

The Manager/Chief Executive  
Each HSS Board  
Each HSS Trust

HSS(S) Circular 3/05

The Manager  
Central Services Agency

NI Practice and Education Council

NI Medical and Dental Training Agency

The Directional Bodies

Staff Side

14/04/05

Dear Sir/Madam

**1. The Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) (Amendment) Regulations (NI) 2005 (SR 2005 No. 154)**

**2. The Health and Personal Social Services (Superannuation) (Amendment) Regulations (NI) 2005 (SR 2005 No. 155)**

The above Regulations, which were made by the Department on 23rd March 2005, come into operation on 9th May 2005.

The Regulations amend the –

(a) the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (NI) 1999 (SR 1999 No.294), “the AVC Regulations”; and

(b) the Health and Personal Social Services (Superannuation) Regulations (NI) 1995 (SR 1995 No. 95), “the principal Regulations”, and

reflect changes made previously to the NHS AVC Scheme and NHS Pension Scheme by the NHS Pensions Agency (England & Wales).

Appendices 1 and 2 to this circular explain the relevant changes.

Copies of the Regulations may be purchased from the Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD. The Regulations may also be viewed at <http://www.northernireland-legislation.hmso.gov.uk/sr/sr200501.htm>.

The Regulations and this Circular will also shortly be available to view on the HPSS Superannuation website at <http://www.dhsspsni.gov.uk/superann>. Any queries on the Regulations should in the first instance be addressed in writing to David Quinn, HPSS Superannuation Branch, Waterside House, 75 Duke Street, Londonderry BT47 6FP or E-mail [david.quinn@dhpsni.gov.uk](mailto:david.quinn@dhpsni.gov.uk).

Yours sincerely

Phil McCusker

**HPSS Superannuation Scheme Manager**

**Appendix 1**

**Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) (Amendment) Regulations (NI) 2005**

Regulation 3 inserts a definition of “occupational pension scheme” in regulation 2(1) of the AVC Regulations (NI) 1999.

Regulation 4 amends regulation 3 of the AVC Regulations (Making and acceptance of elections) to clarify that a member cannot elect to purchase additional pension rights by means of an AVC Plan where the member is absent on leave due to ill-health. Elections may be made by a member absent on leave due to reasons other than ill-health.

The Department will acknowledge elections to purchase such additional rights in writing.

Regulation 5 amends regulation 6 of the AVC Regulations (Circumstances in which election ceases to have effect) to provide that an election to purchase AVCs shall not cease to have effect if the member applies to transfer the AVC funds to another AVC provider.

Regulation 6 amends regulation 10 of the AVC Regulations (Outward transfers) to provide that a member may now transfer AVC funds to one of the pension arrangements (including another AVC Scheme) mentioned in the amendment. The transfer of AVC funds is no longer tied to transfer of Superannuation Scheme benefits.

Regulation 7 amends the paragraph 9 of the Schedule to the AVC Regulations to raise the limit for retirement pensions where a member retires after age 60 and is thus entitled to a greater pension because retirement has been postponed.

## **Appendix 2**

### **The Health and Personal Social Services (Superannuation) (Amendment) Regulations (NI) 2005**

Regulation 3 amends regulation 3(3) of the principal Regulations (Meaning of superannuable pay) and regulation 6 amends regulation 52 (Early leavers returning to superannuable employment to reflect the position of a member who, after a break in employment, is subject to an earnings cap).

Regulation 4 amends regulation 22 of the principal Regulations (Payment of lump sum) and regulation 9 amends regulation 93 (Loss of rights to benefits) to provide that any person who is entitled to superannuation benefits on the death of a member may forfeit the benefits if convicted of the unlawful killing of that member.

Regulation 5 amends regulation 49 of the principal Regulations (Preserved pensions). Normally a person who is in HPSS employment at age 60 cannot receive payment of a pension of earlier preserved pensions until retirement. The Regulations have been amended to allow payment of earlier preserved benefits at age 60 to any former member who was transferred back to HPSS employment and the transfer was compulsory or under the TUPE regulations.

Regulation 6 – see note on regulation 3 above.

Regulation 7 amends regulation 65 of the principal Regulations (Absence because of illness or injury or maternity leave) to include adoption or paternity leave.

Regulation 8 amends regulation 85 of the principal Regulations (Reduction of pension on return to HPSS employment). The amendment provides that any member who leaves HPSS employment before age 60 and who takes further employment outside the HPSS will not be subject to abatement if they are later, either compulsorily transferred, or transferred under the TUPE Regulations, back into HPSS employment before age 60.

Regulation 9 – see regulation note on regulation 4 above.

Regulation 10 amends Schedule 2 to the principal Regulations (Medical and dental practitioners) to provide more choice for practitioners with mixed patterns of officer and practitioner superannuable service to have their benefits under the Scheme calculated in the way most beneficial to them and in particular to enable them to have separate pensions in respect of officer and practitioner service.