STATUTORY RULES OF NORTHERN IRELAND

2015 No. 181

PUBLIC SERVICE PENSIONS

The Public Service (Civil Servants and Others) Pensions (Amendment) Regulations (Northern Ireland) 2015

Made - - - -	*25th March 2015*
Coming into operation	*15th April 2015*

The Department of Finance and Personnel makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(a), 2(1), 3(1), (2), (3) and Schedule 3 to the Public Service Pensions (Northern Ireland) Act 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.

Citation and commencement

1. These Regulations may be cited as the Public Service (Civil Servants and Others) Pensions (Amendment) Regulations (Northern Ireland) 2015, shall come into operation on 15th April 2015 and shall have effect from 1st April 2015.

Amendments to the Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014

2.—(1) The Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014(**2**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of "late payment supplement", for "reaches" substitute "is over";

(b) after the definition of "transferred pension", insert–

"transition date", in relation to a transition member, has the meaning given in paragraph 1 of Schedule 2 (transitional provisions);".

(c) for the definition of "partnership pension account" substitute the following—

(**1**) 2014 c.2 (N.I.)
(**2**) S.R.2014 No.290

"partnership pension account", in relation to a person in service in a scheme employment, means a stakeholder pension scheme or a personal pension scheme —

(a) to which the person's employer is paying contributions;

(b) to which the person's employer is not paying contributions because–

(i) the person received benefits under section 2 (compulsory and redundancy category (1972 Section members)) of the Civil Service Compensation Scheme (Northern Ireland) or section 3 (flexible category (1972 Section members)) of that Scheme on the basis that the person's reckonable service within the meaning of those sections was enhanced; and

(ii) the period by which the person's reckonable service was enhanced exceeds the period beginning with the day on which the person's retirement under those sections began and ending with the day before the person was re-employed in the scheme employment; or

(c) to which the person's employer is not paying contributions because the person is not receiving earnings which are pensionable earnings for the purposes of the person's pension scheme (other than because the person is on an unauthorised absence);".

(3) In regulation 25(2) (opting out after one month), after "(1)(a) or (b)," insert "unless paragraph (3) applies".

(4) In regulation 27(5)(a), for "the Act" substitute "The Public Service Pensions Act 2013(**3**)"

(5) For regulation 28 (meaning of "deferred member") substitute—

"**28.**—(1) A person (P) becomes a deferred member of this scheme in relation to a continuous period of pensionable service under this scheme ("the relevant service") if paragraph (2) or (3) applies.

(2) This paragraph applies if—

(a) P ceases to be an active member of this scheme in relation to the relevant service before P reaches normal pension age under this scheme;

(b) P does not become a pensioner member of this scheme in relation to the relevant service; and

(c) P has at least 2 years' qualifying service or a transfer payment otherwise than from another occupational pension scheme has been received by this scheme in relation to P.

(3) This paragraph applies if—

(a) P ceases to be an active member of this scheme in relation to the relevant service on or after P reaches normal pension age under this scheme; and

(b) P does not become a pensioner member of this scheme in relation to the relevant service.

(4) A person becomes a deferred member of this scheme in relation to an amount of accrued earned pension if the scheme manager so directs under regulation 78(2) (deferment of accrued earned pension attributable to a transfer payment).

(5) A person becomes a deferred member of this scheme in relation to an amount of added pension if —

(**3**) 2013 c.25

(a) the circumstances in regulation 79(1) apply (deferment of added pension attributable to recent payments); or

(b) P exercises the option under regulation 83 (option to defer payment of added pension).".

(6) In regulation 59(1)(c) (qualifying service) and paragraph 2(1)(a) of Schedule 2, for "closing date" substitute "transition date".

(7) In regulation 87(1)(a) (restriction on total amount of pension that may be allocated), for "regulation" substitute "Chapter".

(8) For regulation 88(5) (making an allocation election) substitute—

"(5) The election takes effect on the election closing date unless it has no effect under paragraph (6) or (7).".

(9) In regulation 89(3)(a) (effect of allocation election), for each "P" substitute "the member".

(10) In regulations 107(2) (entitlement to surviving adult's pension) and 110(2) (annual rate of surviving adult's pension payable on death of active member) after "closing date" insert "(but not service that has been transferred into the PCSPS(NI))".

(11) In regulations 107(2) (entitlement to surviving adult's pension), 110(2) (annual rate of surviving adult's pension payable on death of active member), 128(4) (meaning of "final pay"), 129(3) (meaning of "annualised final pay"), 130(2) (amount payable on death of active member) and 131(2) (amount payable on death of deferred member or pensioner member) and paragraphs 31(5)(b) and 32(5)(b) of Schedule 2, for "closing date" substitute "transition date for that member".

(12) In regulation 150(2)(c) (request for acceptance of a transfer payment), for "becomes eligible to be an active member of this scheme" substitute "commences service in scheme employment".

(13) After regulation 182 insert—

"**Ill health benefits for persons who have a partnership pension account**

183. Schedule 3 (which makes provision for ill health benefits for persons who have a partnership pension account) has effect.

Death benefits in respect of persons who have a partnership pension account

184. Schedule 4 (which makes provision for death benefits in respect of persons who have a partnership pension account) has effect.".

(14) In paragraph 1 of Schedule 1 (Interpretation), delete ""eligible employment" has the meaning given in paragraph 34".

(15) In paragraphs 9(7)(a), 14(2)(c), 19(5)(a), 23(2)(c) and 27(2)(a) of Schedule 2, for "the scheme regulations for that scheme" substitute "scheme regulations in relation to that scheme".

(16) In paragraph 29 of Schedule 2, for sub-paragraphs (3) and (4) substitute—

"(3) If the member meets the lower tier payment threshold only—

(a) the annual rate of ill-health pension payable under this scheme is the sum of–

(i) the annual rate of a lower tier earned pension payable under this scheme; and

(ii) the annual rate of full retirement earned pension that would, if the member was entitled to payment of an ill-health pension under the PCSPS(NI), be payable to the member at normal pension age under the PCSPS(NI); and

(b) the member ("M") is entitled to payment of a lump sum of the amount of the lump sum that would, had M been entitled to payment of an ill-health pension under the PCSPS(NI), been payable to M under the rules of the PCSPS(NI) applicable to M.

(4) If the member meets the upper tier payment threshold—

(a) the annual rate of ill-health pension payable under this scheme is the sum of–

(i) the annual rate of a lower tier earned pension payable under this scheme;

(ii) the annual rate of an upper tier top up earned pension payable under this scheme; and

(iii) the annual rate of full retirement earned pension that would, if the member was entitled to payment of an ill-health pension under the PCSPS(NI), be payable to the member at normal pension age under the PCSPS(NI); and

(b) the member ("M") is entitled to payment of a lump sum of the amount of the lump sum that would, had M been entitled to payment of an ill-health pension under the PCSPS(NI), been payable to M under the rules of the PCSPS(NI) applicable to M.".

(17) In paragraph 30(2) of Schedule 2—

(a) at the end of paragraph (a) omit "and"; and

(b) at the end of paragraph (b) insert "; and" and–

"(c) no lump sum is payable to the member under the PCSPS(NI).".

(18) In paragraph 30(3) of Schedule 2—

(a) at the end of paragraph (a), for ";" substitute ", to the extent that it relates to pension payable under paragraph 29(3)(a)(ii) and 29(4)(a)(iii)"; and

(b) omit paragraph (b).

(19) In paragraph 45(2) of Schedule 2—

(a) after "PCSPS(NI)," insert "the person's service which has been transferred into the PCSPS(NI) is taken to be qualifying service for the purposes of this scheme and"; and

(b) in paragraph (b), for "transitional" substitute "transition".

(20) After Schedule 2 (transitional provisions) insert new Schedules 3 and 4 as set out in Schedules 1 and 2 to these Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 25th March 2015.

Grace Nesbitt
A senior officer of the
Department of Finance and Personnel

SCHEDULE 1 Regulation 2

"SCHEDULE 3 Regulation 183

The Partnership Pension Account Ill Health Benefits Arrangements

PART 1

Preliminary

Interpretation - general

1. In this Schedule—

"the 2002 Section" means Section I of the PCSPS(NI);

"the 2007 Section" means Section III of the PCSPS(NI);

"alpha" means the scheme established by regulation 3;

"eligible service" has the meaning given in paragraph 2;

"final pensionable earnings" has the meaning given in paragraph 3;

"ill-health benefits" in relation to a person means benefits payable in the event of the person's ill-health;

"incapacity for employment" has the meaning given in paragraph 4;

"partnership ill-health benefits arrangements" means the arrangements for payment of ill-health benefits set out in this Schedule or in the scheme made under section 1 of the 1972 Order which provided for ill health benefits for persons who have a partnership pension account;

"permanent breakdown in health" has the meaning given in paragraph 5; and

"qualifying partnership service" has the meaning given in paragraph 6.

Meaning of "eligible service"

2.—(1) In this Schedule, "eligible service" in relation to a person to whom this Schedule applies (P) means the aggregate of the periods of service (expressed in years) referred to in sub paragraph (2) which fall within P's current period of scheme employment to which sub-paragraph (3) applies.

(2) The periods referred to in this sub-paragraph are—

(a) any period of service during which P has a partnership pension account to which P's employer is paying contributions;

(b) any period which counts as qualifying service under the 2002 Section or the 2007 Section which is qualifying partnership service in relation to P; and

(c) any period during which P is in pensionable service under alpha which is qualifying partnership service in relation to P.

(3) This sub-paragraph applies to a period of service in scheme employment in respect of which P—

(a) receives pensionable earnings; or

(b) is treated as receiving assumed pay.

(4) If a person (P) to whom this Schedule applies is in part-time service at any time during the periods referred to in sub paragraph (2), the eligible service in respect of the period during which P is in part-time service is—