STATUTORY RULES OF NORTHERN IRELAND

2015 No. 420

PUBLIC SERVICE PENSIONS

The Firefighters' Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015

Made - - - - 17th December 2015

Coming into operation 18th January 2016

The Department of Health, Social Services and Public Safety, makes these Regulations in exercise of the powers conferred by sections 1(1), (2)(f), (3) and (4), 2, 3(1), (2) and (3)(a) to (c), 8(1)(a), (2)(a) and (4), 18(1), (2), (4) and (5) to (9), paragraph 6 of Schedules 1 and 2, Schedule 3 and paragraphs 1(2)(ii), 2(2)(ii) and 5(1) of Schedule 7 to 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.

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 effect

1.—(1) These Regulations may be cited as the Firefighters' Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015.

(2) These Regulations shall come into operation on 18th January 2016 and shall have effect from 1st April 2015.

Amendment of the Firefighters' Pension Scheme Regulations (Northern Ireland) 2015

2. The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015(**2**) which establish the Firefighters' Pension Scheme 2015 shall be amended in accordance with Schedule 1.

Amendment of the New Firefighters' Pension Scheme Order (Northern Ireland) 2007

3. The Annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007(**3**) shall be amended in accordance with Schedule 2.

(**1**) 2014 c.2 (NI).
(**2**) S.R. 2015 No. 78
(**3**) S.R. 2007 No. 215, amended by S.R. 2008 No. 381, S.R. 2012 No. 162, S.R. 2013 No. 84 and No. 172, S.R. 2014 No. 57 and No. 168, and S.R. 2015 No. 9 and No. 10.

Amendment of the Firefighters' Pension Scheme Order (Northern Ireland) 2007

4. The Annex to the Firefighters' Pension Scheme Order (Northern Ireland) 2007(**4**) shall be amended in accordance with Schedule 3.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 17th December 2015.

L.S.

Julie Thompson
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 17th December 2015.

L.S.

Emer Morelli
A senior officer of the
Department of Finance and Personnel

(**4**) S.R. 2007 No. 144, amended by S.R 2008 No. 382, S.R. 2012 No. 161, S.R. 2013 No. 85, S.R. 2014 No. 56 and No. 169 and S.R. 2015 No.8 and No. 11.

SCHEDULES

SCHEDULE 1

Article 2

Amendments to the 2015 Scheme

1. In Part 1 (preliminary) in regulation 3 (interpretation)—

(a) in the appropriate places insert—

""adjusted lower tier ill-health pension" has the meaning given in regulation 74(4) (annual rate of ill-health awards);"

"connected member of the NFPS" has the meaning given in article 4C of Part 2 of the NFPS;

"connected special member of the NFPS" has the meaning given in article 4D of Part 2 of the NFPS;

"continued pension" means—

(a) in relation to a member of the NFPS, the entitlement to a pension under article 11B of Part 3 of the NFPS,

(b) in relation to a member of the FPS, the entitlement to a pension under article 14A of the FPS;

"deferred member of the FPS" means a person who is entitled to a deferred pension under article 16 of the FPS;

"deferred member of the NFPS" has the meaning given in article 2(1) of Part 1 of the NFPS;

"equivalent amount to the FPS lower tier ill-health pension" has the meaning given in regulation 73(5) (entitlement to lower tier ill-health pension and higher tier ill-health pension);

"equivalent amount to the NFPS lower tier ill-health pension" has the meaning given in regulation 73(5) (entitlement to lower tier ill-health pension and higher tier ill-health pension);

"initial period" has the meaning given in regulation 85 (meaning of "initial period");

"pensionable service in the 2015 scheme" means any continuous pensionable service in relation to the active member's account in this scheme to which pensionable service in the FPS was added for the purposes of regulation 66 (qualifying service) for the period whilst paragraph (5A) of article 2 of the FPS continues to apply to that person.

"shared parental leave" means leave under the Shared Parental Leave Regulations (Northern Ireland) 2015(**5**)

(b) omit the definition of "additional paternity leave";

(c) in the definition of "child related leave"—

(i) omit sub-paragraph (e);

(**5**) S.R. 2015 No. 93.

(ii) at the end of sub-paragraph (f) insert "or";

(iii) after sub-paragraph (f) insert—

"(g) shared parental leave;";

(d) in the definition of "retirement pension" after paragraph (b) insert—

"(c) an ill-health award and the payment of any equivalent amount to the FPS lower tier ill-health pension (if any) and the payment of any equivalent amount to the NFPS lower tier ill-health pension (if any).".

(e) in the definition of "statutory pay"—

(i) in sub-paragraph (c) omit "ordinary";

(ii) omit sub-paragraph (d);

(iii) after sub-paragraph (d) insert—

"(e) statutory shared parental pay within the meaning of section 167ZU (entitlement: birth) and section 167ZW (entitlement: adoption) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**6**);".

2. In Part 3 (scheme membership)—

(a) in regulation 15 (scheme employment) of Chapter 1 (eligibility for active membership) for paragraph (3) substitute—

"(3) A person who is a member of the FPS or of the NFPS satisfies the requirement in this paragraph."

(b) in regulation 27 (meaning of "assumed pensionable pay") of Chapter 3 (pensionable pay)—

(i) in sub-paragraph (2)(c) after "additional maternity leave," insert "shared parental leave or" and omit "or additional paternity leave";

(ii) in sub-paragraph (2)(e) after "additional maternity leave" insert "or shared parental leave" and omit "or additional paternity leave";

3. In Part 4 (pension accounts) in Chapter 8 (retirement account) in regulation 60 (account to specify amount of retirement pension (active members))—

(a) after paragraph (3), insert—

"(3A) Where the active member is entitled to an equivalent amount to the FPS lower tier ill-health pension or to an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify that amount.".

(b) after paragraph (4), insert—

"(4A) For an equivalent amount to the FPS lower tier ill-health pension or an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify any commutation amount.".

4. In Part 5 (retirement benefits) in Chapter 2—

(a) in regulation 68 (annual rate of retirement pension (active members))—

(i) in paragraph (2) for "paragraphs (a), (b) and (c)" substitute "paragraphs (a), (b), (ba) and (c)";

(ii) after paragraph (2)(b), insert—

"(ba) the sum of—

(**6**) Sections 167ZU and 167ZW were inserted by the Work and Families Act (Northern Ireland) 2015 (2015 c.1).

(i) the equivalent amount to the NFPS lower tier ill-health pension (if any) or the equivalent amount to the FPS lower tier ill-health pension (if any) specified in the member's retirement account,

(ii) subtracting the commutation amount (if any) specified in that account in relation to that amount; and";

(b) in regulation 70 (employer initiated retirement) after paragraph (2) insert—

"(3) Where an employer is considering making the determination in paragraph (2) in respect of an active member who is a connected member of the NFPS, or a connected special member of the NFPS, in relation to that active member's pension account, the employer must also consider making a determination under article 16 (pension on Board-initiated early retirement) of Part 3 of the NFPS.";

(c) in regulation 73 (entitlement to lower tier ill-health pension and to higher tier ill-health pension), after paragraph (3) insert—

"(4) Where an active member (A) is entitled to a lower tier ill-health pension and paragraph 22 (transition member who has not reached normal pension age under the NFPS) or paragraph 24 (transition member who has not reached normal pension age under the FPS) of Schedule 2 applies in relation to A—

(a) if paragraph 22 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under article 12(2) of the NFPS, be payable to the member under the NFPS;

(b) if paragraph 24 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under article 15 (ill-health awards) of the FPS, be payable to the member under the FPS.

(5) In these Regulations—

(a) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (a) of paragraph (4) is referred to as the "equivalent amount to the NFPS lower tier ill-health pension";

(b) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (b) of paragraph (4) is referred to as the "equivalent amount to the FPS lower tier ill-health pension".";

(d) in regulation 74 (annual rate of ill-health awards)—

(i) after paragraph (3) insert—

"(3A) In the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the FPS lower tier ill-health pension, the adjusted lower tier ill-health pension includes the adjusted equivalent amount.";

(ii) after the definition of "the adjusted lower tier ill-health pension" insert—

""the adjusted equivalent amount" means—

(a) in the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension, that amount calculated—

(i) excluding from the calculation the amount of any additional period of service purchased under Part 11 of the NFPS, and

(ii) without the deduction of any commuted portion;