STATUTORY RULES OF NORTHERN IRELAND

2016 No. 34

PUBLIC SERVICE PENSIONS

The Public Service (Civil Servants and Others) Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

Laid before the Assembly in draft

Made - - - - 10th February 2016

Coming into operation in accordance with regulation 1

The Department of Finance and Personnel makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(a), 2(1) and 3(1), (2), (3)(a) and (4) 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 the Department likely to be affected by these Regulations.

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

PART 1

Introductory

Citation, commencement and expiry

1.—(1) These Regulations may be cited as the Public Service (Civil Servants and Others) Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016.

(2) With the exception of regulation 4, these Regulations come into operation on 1st April 2016.

(3) Regulation 4 comes into operation on the same day as paragraph 38 of Schedule 13 to the Pensions Act (Northern Ireland) 2015(**2**) comes into operation, and on that day regulation 9 of the Public Service (Civil Servants and Others) Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015(**3**) ceases to have effect.

(**1**) 2014 c.2 (N.I.)
(**2**) 2015 c.5 (N.I.)
(**3**) S.R.2015 No.81

Interpretation

2. In these Regulations—

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

"the 2014 Act" means the Public Service Pensions Act (Northern Ireland) 2014;

"the new scheme" means the scheme established by regulation 3 of the Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014(**5**); and

"the old scheme" means the scheme made under Article 3 of the Superannuation (Northern Ireland) Order 1972(**6**) (superannuation schemes respects civil servants etc.) which is the principal civil service pension scheme (Northern Ireland) within the meaning of Article 4(10) of that Order (further provisions relating to schemes under Article 3).

PART 2

Modification of contracting out provisions

Application of this Part

3. This Part applies where—

(a) an election is made under section 7 (elections as to employments covered by contracting-out certificates) of the 1993 Act(**7**) in relation to persons who become members of the new scheme on or after 1st April 2015 and before 6th April 2016 (whether or not any of those persons are members of the old scheme); and

(b) the new scheme satisfies the requirements of section 5 (requirements for certification of schemes) of the 1993 Act(**8**).

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

4. After regulation 9 of The Public Service (Civil Servants and Others) Pensions (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 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

(**4**) 1993 c.49
(**5**) S.R.2014 No.290
(**6**) S.I.1972/1073 (N.I. 10).
(**7**) Section 7 was amended by Art. 3(1) Sch.1 para. 40 to the Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 (S.I. 1999/671)
(**8**) Section 5 was amended by Arts.1(2)(b), 3(1) of, and Sch.1 paragraph 38(2) to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671), subsection 5(2B) was inserted by Article 133(3) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I.22))