STATUTORY RULES OF NORTHERN IRELAND

2015 No. 81

PUBLIC SERVICE PENSIONS

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

Laid before the Assembly in draft

Made - - - -	*26th February 2015*
Coming into operation	*1st 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) 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) Regulations (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Interpretation

2. In these Regulations—

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

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

(**1**) 2014 c.2 (N.I.)
(**2**) 1993 c.49

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

"the old scheme" means the scheme made under Article 3 of the Superannuation (Northern Ireland) Order 1972(**4**) (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(**5**) 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(**6**).

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) In 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 scheme is known; and

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

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

(**3**) S.R.2014 No.290
(**4**) S.I.1972/1073 (N.I. 10).
(**5**) 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)
(**6**) 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))
(**7**) S.R.1996 No. 493. Amendments were made by the Social Security Contributions (Transfer of Functions etc.) (Northern Ireland) Order 1999 (S.I. 1999/671), and by S.R. 1997 No. 160, 2002 No. 109, 2005 No. 568, 2012 No. 120 and No. 124, and 2014 No. 79.

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 for the new scheme; and

(c) is a person—

(i) 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; or

(ii) who has continuous CARE scheme service as defined in paragraph (2).

(2) A person has continuous CARE scheme service if, in relation to the person's last period of pensionable service for the old scheme—

(a) the scheme is, in relation to the pension payable to or in respect of that person, a career average revalued earnings scheme;

(b) the person's pensionable service for the old scheme and pensionable service for the new scheme are continuous; and

(c) the person's employer in relation to pensionable service for the old scheme is the person's employer in relation to pensionable service for the new scheme (or any other employer in relation to the new scheme).

(3) For the purposes of paragraph (2)(b)—

(a) paragraph 3 of Schedule 7 to the 2014 Act (continuity of employment) applies as it applies for the purposes of paragraphs 1(2)(a) and 2(2)(a) of that Schedule; and

(b) P's pensionable service for the old scheme and pensionable service for the new scheme are not continuous if scheme regulations made pursuant to section 8A(4)(b) of the Pensions (Increase) Act (Northern Ireland) 1971(**8**) (references to "service": relevant old scheme pension in payment) apply to P.

Certification

6.—(1) Section 11A of the 1993 Act(**9**) (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) of that section to pensionable service under the scheme is to be taken as 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 (protection for early leavers: preservation of benefit) is modified as follows in relation to P.

(**8**) 1971 c. 35. Section 8A was inserted by paragraph 4 of Schedule 8 to the Public Service Pensions Act (Northern Ireland) 2014 (c.2).

(**9**) 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)).

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

(a) in section 66(**10**) (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;

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

(**10**) Section 66 was amended by S.R. 1995 No. 3213