
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 40

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services
(Superannuation Scheme and Injury Benefits)
and Health and Social Care (Pension Scheme)
(Amendment) Regulations (Northern Ireland) 2013

Made - - - - 28th February 2013

Coming into operation 29th March 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) 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 Injury Benefits) and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2013.

(2) These Regulations come into operation on 29th March 2013 and, save as provided in paragraphs (3) and (4), shall have effect from that date.

(3) Regulation 7(3) shall have effect from 1st April 2001.

(4) Regulations 12 and 21 shall have effect from 1st April 2012.

PART 2

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

Amendment of the 1995 Regulations

2. The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(2) are amended as provided by regulations 3 to 7.

Amendment of regulation 2

3. In regulation 2 (Interpretation), in the definition of “employing authority” for paragraph (1) substitute—

“(1) Health and Social Care Trust (HSC Trust) established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;”.

Amendment of regulation 7

4.—(1) Paragraph (1) of regulation 7 (Restrictions on membership)(3), is amended as provided by paragraphs (2) and (3).

(2) In sub-paragraph (q)(iv) after the words “Part VI” delete “.” and substitute “;”.

(3) After sub-paragraph (q), add—

“(r) that person is a person, other than a registered dentist, who is employed as a dental pilot scheme employee otherwise than by a HSC Trust, and who either—

(i) was, immediately prior to the commencement of such employment, a HPSS dental employee who was not eligible to join the scheme; or

(ii) has not previously been in employment as a HPSS dental employee;

(s) that person is a provider of personal dental services under a pilot scheme to whom these Regulations did not apply immediately prior to the commencement of the pilot scheme, other than a registered dentist.”.

Amendment of regulation 14A

5. In regulation 14A (Early retirement pension (termination of employment by employing authority))(4), for paragraph (6) substitute—

“(6) This regulation does not apply to—

(a) practice staff;

(b) practitioners;

(c) non-GP providers;

(d) a member who is providing piloted services;

(e) a member to whom regulation 83A(1)(a) or (b) applies; or

(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 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

(3) Paragraph (1) was inserted 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) and S.R.2012 No.42, regulation 4

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

- (f) a member who is a dental pilot scheme employee and who is employed by a provider of piloted services other than a HSC Trust.”.

Amendment of regulation 83A

6.—(1) Regulation 83A (Participators in pilot schemes)(5) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1)—

- (a) in sub-paragraph (d)(ii) omit the words “employed by the provider of the piloted services”;
- (b) omit sub-paragraph (e);
- (c) at the end of sub-paragraph (f)(i), insert “or”;
- (d) omit sub-paragraph (i).

(3) After paragraph (2) add—

“(3) Notwithstanding paragraph (1), where the provider of a piloted service is a qualifying body, it shall be liable to pay contributions under regulation 11, as if it were an employing authority, in respect of a member to whom paragraph (1)(b) applies, or who is employed by the qualifying body as a dental pilot scheme employee.

(4) For the purposes of this regulation, “qualifying body” means—

- (a) a body corporate which, in accordance with the provisions of Part IV of the Dentists Act 1984(6), is entitled to carry on the business of dentistry; or
- (b) a company which is limited by shares, all of which are legally and beneficially owned by persons falling within sub-paragraph (a), (b), (c) or (e) of paragraph (2) of Article 5 of the 1997 Order.”.

Amendment of Schedule 2

7.—(1) Paragraph 19 (Members absent from work) of Schedule 2 (Medical and dental practitioners)(7) is amended as provided by paragraphs (2) and (3).

(2) After sub-paragraph (5) add—

“(6) For the purposes of these Regulations, for the duration of any pilot scheme—

- (a) a member who provides piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as a practitioner whether or not his name is included on a dental list prior to the commencement of the pilot scheme; and
- (b) a member who performs piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as an officer whether or not his name is included on a dental list prior to the commencement of the pilot scheme.”

(3) After sub-paragraph (6) add—

“(7) Regulations 65 and 66 and the previous sub-paragraphs do not apply in the case of locum practitioners.”.

(5) Regulation 83A was inserted by [S.R. 1998 No.299](#) and substituted by [S.R. 1999 No.293](#), regulation 10 and amended by [S.R. 2005 No.565](#), regulation 10

(6) [1984 c.24](#)

(7) Paragraph 19 was 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) and [S.R. 2008 No.163](#), regulation 63(12)

PART 3

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

Amendment of the 2008 Regulations

8. The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008⁽⁸⁾ are amended as provided by regulations 9 to 20.

Amendment of regulation 6

9.—(1) Regulation 6 (Interpretation: general) is amended as provided by paragraphs (2) and (3).

(2) At the appropriate place in alphabetical order, insert the following definitions—

““dental list” means a list kept pursuant to the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993;

“dental pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by a person providing those services;

“HSC dental employee” means an individual who, in connection with the provision of health care in the health service is employed by—

- (a) a HSC Trust;
- (b) the Regional Board;
- (c) a registered dentist; or
- (d) a registered dentist who is providing personal dental services in accordance with a pilot scheme;

“HSC Trust” means a trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;

“personal dental services” has the meaning given in Article 3(7) of the 1997 Order;

“pilot scheme” has the meaning given in Article 3(1) of the 1997 Order;

“piloted services” has the meaning given in Article 3(4) of the 1997 Order;

“Regional Board” means the Regional Health and Social Care Board, established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

“registered dentist” has the meaning given in section 53(1) of the Dentists Act 1984;”.

(3) In the definition of “employing authority” for paragraph (j) substitute—

“(j) Health and Social Care Trust (HSC Trust) established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;”.

Amendment of regulation 9

10. In regulation 9 (Pensionable service: breaks in service)⁽⁹⁾ after paragraph (9) add—

“(10) For the duration of any pilot scheme—

- (a) a member who provides piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as a practitioner

⁽⁸⁾ [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

⁽⁹⁾ Regulation 9 was amended by [S.R. 2009 No.65](#), regulation 26

whether or not his name is included on a dental list prior to the commencement of the pilot scheme; and

- (b) a member who performs piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as an officer whether or not his name is included on a dental list prior to the commencement of the pilot scheme.”.

Amendment of regulation 22

11. In regulation 22 (Restrictions on eligibility: general)(**10**), after paragraph (8) add—

“(9) A person is not eligible to be an active member of this Section of the Scheme if that person is a person, other than a registered dentist, who is employed as a dental pilot scheme employee otherwise than by a HSC Trust, and who either—

- (a) was, immediately prior to the commencement of such employment, a HSC dental employee who was not eligible to join the scheme; or
(b) has not previously been in employment as a HSC dental employee.

(10) A person is not eligible to be an active member of this Section of the Scheme if that person is a provider of personal dental services under a pilot scheme to whom these Regulations did not apply immediately prior to the commencement of the pilot scheme, other than a registered dentist.”.

Amendment of regulation 28

12. In regulation 28 (Contribution rate for members other than non-GP Providers)(**11**) omit paragraph (4).

Amendment of regulation 55

13. In regulation 55 (Early retirement on termination of employment by employing authority)(**12**), for paragraph (8) substitute—

“(8) This regulation does not apply to—

- (a) practice staff;
(b) a member who is providing piloted services;
(c) a member to whom regulation 155A(1)(a) or (b) applies; or
(d) a member who is a dental pilot scheme employee and who is employed by a provider of piloted services other than a HSC Trust.”.

Amendment of regulation 137

14.—(1) Regulation 137 (Interpretation of Part 3: general) is amended as provided by paragraphs (2) to (5).

(2) For the definition of “the 1997 Order” substitute—

““the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997(**13**).”.

(10) Regulation 22 was amended by [S.R. 2009 No.65](#), regulation 30; [S.R. 2009 No.188](#), regulation 17 and [S.R. 2010 No.286](#), regulation 21

(11) Regulation 28 was substituted by [S.R. 2010 No.420](#), regulation 12 and amended by [S.R. 2012 No.78](#), regulation 12

(12) Regulation 55 was amended by [S.R. 2009 No.188](#), regulation 28

(13) [S.I. 1997/1177 \(N.I. 7\)](#)

- (3) In the definition of “employing authority” for paragraph (k) substitute—
“(k) Health and Social Care Trust (HSC Trust) established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;”.
- (4) For the definition of “pensionable earnings ceiling” substitute—
““pensionable earnings ceiling” in relation to—
(a) GDS arrangements;
(b) piloted services;
is to be construed in accordance with regulation 143(4);”.
- (5) At the appropriate place in alphabetical order insert the following definitions—
““dental list” means a list kept pursuant to the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993;
“dental pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by a person providing those services;
“HSC dental employee” means an individual who, in connection with the provision of health care in the health service is employed by—
(a) a HSC Trust;
(b) the Regional Board;
(c) a registered dentist; or
(d) a registered dentist who is providing personal dental services in accordance with a pilot scheme;
“HSC Trust” means a trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;
“personal dental services” has the meaning given in Article 3(7) of the 1997 Order;
“pilot scheme” has the meaning given in Article 3(1) of the 1997 Order;
“piloted services” has the meaning given in Article 3(4) of the 1997 Order;
“Regional Board” means the Regional Health and Social Care Board, established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
“registered dentist” has the meaning given in section 53(1) of the Dentists Act 1984;”.

Amendment of regulation 143

- 15.**—(1) Regulation 143 (Meaning of “pensionable earnings”)(**14**) is amended as provided by paragraphs (2) to (6).
- (2) In paragraph (1) omit the word “medical” where it first occurs.
- (3) In paragraph (3) after “GDS arrangements” insert “or piloted services”.
- (4) In paragraph (4) after “GDS arrangement” insert “or piloted service”.
- (5) In paragraph (5)—
(a) after “GDS arrangements” insert “or piloted services”; and
(b) after “GDS service” insert “or piloted service”.
- (6) In paragraph (6) after “GDS arrangement” insert “or piloted service”.

Amendment of regulation 144

16. In regulation 144 (Pensionable earnings – breaks in service)(15), after paragraph (10) add—

“(11) For the duration of any pilot scheme—

- (a) a member who provides piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as a practitioner whether or not his name is included on a dental list prior to the commencement of the pilot scheme; and
- (b) a member who performs piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as an officer whether or not his name is included on a dental list prior to the commencement of the pilot scheme.”.

Amendment of regulation 149

17. In regulation 149 (Meaning of pensionable earnings in relation to other practitioners)(16) after paragraph (2), insert—

“(2A) In the case of—

- (a) a practitioner providing piloted services, pensionable earnings means all fees and other regular payments paid to the practitioner in respect of the provision of piloted services, but does not include bonuses or payments made to cover expenses or for overtime or any payment made to the practitioner in respect of the provision of locum services;
- (b) a practitioner employed as a dental pilot scheme employee, or to whom regulation 155A(1)(b) applies, pensionable earnings means all salaries or wages paid to the practitioner in respect of employment as a practitioner, but does not include bonuses or payments made to cover expenses or for overtime or any payment made to the practitioner in respect of the provision of locum services.”.

Amendment of regulation 154

18. In regulation 154 (Restrictions on eligibility: general)(17), after paragraph (7) add—

“(8) A person is not eligible to be an active member of this Section of the Scheme if that person is a person, other than a registered dentist, who is employed as a dental pilot scheme employee otherwise than by a HSC Trust, and who either—

- (a) was, immediately prior to the commencement of such employment, a HSC dental employee who was not eligible to join the scheme; or
- (b) has not previously been in employment as a HSC dental employee.

(9) A person is not eligible to be an active member of this Section of the Scheme if that person is a provider of personal dental services under a pilot scheme to whom these Regulations did not apply immediately prior to the commencement of the pilot scheme, other than a registered dentist.”.

Insertion of new regulation 155A

19. After regulation 155 (Concurrent employments) insert—

(15) Regulation 144 was amended by [S.R. 2009 No.65](#), regulation 57

(16) Regulation 149 was amended by [S.R. 2010 No.22](#), regulation 61

(17) Regulation 154 was amended by [S.R. 2009 No.65](#), regulation 59; [S.R. 2009 No.188](#), regulation 51 and [S.R. 2010 No.286](#), regulation 39

“Participators in pilot schemes

155A.—(1) For the purposes of these Regulations, for the duration of any pilot scheme—

- (a) a registered dentist—
 - (i) who is, in relation to the pilot scheme, a person providing piloted services, or a dental pilot scheme employee; and
 - (ii) who, immediately prior to the commencement of the pilot scheme, was a member of the scheme by reason of his employment as a practitioner,shall be treated as a practitioner employed by the Regional Board;
- (b) a registered dentist who is engaged, under a contract for services, by a person providing piloted services to carry out personal dental services in accordance with a pilot scheme shall be treated as a practitioner employed by the Regional Board;
- (c) a registered dentist shall be treated as an officer if—
 - (i) he is a dental pilot scheme employee; and
 - (ii) immediately prior to the commencement of the pilot scheme he was a member by virtue of his employment as an officer; and
 - (iii) his name was at that time included in a dental list immediately prior to the commencement of the pilot scheme;
- (d) a registered dentist to whom paragraph (a) does not apply shall—
 - (i) if he is providing piloted services, be treated as a practitioner employed by the Regional Board; or
 - (ii) if he is a dental pilot scheme employee, be treated as an officer;
- (e) a member, who immediately prior to the commencement of a pilot scheme—
 - (i) was employed as a HSC employee or as a HSC dental employee and was not a registered dentist; or
 - (ii) was employed as a dental pilot scheme employee, and was not a registered dentist,and who, after the commencement of the pilot scheme, is providing piloted services, shall be treated as a whole-time officer employed by the Regional Board;
- (f) a person other than a registered dentist who—
 - (i) is employed as a dental pilot scheme employee otherwise than by a HSC Trust;
 - (ii) immediately prior to the commencement of such employment, was employed by an HSC Trust or by the Regional Board as a HSC dental employee; and
 - (iii) was at that time a member,shall continue to be eligible to be a member.

(2) Notwithstanding paragraph (1), where the provider of a piloted service is a qualifying body, it shall be liable to pay contributions under regulation 31 or 162 as appropriate, as if it were an employing authority in respect of a member to whom paragraph (1)(b) applies, or who is employed by the qualifying body as a dental pilot scheme employee.

(3) For the purposes of this regulation, “qualifying body” means—

- (a) a body corporate which, in accordance with the provisions of Part IV of the Dentists Act 1984⁽¹⁸⁾, is entitled to carry on the business of dentistry; or
- (b) a company which is limited by shares, all of which are legally and beneficially owned by persons falling within sub-paragraph (a), (b), (c) or (e) of paragraph (2) of Article 5 of the 1997 Order.”.

Amendment of regulation 164

20.—(1) Regulation 164 (Payment of contributions) is amended as provided by paragraphs (2) to (4).

(2) After paragraph (12) insert—

“(12A) In the case of a practitioner providing piloted services, a practitioner employed as a dental pilot scheme employee or to whom regulation 155A(1)(b) applies, the practitioner shall pay C1 contributions in respect of pensionable earnings that relate to piloted services to the employing authority that is a party to those piloted services, and that employing authority is liable to pay C3 contributions that are payable in respect of those pensionable earnings, but where the provider of the piloted service is a qualifying body, the qualifying body shall be liable to pay C3 contributions.”.

(3) In paragraph (19)(b) after “employing authority” insert “or qualifying body providing piloted services”.

(4) After paragraph 20(b) add—

“(c) “qualifying body” means—

- (i) a body corporate which, in accordance with the provisions of Part IV of the Dentists Act 1984, is entitled to carry on the business of dentistry; or
- (ii) a company which is limited by shares, all of which are legally and beneficially owned by persons falling within sub-paragraph (a), (b), (c) or (e) of paragraph (2) of Article 5 of the 1997 Order.”.

PART 4

AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES (INJURY BENEFITS) REGULATIONS (NORTHERN IRELAND) 2001

Amendment of regulation 4

21. In paragraph (6) of regulation 4 (Scale of benefit)⁽¹⁹⁾ of the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001⁽²⁰⁾—

(a) at the end of sub-paragraph (a)(ii) omit “and”; and

(b) after sub-paragraph (a)(iii) add—

“and

(iv) reduction in the amount of that pension under paragraph (13)(b) of regulation 89A of the 1995 Regulations (Deduction of tax: further provisions)

⁽¹⁸⁾ 1984 c.24

⁽¹⁹⁾ Regulation 4 was amended by S.R. 2008 No.130, regulation 4(3); S.R. 2008 No.350, regulation 3(5); S.R. 2009 No.65, regulation 85 and S.R. 2009 No.188, regulation 82

⁽²⁰⁾ S.R. 2001 No.367 as amended by S.R. 2005 Nos.533 and 565; S.R. 2006 Nos.159 and 410; S.R. 2008 No.130 and 350; S.R. 2009 Nos.65 and 188; S.R. 2010 No.286; S.R. 2012 No.42

or paragraph (10)(b) of regulations 131 and 255 of the 2008 Regulations (Deduction of tax);”.

PART 5

Miscellaneous

Option to persons detrimentally affected by these Regulations

22.—(1) This regulation applies in relation to any benefit which is being paid, or may become payable, under the regulations amended by these Regulations (“the amended regulations”) to or in respect of a person who having served in an employment or office which qualified the person to participate in the benefits provided under the amended regulations, ceased to serve in that office or employment before these Regulations came into operation.

(2) Where, in a case to which this regulation applies, any provision of these Regulations would operate in relation to any person so as to place that person in a worse position than that person would have been if that provision had not applied, that person may elect that the provision shall not apply by giving notice in accordance with paragraph (3).

(3) A notice given pursuant to paragraph (2) shall be in writing and shall be delivered to the Department within 6 months of the coming into operation of these Regulations.

(4) An election pursuant to paragraph (2) shall have effect in relation to the benefit referred to in paragraph (1) only to the extent that such benefit has accrued by virtue of periods of service rendered prior to the cessation referred to in paragraph (1) (or, if there has been more than one such cessation, the last of them before the coming into operation of these Regulations) and in determining entitlement to, and the amount of, the benefit to that extent, such person shall be treated as if that person had never recommenced service at any time after that cessation (or, as the case may be, the last such cessation).

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on
28th February 2013

Diane Taylor
A senior officer of the Department of Health,
Social Services and Public Safety

The Department of Finance and Personnel hereby consents to the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance and Personnel on 28th February 2013

John McKibbin
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 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 Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001 (S.R. 2001 No.367) (“the Injury Benefit Regulations”).

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 the regulations specified in regulation 1(3) and (4) to take effect from a date earlier than the making of these Regulations.

Amendments particular to the 1995 Regulations:

Regulation 3 amends the definition of ‘employing authority’ in regulation 2, clarifying the legislation under which Health and Social Care Trusts were established.

Regulation 4 inserts in regulation 7 further restrictions on membership of the scheme for persons involved in pilot schemes who are not a registered dentist, and who were not members of, or ineligible to join the scheme prior to commencement of the pilot scheme.

Regulation 5 excludes pilot providers and certain dental pilot scheme employees from accessing early retirement benefits as provided by regulation 14A.

Regulation 6 amends regulation 83A to clarify the membership status of dentists who were not members of the scheme prior to commencement of the pilot and removes the requirement for the pilot provider (unless the provider is a qualifying body) to pay employer contributions.

Regulation 7 inserts new sub-paragraph (6) in paragraph 19 of Schedule 2 to the 1995 Regulations which clarifies the position of pilot providers and performers when absent from work.

Amendments particular to the 2008 Regulations:

Regulations 9 and 14 insert definitions concerning piloted dental services to regulations 6 and 137 respectively.

Regulations 10 and 16 amend regulations 9 and 144 respectively to clarify the position of dental pilot scheme providers and performers when absent from work.

Regulations 11 and 18 amend regulations 22 and 154 respectively which place restrictions on access to the pension scheme for certain persons involved in pilot schemes, who are not a registered dentist.

Regulation 12 corrects an amendment previously made to regulation 28 by omitting paragraph (4).

Regulation 13 excludes pilot providers and certain dental pilot scheme employees from accessing early retirement benefits as provided by regulation 55.

Regulations 15 and 17 widen the definition in regulations 143 and 149 respectively of pensionable earnings to include income derived from piloted services.

Regulation 19 inserts new regulation 155A which clarifies how scheme membership of participators in pilot schemes is to be treated. It also requires that where the provider of piloted services is a qualifying body, the qualifying body is responsible for payment of the employer contributions for dental pilot scheme employees and those with whom it has a contract for services.

Regulation 20 inserts new paragraph (12A) to regulation 164 which clarifies who is responsible for the payment of employee and employer contributions for those participating in piloted services.

Amendment to the Injury Benefits Regulations

Regulation 21 amends regulation 4 of the Injury Benefit Regulations so that where a person authorises a deduction from their HSC Pension Scheme benefits in respect of an annual allowance charge, the amount of that deduction shall be disregarded for the purposes of regulation 4(6)(a).

Miscellaneous

Regulation 22 provides that deferred members, or members in receipt of a relevant benefit, who are detrimentally affected by these Regulations may elect for the provisions not to apply to them by giving notice within six months of the coming into operation of these Regulations.