

2016 No. XXX

HEALTH AND PERSONAL SOCIAL SERVICES

PUBLIC SERVICE PENSIONS

**The Health and Personal Social Services (Superannuation),
Health and Social Care (Pension Schemes) (Amendment)
Regulations (Northern Ireland) 2016**

<i>Made</i>	- - - -	2016
<i>Coming into operation</i>	-	2016

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) and 14(1), (2) and (3) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972^(a) and sections 1(1) and (2)(e) and 3 of, paragraph 5 of Schedules 1 and 2 and Schedule 3 to, the Public Service Pensions Act (Northern Ireland) 2014^(b).

In accordance with Article 12(4) of the Superannuation (Northern Ireland) Order 1972 and section 21 of the Public Service Pensions Act (Northern Ireland) 2014, the Department has consulted with representatives of persons likely to be affected by these Regulations, as appeared to the Department to be appropriate.

In accordance with section 3(5) of the Public Service Pensions Act (Northern Ireland) 2014, the Department of Finance and Personnel has consented to the making of these Regulations.

PART 1

Introductory

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2016.

(2) These Regulations shall come into operation on the xx 2016 and shall have effect from xx 2016.

(a) 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13); 1993 c.49 and S.I. 2002/1555
(b) 2014 c.2 (N.I.)

PART 2

Amendment of the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995

General

2. The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(a) are amended as provided by regulations 3 to 5.

Amendment of regulation 2

3.—(1) Regulation 2 (Interpretation) is amended as provided by paragraphs (2) to (4).

(2) After the definition of “GOS arrangements” insert—

““GP Federation” means a community interest company limited by guarantee, all the members of which are fully registered persons within the meaning of section 55 of the Medical Act 1983(b) and whose names are included in the medical performers list;”.

(3) In the definition of “employing authority” after paragraph (e) insert—

“(ja) a GP Federation which the Department agrees to treat as an employing authority for the purposes of this section of the scheme;”

(4) In the definition of “practice staff” for the words “or an OOH provider” substitute “, an OOH provider or a GP Federation”.

Amendment of regulation 7

4. After paragraph (1)(s) of regulation 7 (Restrictions on membership)(c) add—

“(t) that person is employed by a GP Federation but does not assist in the provision of health and personal social services provided by that GP Federation.”.

Amendment of regulation 11

5. In paragraph (8) of regulation 11 (Contributions by employing authorities)(d) for subparagraph (c) substitute—

“(c) an OOH provider, or

(d) a GP Federation.”.

(a) 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 410; S.R. 2008 Nos.96, 130 and 163; S.R. 2009 Nos.65 and 188; S.R. 2010 Nos.22, 286 and 420; S.R. 2011 No.256; S.R. 2012 Nos.42 and 78; S.R. 2013 Nos.40, 73, 247 and 259; S.R. 2014 Nos.59 and 225 and S.R. 2015 Nos.56, 121 and 122

(b) 1983 c.54

(c) Regulation 7 was substituted by S.R. 2008 No.163, regulation 5 and amended by S.R. 2009 No.65, regulation 5(2); S.R. 2010 No.286, regulation 4(2); S.R. 2012 No.42, regulation 4; S.R. 2013 No.40, regulation 4 and S.R. 2015 No.122, Schedule 2 paragraph 3

(d) 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; S.R. 2010 No.420, regulation 4 and S.R. 2015 No.121, regulation 6

PART 3

Amendment of the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008

General

6. The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(a) are amended as provided by regulations 7 to 10.

Amendment of regulation 6

7.—(1) Regulation 6 (Interpretation) is amended as provided by paragraphs (2) to (4).

(2) After the definition of “GOS arrangements” insert—

““GP Federation” means a community interest company limited by guarantee, all the members of which are fully registered persons within the meaning of section 55 of the Medical Act 1983(b) and whose names are included in the medical performers list;”.

(3) In the definition of “employing authority” after paragraph (g) insert—

“(ga) a GP Federation which the Department agrees to treat as an employing authority for the purposes of this section of the scheme;”.

(4) In the definition of “practice staff” for the words “or an OOH provider” substitute “, an OOH provider or a GP Federation”.

Amendment of regulation 22

8. After paragraph (10) of regulation 22 (Restrictions on eligibility: general)(c), add—

“(11) That person is employed by a GP Federation but does not assist in the provision of health and personal social services provided by that GP Federation.”.

Amendment of regulation 33

9. In paragraph 1(b) of regulation 33 (Guarantees, indemnities and bonds)(d), for sub-paragraph (iii) substitute—

“(i) an OOH provider; or

(ii) a GP Federation.”.

Amendment of regulation 137

10.—(1) Regulation 137 (Interpretation of Part 3: general), is amended as provided by paragraphs (2) to (4).

(2) After the definition of “GOS arrangements” insert—

““GP Federation” means a community interest company limited by guarantee, all the members of which are fully registered persons within the meaning of section 55 of the Medical Act 1983(e) and whose names are included in the medical performers list;”.

(3) In the definition of “employing authority” after paragraph (g) insert—

(a) 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 Nos.42 and 78; S.R. 2013 Nos.40, 73, 247 and 259; S.R. 2014 Nos.59 and 225 and S.R. 2015 Nos.56, 121 and 122

(b) 1983 c.54

(c) Regulation 22 as amended by S.R. 2009 No.65, regulation 30; S.R. 2010 No.22, regulation 22; S.R. 2010 No.286, regulation 21 and S.R. 2015 No.121, regulation 21

(d) Regulation 33 as amended by S.R. 2015 No.225, regulation 12

(e) 1983 c.54

“(ga) a GP Federation which the Department agrees to treat as an employing authority for the purposes of this section of the scheme;”.

(4) In the definition of “practice staff” for the words “or an OOH provider” substitute “, an OOH provider or a GP Federation”.

PART 4

Amendment of the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015

General

11. The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015^(a) are amended as provided by regulations 12 to 14.

Amendment of regulation 19

12. In regulation 19 (Restrictions on membership) after paragraph (g) insert—

“(ga) is employed by a GP Federation but does not assist in the provision of health and personal social services provided by that GP Federation;”.

Amendment of Schedule 5

13. In Schedule 5 (Membership gateways) after paragraph 2 insert—

“**2A.** The Department may agree to treat a GP Federation as an HSC organisation for the purposes of these Regulations.”.

Amendment of Schedule 13

14.—(1) Schedule 13 (Definitions) is amended as provided by paragraphs (2) and (3).

(2) After the definition of “GOS arrangements” insert—

““GP Federation” means a community interest company limited by guarantee, all the members of which are fully registered persons within the meaning of section 55 of the Medical Act 1983^(b) and whose names are included in the medical performers list;”.

(3) In the definition of “practice staff” for “or an OOH provider” substitute “, an OOH provider or a GP Federation”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on xx 2016

(L.S.)

(a) S.R. 2015 No.120

(b) 1983 c.54

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 xx 2016

(L.S.)

A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (S.R. 1995 No.95) (“the 1995 Regulations”), the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008 (S.R. 2008 No.256) (“the 2008 Regulations”) and the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015 (S.R. 2015 No.120) (“the 2015 Regulations”).

Part 1 provides for citation, commencement and effect, including that the provisions of this rule are to take effect before the date of commencement. Article 14(1) of the Superannuation (Northern Ireland) Order 1972 and section 3(3) of the Public Service Pensions Act (Northern Ireland) 2014 provides authority for these regulations to take effect as from a date earlier than the making of these Regulations.

Parts 2, 3 and 4 make similar amendments in respect of the 1995 Regulations, the 2008 Regulations and the 2015 Regulations in that they permit staff employed by a GP Federation, who assist in the provision of health and personal social services, to join the Health and Personal Social Services Superannuation Scheme 1995 or Health and Social Care Pension Scheme 2008 or 2015 as the case may be.