STATUTORY RULES OF NORTHERN IRELAND

2015 No. 126

PUBLIC SERVICE PENSIONS

EDUCATION

The Teachers' Pensions (Miscellaneous Amendments) Regulations (Northern Ireland) 2015

Made - - - -	*6th March 2015*
Coming into operation	*1st April 2015*

The Department of Education makes the following Regulations in exercise of the powers conferred by Articles 11(1)(**1**), (2), (3), (3A)(**2**) and paragraphs 1, 3, 4, 5, 6, 8, 11 and 13 of Schedule 3 to the Superannuation (Northern Ireland) Order 1972(**3**) (the 1972 Order) and by sections 1, 3, 4(1) and (5), 5 (1) and (5), 7(1) and (4) and 12(1), (6) and (7) of the Public Service Pensions Act (Northern Ireland) 2014(**4**) (the 2014 Act).

In accordance with Article 11(5) of the 1972 Order consultation has taken place with representatives of local education authorities and of teachers and with representatives of other persons likely to be affected.

In accordance with section 21 of the 2014 Act, the Department has consulted the representatives of such persons as appear to it likely to be affected by these Regulations.

In accordance with Article 11(1) of the 1972 Order these Regulations are made with the consent of the Department of Finance and Personnel(**5**).

In accordance with section 3(5) of the 2014 Act the Department of Finance and Personnel has consented to the making of the Regulations.

Citation, commencement and interpretation

1. These Regulations may be cited as the Teachers' Pensions (Miscellaneous Amendments) Regulations (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

2. In these Regulations—

(**1**) As amended by S.I. 1990/1509 (N.I. 13) Article 13(1)
(**2**) As amended by S.I. 1990/1509 (N.I. 13) Article 6(1)
(**3**) S.I. 1972/1073 (N.I. 10)
(**4**) 2014 C.2 (N.I.).
(**5**) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6) Article 3

"the 1998 Regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1998(**6**); and

"the 2014 Regulations" means the Teachers' Pension Scheme Regulations (Northern Ireland) 2014(**7**).

Amendment of the 1998 Regulations

3. The 1998 Regulations shall be amended in accordance with regulations 4 and 5.

4. Omit regulations G2, G3 and G4.

5. For regulation G5 substitute—

"**Employers' contributions**

G5.—(1) In respect of each pay period, the employer of a person (P) in pensionable service in that pay period is to pay contributions on P's pensionable earnings in the pay period at the following percentage rate of those earnings—

(a) 17.7% from 1st April 2015;

(b) at the rate determined in each successive valuation report with effect from the date to be notified to employers by the Department.

(2) No contributions are to be paid in respect of any person to whom regulation E32(2)(a) (restriction of reckonable service to 45 years) has become applicable.".

Amendment of the 2014 Regulations

6. The 2014 Regulations shall be amended in accordance with regulations 7 to 25.

Amendment of regulation 3 (Interpretation)

7. In regulation 3, in the definition of "scheme manager" for "means the Department" substitute "has the meaning given in regulation 7".

Amendment of regulation 7 (Scheme Manager)

8. After regulation 7 insert—

"(4) Where the Department's functions as scheme manager have been delegated to a person, any reference to the Department in relation to those functions in Parts 3 to 11 and Schedules 1 to 4 shall be construed as a reference to that person.".

Amendment to regulation 10 (Conflict of Interest)

9. In regulation 10, in the heading for "Conflict of interest" substitute "Northern Ireland Teachers' Pension Scheme Pension Board–Conflict of interest".

Amendment to regulation 13 (Conflict of Interest)

10. In regulation 13, in the heading for "Conflict of interest" substitute "Northern Ireland Teachers' Pension Scheme Advisory Board–Conflict of interest".

(**6**) S.R. 1998 No. 333
(**7**) S.R. 2014 No. 310

Amendment to regulation 65 (Deferred member's account closed after service under another public service scheme)

11. In paragraph (1)(c) of regulation 65, for "less than 5 years" substitute "5 years or less".

Substitution of regulation 192 (Employers' contributions)

12. For regulation 192 substitute—

"**192.** In respect of each pay period, the employer of a person (P) in pensionable service in that pay period is to pay contributions on P's pensionable earnings in the pay period at the following percentage rate of those earnings—

(a) 17.7% from 1st April 2015;

(b) at the rate determined in each successive valuation report with effect from the date to be notified to employers by the Department.".

Insertion of regulation 225 (Scheme valuation and employer cost cap)

13. After regulation 224 (transitional provisions) insert—

"**Scheme valuation and employer cost cap**

225. Schedule 4 (scheme valuation and employer cost cap) has effect.".

Amendment to Schedule 1 (Eligible Employment)

14. In paragraph 1(8) of Schedule 1 for "sub-paragraphs (3) to (6)" substitute "sub-paragraphs (3) to (5)".

Amendment to paragraph 30 (Making a buy-out election) of Schedule 2 (Scheme flexibilities)

15. In paragraph 30 of Schedule 2, for sub-paragraph (3)(a), substitute "if P is in more than one eligible employment, the names of the employers in relation to P's eligible employments."

Amendment to paragraph 1 (Interpretation) of Schedule 3 (Transitional provisions)

16. In paragraph 1 of Schedule 3, in the definition of "transition date" in sub-paragraph (b) omit "by virtue of the application of paragraph 22".

Amendment to paragraph 26 (Application of existing scheme regulations) of Schedule 3 (Transitional provisions)

17. In paragraph 26 of Schedule 3—

(a) in sub-paragraph (1), after "in relation to the calculation", insert "and payment";

(b) after sub-paragraph (3) insert—

"(4) For the purpose of determining P's entitlement to retirement benefits, P's pensionable employment under the existing scheme terminates when P's pensionable service under this scheme terminates."

Amendment to paragraph 28 (Annual rate of pension) of Schedule 3 (Transitional provisions)

18. In paragraph 28, after "provided otherwise in" insert "paragraph 33 (application for payment of ill-health pensions) and".

Amendment to paragraph 29 (Application for payment of age retirement pension) of Schedule 3 (Transitional provisions)

19. In paragraph 29 of Schedule 3, in sub-paragraph (2), after "normal pension age under this scheme" insert "and who has ceased being in pensionable service in this scheme".

Amendment to paragraph 31 (Application for payment of premature retirement pension) and paragraph 32 (Application for payment of early retirement pension) of Schedule 3 (Transitional provisions)

20. In paragraphs 31 and 32 of Schedule 3, for "as part of", where these words occur, substitute "in addition to".

Amendment to paragraph 33 (Application for payment of ill-health pension) of Schedule 3 (Transitional provisions)

21. In paragraph 33 of Schedule 3—

(a) in sub-paragraph (1)(b), omit "after that date".

(b) for sub-paragraph (2), substitute—

"(2) If P makes an application for payment of an ill-health pension on or after P's transition date, which is successfully determined before P's normal pension age in the existing scheme—

(a) before P's normal pension age in the existing scheme, P will receive under this scheme an amount equivalent to any benefits due to P in respect of P's pensionable service in this scheme and in the existing scheme, in accordance with paragraph 33A;

(b) from P's normal pension age in the existing scheme, P will receive, in accordance with paragraph 33B—

(i) under the existing scheme, any benefits due to P in respect of P's pensionable service in the existing scheme; and

(ii) under this scheme, any benefits due to P in respect of P's pensionable service in this scheme.".

Insertion of paragraphs 33A and 33B into Schedule 3 (Transitional provisions)

22. After paragraph 33 of Schedule 3, insert—

"**Transition member who has not reached normal pension age under the existing scheme**

33A.—(1) This paragraph applies in relation to a transition member (P) who—

(a) becomes entitled to an ill-health pension under this scheme; and

(b) has not reached normal pension age under the existing scheme.

(2) If this paragraph applies—