STATUTORY RULES OF NORTHERN IRELAND

2016 No. 134

PUBLIC SERVICE PENSIONS

The Teachers' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

Laid before the Assembly in draft

Made - - - - 9th March 2016

Coming into operation in accordance with regulation 2

The Department of Education makes the following Regulations in exercise of the powers conferred by sections 1 and 3 of the Public Service Pensions Act (Northern Ireland) 2014(**1**).

In accordance with section 21 of that Act, the Department has consulted the representatives of such persons as appear to it likely to be affected by these Regulations.

Pursuant to section 24(1) of that Act, a draft of these Regulations has been laid before, and approved by a resolution of the Assembly.

In accordance with section 3(5) of that Act, the Department of Finance and Personnel has consented to the making of these Regulations.

Citation, commencement and expiry

1. These Regulations may be cited as the Teachers' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation as provided by regulation 2.

2. Regulations 3 and 4 come into operation on the same day as paragraph 38 of Schedule 13 to the Pensions Act (Northern Ireland) 2015(**2**) comes into operation. On that day regulation 9 of the Teachers' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015(**3**) ceases to have effect.

Interpretation

3. In these Regulations—

"the 1993 Act" means the Pension Schemes (Northern Ireland) Act 1993(**4**);

(**1**) 2014 c.2 (N.I.).
(**2**) 2015 c.5 (N.I.)
(**3**) S.R. 2015 No. 170
(**4**) 1993 c.49

"the new scheme" means the pension scheme established by regulation 2 of the Teachers' Pension Scheme Regulations (Northern Ireland) 2014(**5**);

"the old scheme" means the scheme constituted by Regulations made under Article 11 of the Superannuation (Northern Ireland) Order 1972(**6**).

Modification of contracting-out provisions

4. After regulation 9 of the Teachers' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015 insert—

"**Protection of increases in guaranteed minimum pensions after abolition of contracting-out**

9A.—(1) Chapter 3 of Part 4 of the 1993 Act (protection for early leavers: protection of increases in guaranteed minimum pensions ("anti-franking")) is modified as follows.

(2) In the application of that Chapter to P as a member of the old scheme—

(a) in the section 83(1)(a)(i) (general protection principle), the reference to the time when P ceases to be in pensionable service under a scheme that was, before the second abolition date, a salary-related contracted-out scheme is to be taken as a reference to the time when P ceases to be in pensionable service in relation to the new scheme; and

(b) subsequent references to "the cessation date" are to be construed accordingly."

Sealed with the Official Seal of the Department of Education on 9th March 2016

L.S.

La'Verne Montgomery
A senior officer of the
Department of Education

(**5**) S.R. 2014 No.310
(**6**) S.I. 1972/1073 (N.I. 10)