Early retirement pension (Termination of employment by employing authority))(4) for paragraph (2) substitute—

“(2) Those conditions are that—

- (a) the member has 2 years’ qualifying service and has attained normal minimum pension age or, where relevant, protected pension age;
- (b) the member’s employing authority certifies—

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(2) 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.155, 533, 534 and 565; S.R. 2006 Nos.159 and 10 ; S.R. 2008 Nos.96, 130 and 163; S.R. 2009 Nos.65 and 188; S.R. 2010 No.22, 286 and 420; S.R. 2011 No.256; S.R. 2012 Nos.42 and 78 and S.R. 2013 Nos.40, 73 and 141

(3) Regulation 11 as amended by S.R. 2005 No.533, regulation 3(2); S.R. 2005 No.565, regulation 8; S.R. 2008 No.96, regulation 3(2); S.R. 2008 No.130, regulation 3(3); S.R. 2008 No.163, regulation 8 and S.R. 2010 No.420, regulation 4

(4) Regulation 14A was inserted by S.R. 2008 No.96, regulation 3(5) and amended by S.R. 2013 No.40, regulation 5

- (i) that the member has at least 2 years' continuous employment determined in accordance with any terms and conditions applying to that employment, and
- (ii) if the member's employment is terminated by reason of redundancy, the member is entitled to claim a pension under this regulation as an alternative to receiving (in whole or in part) the lump sum payment otherwise payable to the member in accordance with those terms and conditions;
- (c) the member's employing authority does not certify that the member has unreasonably refused to seek suitable alternative employment or accept an offer of such employment;
- (d) the Department certifies—
  - (i) that the member's employment is terminated by reason of redundancy, or
  - (ii) 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 the member is employed; and
- (e) the member makes a claim for the pension referred to in this regulation.”.

#### **Amendment of regulation 28**

6. In regulation 28 (Member marries after leaving superannuable employment) after paragraph (3), add—

“(4) Where the nominated partner referred to in regulation 31E (Surviving nominated partner's pension) becomes the member's widow on the member's death, the widow's pension will, if it would be more beneficial to the widow, be equal to the nominated partner pension that would have been payable if the widow and the member had not been married to each other.”.

#### **Amendment of regulation 31E**

7.—(1) Regulation 31E (Surviving nominated partner's pension)(5), is amended as provided by paragraphs (2) and (3).

- (2) In paragraph 2(b), at the end of—
  - (a) paragraphs (i) and (ii), omit “or”; and
  - (b) paragraph (iii), for “or” substitute “and”.
- (3) For paragraph (5), substitute—

“(5) Subject to paragraph (6), regulations 23 to 28 apply to the calculation and payment of pensions for nominated partners in the same manner as they apply to pensions for widows, and paragraph (1) of regulation 28 shall be read as if, for the words “where the member and his wife were not married to each other during any period of superannuable employment”, it said “where a nomination for a surviving partner pension becomes effective after all superannuable employment has ceased”.”.

#### **Amendment of regulation 35**

8. In regulation 35 (Member dies after pension becomes payable)(6), for paragraph (4) substitute —

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(5) Regulation 31E was inserted by [S.R. 2008 No.163](#), regulation 29 and amended by [S.R. 2010 No.22](#), regulation 7  
(6) Regulation 35 as amended by [S.R. 2005 No.533](#), regulation 3(8); [S.R. 2008 No.163](#), regulation 32 and [S.R. 2009 No.188](#), regulation 8

“(4) If the member dies leaving a dependent child and there is no surviving parent or no surviving spouse or civil partner or nominated partner of a parent, the allowance—

- (a) for the period of 6 months beginning with the member’s death, will be the greater of—
  - (i) the amount of the member’s pension calculated without regard to any reduction made under regulation 85 (Reduction of pension on return to HSC employment), and
  - (ii) the amount of child allowance that would otherwise be payable under these Regulations;
- (b) following the period referred to in sub-paragraph (a), will be equal to—
  - (i) one-third of the pension described in paragraph (2) if there is only one dependent child,
  - (ii) two-thirds of the pension described in paragraph (2) if there are two or more dependent children.”.

#### **Amendment of regulation 47**

**9.** In regulation 47 (Protected rights transferred to this Section of the Scheme)(7), in paragraph (1) after “Where” insert “, prior to 6th April 2012,”.

#### **Amendment of regulation 73F**

**10.**—(1) Regulation 73F (Cancellation and cessation of options under regulation 73A)(8) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (4), after “such an option” insert “in accordance with paragraph (3),”.

(3) After paragraph (4) add—

“(5) If, after the exercise of the option under regulation 73A, the Department has reasonable grounds to believe that the member’s health will prevent the member from paying contributions for the whole contribution period, the Department may cancel the option by giving the member notice in writing.

(6) If the Department cancels such an option in accordance with paragraph (5)—

- (a) the additional periodical contributions cease to be payable for the first pay period beginning after the date specified in the notice (“date of cancellation”) and all subsequent pay periods: and
- (b) any periodical payments made prior to the date of cancellation shall be returned to the member.”.

#### **Amendment of regulation 73H**

**11.** In regulation 73H (Effect of death or early payment of pension after option exercised under regulation 73A, 73C or 73D)(9), in paragraphs (2) and (4), for “If a member” substitute “Subject to regulation 73F(5) and (6), if a member”.

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(7) Regulation 47 was amended by [S.R. 2005 No.533](#), regulation 3(15)

(8) Regulation 73F was inserted by [S.R. 2008 No.163](#), regulation 51

(9) Regulation 73H was inserted by [S.R. 2008 No.163](#), regulation 51

### **Amendment of regulation 85**

12. In regulation 85 (Reduction of pension on return to HSC employment)(10), in paragraph (6), after “paragraph (3)” insert “or (3A)”.

### **New regulation 88A**

13. After regulation 88 (Claims for benefits), insert—

#### **“Provision of information: continuing entitlement to benefit**

88A.—(1) The Department may specify a date by which a person who is in receipt of a benefit under this Section of the Scheme is to provide the Department with all or any of the following material—

- (a) evidence of the person’s identity;
- (b) the person’s contact details;
- (c) evidence of the person’s continuing entitlement to the benefit.

(2) Where a person fails to provide the material referred to in paragraph (1) in accordance with that paragraph the Department may withhold all, or any part, of any benefit payable to that person.”.

### **Amendment of regulation 97**

14. Omit paragraphs (3) to (4) of regulation 97 (Accounts and actuarial reports)(11).

### **Omission of regulation 97A**

15. Omit regulation 97A (Cost sharing)(12).

### **Amendment of Schedule 2**

16.—(1) Schedule 2 is amended as provided by paragraphs (2) to (4).

(2) In paragraph 2 (Application of Regulations with modifications), in sub-paragraph (2), after “practitioner” at the end, add “other than any period or periods of work as a locum practitioner”.

(3) In paragraph 10 (Contributions to this Section of the Scheme)(13)—

(a) for sub-paragraph (2F) substitute—

“(2F) In determining, in accordance with this paragraph, the contributions that are payable pursuant to regulations 10(1) and 11(1), a host Health and Social Services Board must take account of all superannuable earnings as a—

- (a) practitioner, from all practitioner sources;
- (b) non-GP provider, from all non-GP provider sources;
- (c) dentist performer, from all dentist performer sources.”;

(b) in sub-paragraph (18)(a) and (b), after “a practitioner” insert “, a locum practitioner”.

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(10) Regulation 85 as amended by S.R. 1998 No.299, regulation 13; S.R. 2002 No.69, regulation 9; S.R. 2005 No.155, regulation 8; S.R. 2008 No.163, regulation 57; S.R. 2009 No.65, regulation 15 and S.R. 2012 No.42, regulation 7

(11) Regulation 97 as amended by S.R. 2005 No.565, regulation 11; S.R. 2008 No.130, regulation 3(21); S.R. 2010 No.420, regulation 6 and S.R. 2011 No.256, regulation 5

(12) Regulation 97A was inserted by S.R. 2010 No.22

(13) Paragraph 10 was substituted by S.R. 2005 No.565, regulation 12(7) and amended by S.R. 2009 No.65, regulation 20(4); S.R. 2009 No.188, regulation 11(2); S.R. 2010 No.22, Schedule 1, paragraph 1(b); S.R. 2010 No.286, regulation 15; S.R. 2010 No.420, regulation 8; S.R. 2012 No.42, regulation 10(2); S.R. 2012 No.78, regulation 8 and S.R. 2013 No.73, regulation 7

- (4) In paragraph 19 (Members absent from work)(14)—
- (a) in sub-paragraphs (2) and (3), for “Regulation 65”, substitute “Subject to sub-paragraph (8), regulation 65”;
  - (b) after sub-paragraph (7), insert—
    - “(8) Before a calculation of a member’s superannuable earnings can be made in accordance with sub-paragraphs (4) and (5), written notice of the length of the absence must be given to the Department by—
      - (a) the member, where the member is a principal practitioner or a non-GP Provider; or
      - (b) in all other cases the host Health and Social Services Board.    - (9) The notice referred to in sub-paragraph (8) must be provided to the Department in such form and manner as the Department may stipulate from time to time.”.

### PART 3

#### AMENDMENT OF THE HEALTH AND SOCIAL CARE (PENSION SCHEME) REGULATIONS (NORHERN IRELAND) 2008

17. The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(15) are amended as provided by regulations 18 to 50.

##### **Amendment of regulation 3**

18. In regulation 3 (Actuarial reports and accounts)(16), omit paragraphs (4), (5) and (6).

##### **Amendment of regulation 4**

19. Omit regulation 4 (Cost sharing).

##### **Amendment of regulation 6**

20. In paragraph (1) of regulation 6 (Interpretation: general), in the definition of “employing authority”, in paragraph (d), after the words “health services” insert “(in whole or in part)”.

##### **Amendment of regulation 11**

21. In paragraph (6) of regulation 11 (Qualifying service: disregard breaks of service)—
- (a) for “Paragraphs (2), (4) and (5) do not apply if” substitute “Where”;
  - (b) in sub-paragraph (a), after “the earlier period” insert “, paragraphs (4) and (5) do not apply”; and
  - (c) in sub-paragraph (b), at the end, add “, paragraphs (2), (4) and (5) do not apply”.

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(14) Paragraph 19 as amended by [S.R. 1998 No.299](#), regulation 14(3); [S.R. 1999 No.293](#), regulation 11(2); [S.R. 2005 No.565](#), regulation 12(8); [S.R. 2008 No.163](#), regulation 63(12) and [S.R. 2013 No.40](#), regulation 7

(15) [S.R. 2008 No.256](#) as amended by [S.R. 2009 Nos.65 and 188](#); [S.R. 2010 Nos.22, 286 and 420](#); [S.R. 2011 No.256](#); [S.R. 2012 No.42](#); [S.R. 2013 Nos.40 and 73](#)

(16) Regulation 3 as amended by [S.R. 2010 No.420](#), regulation 10

### **Amendment of regulation 32**

**22.** In regulation 32 (Contributions by employing authorities: members becoming entitled to pension under regulation 55)(**17**), after paragraph (4) insert—

“(4A) Sub-paragraph (b) of paragraph (4) does not apply where the member leaves the employment in which the member was an active member on, or after, 1st April 2013.”.

### **Amendment of regulation 39**

**23.**—(1) Regulation 39 (Cancellation of options under regulation 34) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (4), after “such an option” insert “in accordance with paragraph (3)”.

(3) After paragraph (4), add—

“(5) If, after the exercise of the option under regulation 34, the Department has reasonable grounds to believe that the member’s health will prevent the member from paying contributions for the whole contribution period, the Department may cancel the option by giving the member notice in writing.

(6) If the Department cancels such an option in accordance with paragraph (5)—

(a) the additional periodical contributions cease to be payable for the first pay period beginning after the date specified in the notice (“date of cancellation”) and all subsequent pay periods; and

(b) any periodical payments made prior to the date of cancellation shall be returned to the member.”.

### **Amendment of regulation 41**

**24.** In regulation 41 (Effect of death or early payment of pension after option exercised under regulation 34, 36 or 37), at the end of paragraph (4) add (as full out words) “This is subject to regulation 39(5) and (6).”.

### **Amendment of regulation 55**

**25.** In regulation 55 (Early retirement on termination of employment by employing authority)(**18**), for paragraph 1(c), substitute—

“(c) the member’s employing authority certifies that the member—

(i) has at least 2 years’ continuous employment determined in accordance with any terms and conditions applying to the employment,

(ii) is entitled to claim a pension under this regulation if the member’s employment is terminated by reason of redundancy as an alternative to receiving (in whole or in part) the lump sum payment otherwise payable to the member in accordance with those terms and conditions, and

(iii) has not unreasonably refused to seek suitable alternative employment or accept an offer of such employment.”.

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(17) Regulation 32 as amended by [S.R. 2010 No.286](#), regulation 22

(18) Regulation 55 as amended by [S.R. 2008 No.188](#), regulation 28 and [S.R. 2013 No.40](#), regulation 13

### **Amendment of regulation 77**

26. In regulation 77 (Amount of children's pension under regulation 74: deceased pensioner members)(19), for paragraph (6), substitute—

“(6) In a case within paragraph (4)(b) or (c), the rate of the pension in respect of the dependent child or children for the period of 6 months beginning with the deceased's death is equal to the greater of—

- (a) the rate of the member's pension at the date of death disregarding any reduction made under Chapter 8 (Abatement) and any additional pension, and
- (b) the amount of children's pension that would otherwise be payable under these Regulations.”.

### **Amendment of regulation 102**

27. In regulation 102 (Acceptance of transfer value payments)(20), in paragraph (1) for “(4)” substitute “(5)”.

### **Amendment of regulation 115**

28. In regulation 115 (Application of Chapter 8)(21), omit paragraph (5).

### **Amendment of regulation 117**

29.—(1) Regulation 117 (Reduction of pension) is amended as provided by paragraphs (2) and (3).

(2) In paragraphs (1) and (2) for “scheme year” substitute “financial year”.

(3) For paragraphs (6) and (7) substitute—

“(6) For the purpose of calculating the reduction to be made under paragraph (1) in respect of any part of a financial year, the amount of the member's previous pay will be reduced proportionately.”.

### **Amendment of regulation 118**

30. In regulation 118 (Meaning of “relevant income”)(22), in paragraphs (1) and (7) for “scheme year” substitute “financial year”.

### **Amendment of regulation 119**

31. In regulation 119 (Meaning of “previous pay”: general)(23), in paragraphs (3) and (4) in each place for “scheme year” substitute “financial year”.

### **Amendment of regulation 120**

32. In regulation 120 (Meaning of “previous pay”: members with concurrent employment)(24), in each place for “scheme year” substitute “financial year”.

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(19) Regulation 77 as amended by S.R. 2009 No.188, regulation 39; S.R. 2010 No.420, regulation 43 and S.R. 2010 No.286, regulation 27

(20) Regulation 102 as amended by S.R. 2009 No.65, regulation 42 and S.R. 2010 No.22, regulation 51

(21) Regulation 115 as amended by S.R. 2012 No.78, regulation 15

(22) Regulation 118 as amended by S.R. 2010 No.286, regulation 31

(23) Regulation 119 as amended by S.R. 2009 No.65, regulation 46

(24) Regulation 120 as amended by S.R. 2012 No.42, regulation 18



### **Amendment of regulation 122**

33. In regulation 122 (Employed pensioners with more than one pension), in each place for “scheme year” substitute “financial year”.

### **Amendment of regulation 123**

34. In regulation 123 (Provisional reductions and later adjustments), in each place for “scheme year” substitute “financial year”.

### **New regulation 125A**

35. After regulation 125 (Claims for benefits), insert—

#### **“Provision of information: continuing entitlement to benefit**

**125A.**—(1) The Department may specify a date by which a person who is in receipt of a benefit under this Section of the Scheme is to provide the Department with all or any of the following material—

- (a) evidence of the person’s identity;
- (b) the person’s contact details;
- (c) evidence of the person’s continuing entitlement to the benefit.

(2) Where a person fails to provide the material referred to in paragraph (1) in accordance with that paragraph the Department may withhold all, or any part of, any benefit payable to that person.”.

### **Amendment of regulation 134**

36. In regulation 134 (General prohibition on unauthorised payments), for “rules” substitute “Regulations”.

### **Amendment of regulation 137**

37. In paragraph (1) of regulation 137 (Interpretation of Part 3: general), in the definition of “employing authority”, in paragraph (d), after the words “an Order relating to health services” insert “(in whole or in part)”.

### **Amendment of regulation 142**

38.—(1) Regulation 142 (Qualifying service: disregard of breaks in service) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (6)—

- (a) for “Paragraphs (2), (4) and (5) do not apply if” substitute “Where”;
- (b) in sub-paragraph (a), after “the earlier period” insert “paragraphs (4) and (5) do not apply”; and
- (c) in sub-paragraph (b), at the end, add “, paragraphs (2), (4) and (5) do not apply”.

(3) In paragraph (7), for “(6)(b)” substitute “(6)(a)”.

#### **Amendment of regulation 144**

- 39.** In regulation 144 (Pensionable earnings – breaks in service)(**25**), after paragraph (11) add—
- “(12) Before a calculation of a member’s pensionable earnings can be made in accordance with paragraph (3), written notice of the length of the period of absence to which this regulation applies must be given to the Department by—
    - (a) the member, where the member is a principal practitioner or a non-GP provider; or
    - (b) in all other cases, the host Board.
  - (13) The notice referred to in paragraph (12) must be provided to the Department in such form and manner as the Department may stipulate from time to time.”

#### **Amendment of regulation 161**

- 40.** In regulation 161 (Member’ contribution rate)(**26**) in paragraphs (14) and (15), for “paragraph (2)” substitute “this regulation and regulation 162”.

#### **Amendment of regulation 170**

- 41.**—(1) Regulation 170 (Cancellation of options under regulation 165), is amended as provided by paragraphs (2) to (4).
- (2) In the heading, for “167” substitute “165”.
  - (3) In paragraph (4), after “such an option” insert “in accordance with paragraph (3),”.
  - (4) After paragraph (4), add—
    - “(5) If, after the exercise of the option under regulation 165, the Department has reasonable grounds to believe that the member’s health will prevent the member from paying contributions for the whole contribution period, the Department may cancel the option by giving the member notice in writing.
    - (6) If the Department cancels such an option in accordance with paragraph (5)—
      - (a) the additional periodical contributions cease to be payable for the first pay period beginning after the date specified in the notice (“date of cancellation”) and all subsequent pay periods; and
      - (b) any periodical payments made prior to the date of cancellation shall be returned to the member.”.

#### **Amendment of regulation 172**

- 42.** In paragraph (4) of regulation 172 (Effect of death or early payment of pension after option exercised under regulation 165, 167 or 168), for “If a member” substitute “Subject to regulation 170(5) and (6), if a member”.

#### **Amendment of regulation 204**

- 43.** In regulation 204 (Amount of children’s pension under regulation 201: deceased pensioner members)(**27**), for paragraph (6) substitute—

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(25) Regulation 144 as amended by [S.R. 2009 No.65](#), regulation 57 and [S.R. 2013 No.40](#), regulation 16

(26) Regulation 161 was substituted by [S.R. 2009 No.188](#), regulation 52; amended by [S.R. 2010 No.420](#), regulation 17; [S.R. 2012 No.42](#), regulation 24; [S.R. 2012 No.78](#), regulation 18 and [S.R. 2013 No.73](#) regulation 17

(27) Regulation 204 as amended by [S.R. 2009 No.188](#), regulation 68; [S.R. 2010 No.22](#), regulation 83 and [S.R. 2010 No.286](#), regulation 44

“(6) In a case within paragraph (4)(b) or (c), the rate of the pension in respect of the dependent child or children for the period of 6 months beginning with the deceased’s death is equal to the greater of—

- (a) the rate of the member’s pension at the date of death disregarding any reduction made under Chapter 8 (Abatement) and any additional pension, and
- (b) the amount of children’s pension that would otherwise be payable under these Regulations.”.

#### **Amendment of regulation 241**

44. In regulation 241 (Application of Chapter 8)(**28**), omit paragraph (6).

#### **Amendment of regulation 243**

45.—(1) Regulation 243 (Reduction of pension), is amended as provided by paragraphs (2) and (3).

(2) In paragraphs (1) and (2) for “scheme year” substitute “financial year”.

(3) For paragraphs (6) and (7) substitute—

“(6) For the purpose of calculating the reduction to be made under paragraph (1) in respect of any part of a financial year, the amount of the member’s previous pay will be reduced proportionately.”.

#### **Amendment of regulation 244**

46. In regulation 244 (Meaning of “relevant income”)(**29**), in paragraphs (1) and (6) for “scheme year” substitute “financial year”.

#### **Amendment of regulation 245**

47. In regulation 245 (Meaning of “previous earnings”: general), in each place for “scheme year” substitute “financial year”.

#### **Amendment of regulation 246**

48. In regulation 246 (Employed pensioners with more than one pension), in each place for “scheme year” substitute “financial year”.

#### **Amendment of regulation 247**

49. In regulation 247 (Provisional reductions and later adjustments), in each place for “scheme year” substitute “financial year”.

#### **New regulation 249A**

50. After regulation 249 (Claims for benefits), insert—

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(28) Regulation 241 as amended by [S.R. 2012 No.78](#), regulation 19

(29) Regulation 244 as amended by [S.R. 2010 No.286](#), regulation 48

**“Provision of information: continuing entitlement to benefit**

**249A.**—(1) The Department may specify a date by which a person who is in receipt of a benefit under this Section of the Scheme is to provide the Department with all or any of the following material—

- (a) evidence of the person’s identity;
- (b) the person’s contact details;
- (c) evidence of the person’s continuing entitlement to the benefit.

(2) Where a person fails to provide the material referred to in paragraph (1) in accordance with that paragraph the Department may withhold all, or any part of, any benefit payable to that person.”.

## PART 4

### AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES (SUPERANNUATION) (ADDITIONAL VOLUNTARY CONTRIBUTIONS) REGULATIONS (NORHERN IRELAND) 1999

**51.** The Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999<sup>(30)</sup> are amended as provided by regulations 52 and 53.

#### **Amendment of regulation 2**

**52.** In regulation 2(1) (Interpretation), at the appropriate place in alphabetical order, insert—  
““selected authorised provider” means an authorised provider selected by the Department including an authorised provider to whom contracts of insurance are transferred as part of an insurance business transfer scheme for the purposes of Part VII of the Financial Services and Markets Act 2000<sup>(31)</sup>”.

#### **Amendment of regulation 15**

**53.** In regulation 15 (Payments by the Department of Health and Social Services)<sup>(32)</sup>, in paragraph (1) after “authorised provider” insert “or a selected authorised provider”.

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<sup>(30)</sup> [S.R. 1999 No.294](#) as amended by [S.R. 2002 No.129](#); [S.R. 2004 No.104](#); [S.R. 2005 Nos.154 and 533](#); [S.R. 2006 No.410](#); [S.R. 2008 Nos.130 and 350](#); [S.R. 2010 Nos.22 and 286](#) and [S.R. 2012 No.42](#)

<sup>(31)</sup> [2008 c.8](#)

<sup>(32)</sup> Regulation 15 as amended by [S.R. 2002 No.179](#), regulation 10; [S.R. 2004 No.104](#), Schedule 2, regulation 4; [S.R. 2005 No.533](#), regulation 5(3); [S.R. 2006 No.410](#), regulation 30; [S.R. 2008 No.350](#), regulation 2(11) and [S.R. 2010 No.286](#), regulation 55(5)

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on  
7th November 2013

*Joyce Cairns*  
A senior officer of the Department of Health,  
Social Services and Public Safety

The Department of Finance and Personnel consents to the foregoing Regulations.  
Sealed with the Official Seal of the Department of Finance and Personnel on 7th November 2013

*Bill Pauley*  
A senior officer of the Department of Finance  
and Personnel

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 ([S.R. 1995 No.95](#)), the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) ([S.R. 2008 No.256](#)) and the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999 ([S.R. 1999 No.294](#)).

Regulation 1 provides for citation, commencement and effect, including that certain provisions of this rule are to take effect before the date of commencement. Article 14(1) of the Superannuation (Northern Ireland) Order 1972 provides authority for regulations to take effect from a date earlier than the making of these Regulations.

These Regulations—

- (1) Revoke cost-sharing provisions and associated requirements to make historic valuations: regulations 14, 15, 18 and 19.
- (2) Simplify the options open to employing authorities in relation to the payment of redundancy benefits and link entitlement to such benefits under the Regulations to entitlement to an HSC redundancy pension in a member's terms and conditions of service: regulations 4, 5, 22 and 25.
- (3) Make certain miscellaneous and technical amendments and corrections: regulations 3, 6 to 13, 16, 20, 21, 23, 24 and 26 to 50.
- (4) Make minor technical amendments to the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999: regulations 52 and 53.