STATUTORY RULES OF NORTHERN IRELAND

# 2015 No. 156

# PUBLIC SERVICE PENSIONS

## The Police Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015

*Laid before the Assembly in draft*

*Made - - - - 18th February 2015*

*Coming into operation 1st April 2015*

The Department of makes the following Regulations in exercise of the powers conferred by sections 1(1) and (2)(g), 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 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.

Pursuant to section 24(1) and (3) of that Act, a draft of this instrument has been laid before and approved by a resolution of the Assembly.

## PART 1

### Introductory

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Police Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015.

(2) These Regulations come into operation on 1st April 2015.

**Interpretation**

**2.** In these Regulations—

(**1**) 2014 c.2 (N.I.).

"the 1993 Act" means the Pension Schemes (Northern Ireland) Act 1993(**2**);

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

"the new scheme" means the pension scheme established by regulations made under section 1(1) and 2(g) of the 2014 Act; and

"the old scheme" means the pension schemes established by—

(a) the Royal Ulster Constabulary Pensions Regulations 1988(**3**); or

(b) the Police Pension (Northern Ireland) Regulations 2009(**4**);

regulations made under sections 25(2)(k) and 26(2)(g) of the Police (Northern Ireland) Act 1998(**5**).

# 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(**6**) 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 also members of the old scheme); and

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

### Contracting-out

**4.**—(1) Part 2 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(**7**) (certification of employments) is modified as follows in its application to the new scheme.

(2) The requirements in regulation 2(1)(a) (making of elections for the issue of contracting-out certificates) and regulations 3 (notices by employers of intended election) to 5 (time for making an election) do not apply.

(3) Regulation 6 (information to be included in an election)—

(a) paragraph (1) is to be read as though, for sub-paragraphs (a) to (f), there were substituted—

"(a) the name by which the new scheme is to be known;

(b) the name by which the old schemes are known;

(**2**) 1993 c.49.

(**3**) S.R. 1988 No.374. Amended by S.R. 1988 No.438, S.R. 1989 No.106, 160 & 387, S.R. 1990 No.411, S.R. 1993 No. 223 & 327, S.R. 1996 No.4, S.R. 1997 No.259, S.R. 1998 No.240, S.R. 2001 No.369, S.R. 2002 No.100, S.R. 2004 No.384, S.R. 2006 No. 122, 123, 152, 268 & 313, S.R. 2007 No. 476, 484 & 485, S.R. 2009 No.143, S.R. 2010 No.43 & 348, S.R. 2012 No.64, S.R. 2013 No. 35 & 36, S.I. 2013/2318 and 2014 (c.2) (N.I.).

(**4**) S.R. 2009 No. 79. Amended by S.R. 2010 No.348, S.R. 2012 No. 64, S.R. 2013 No. 35 & 36 and S.I. 2013/2318.

(**5**) 1998 c. 32. The powers conferred by sections 25 and 26 are extended by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972 (S.I. 1972/1073 (N.I. 10)). Both sections have been modified by section 49 of the Police (Northern Ireland) Act 2000 (2000 c.32).

(**6**) 1993 c.49.

(**7**) S.R. 1996 No. 493. Amendments were made by S.R. 1997 No. 95 and No. 160S.R. 2002 No. 109, S.R. 2005 No. 568, S.R. 2009 No. 133, S.R. 2012 No. 120 and 124, and S.R. 2014 No. 79. By virtue of section 50(1) of the Commissioners for Revenue and Customs Act 2005 (c.11) references to the Commissioners of Inland Revenue are to be taken as references to the Commissioners for her Majesty's Revenue and Customs.

(c) any other information necessary to enable the Commissioners for Her Majesty's Revenue and Customs to identify the old schemes"; and

(b) paragraphs (2) and (3) do not apply.

# PART 3

## Modification of early leaver and other provisions

### Application of this Part

**5.**—(1) This part applies where a person (P)—

(a) is a member of the old scheme whether by virtue of pensionable service for that scheme; or deemed transfer scheme service under paragraph 2 of Schedule 7 to the 2014 Act (final salary link);

(b) is a member of the new scheme by virtue of pensionable service of the new scheme; and

(c) is a person to whom paragraph 1 or 2 of Schedule 7 to the 2014 Act applies, by virtue of that person's pensionable service for the new scheme, and whose final salary falls for the purposes of the old scheme to be determined by reference to that paragraph.

### Certification

**6.**—(1) Section 11A of the 1993 Act(**8**) (reduction of guaranteed minimum in consequence of pension debit) is modified as follows in relation to P.

(2) In the application of that section to the old scheme, the reference in subsection (2) to pensionable service under the scheme is to be taken as a reference to pensionable service either for the old scheme or for the new scheme.

### Preservation of benefit

**7.**—(1) Chapter 1 of Part 4 of the 1993 Act(**9**) (protection for early leavers: preservation of benefit) is modified as follows in relation to P.

(2) In the application of that Chapter to the old scheme—

(a) in section 66 (interpretation), in the definitions of "relevant employment" and "long service benefit" a reference to the scheme is to be taken as a reference to either the old scheme or the new scheme;

(b) in section 67(1) (basic principle as to short service benefit)—

(i) the requirement for a scheme to make provision is to be taken as a requirement that either the old scheme or the new scheme must make that provision;

(ii) a reference to a transfer payment to the scheme is to be taken as a reference to a transfer payment either to the old scheme or to the new scheme;

(iii) a reference to termination of P's pensionable service is to be taken as a reference to termination of P's pensionable service in relation to the new scheme;

(**8**) 1993 c. 49. Section 11A was inserted by Article 29 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11)).

(**9**) 1993 c. 49. Section 67 was amended by Article 240 of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) and section 27 of, and paragraphs 19 and 20 of Schedule 8 to, the Public Service Pensions Act (Northern Ireland) 2014 (c.2. (N.I.)).

(iv) a reference to benefit which would have been payable to P under the scheme is to be taken as a reference to benefit which would have been payable to P either under the old scheme or under the new scheme,

and subsequent references in the Chapter to "short service benefit" are to be construed accordingly;

(c) in section 67(5), a reference to termination of P's pensionable service is to be taken as a reference to termination of P's pensionable service in relation to the new scheme;

(d) in section 67(7)(a), the reference to P's pensionable service under the scheme is to be taken as a reference to P's pensionable service either for the old scheme or for the old and new schemes taken together; and

(e) in sections 68(2) (no discrimination between short service and long service beneficiaries), 70(6) and (7) (computation of short service benefit), 71(3) and (4) (credits) and 72(1) and (3) (pension increases), a reference to termination of P's pensionable service is to be taken as a reference to termination of P's pensionable service in relation to the new scheme.

(3) In the application of that Chapter to the new scheme—

(a) in section 66 (interpretation), in the definitions of "relevant employment" and "long service benefit" a reference to the scheme is to be taken as a reference to either the old scheme or the new scheme;

(b) in section 67(1)—

(i) the requirement for a scheme to make provision is to be taken as a requirement that either the old scheme or the new scheme must make that provision;

(ii) a reference to a transfer payment to the scheme is to be taken as a reference to a transfer payment either to the old scheme or to the new scheme;

(iii) a reference to benefit which would have been payable to P under the scheme is to be taken as a reference to benefit which would have been payable to P either under the old scheme or under the new scheme,

and subsequent references to in the Chapter to "short service benefit" are to be construed accordingly;

(c) in section 67(7)(a), the reference to P's pensionable service under the scheme is to be taken as a reference to P's pensionable service either for the new scheme or for the old and new schemes taken together; and

(d) in section 70(6), in relation to pensionable service which is terminated, the reference to the beginning of that service is to be taken as a reference to the beginning of pensionable service for the old scheme.

**Revaluation of preserved benefit**

**8.**—(1) Chapter 2 of Part 4 of the 1993 Act (protection for early leavers: revaluation of accrued benefits) are modified as follows.

(2) In the application of Chapter 2 for the purpose of revaluing benefit payable to or in respect of P under the old scheme—

(a) in section 79(1)(a)(ii)(**10**) (scope of Chapter 2), the reference to the date on which P's pensionable service ends is to be taken as a reference to the date on which P's pensionable service ends in relation to the new scheme; and

(b) subsequent references in the Chapter to "the termination date" and the "pre-pension period" are to be construed accordingly.

(**10**) 1993 c. 49. Section 79 was amended by section 84(1) of, and paragraph 20 of Schedule 9 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999. It was amended further in relation to the definition of "normal pension age" by section 27 of, and paragraph 21 of Schedule 8 to, the Public Service Pensions Act (Northern Ireland) 2014.