STATUTORY RULES OF NORTHERN IRELAND

2014 No. 321

PENSIONS

The Public Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations (Northern Ireland) 2014

Made - - - - 23rd December 2014

Coming into operation 1st April 2015

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 49(9)(b) and 166(1) and (2) of the Pensions (Northern Ireland) Order 1995(**1**), and now vested in it(**2**), and section 16(1) of the Public Service Pensions Act (Northern Ireland) 2014(**3**).

Citation and commencement

1. These Regulations may be cited as the Public Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations (Northern Ireland) 2014 and shall come into operation on 1st April 2015.

Interpretation

2. In these Regulations—

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

"active member", "deferred member", "member" and "pensioner member" have the meanings given in Article 121(1)(**4**) of the Pensions (Northern Ireland) Order 1995;

"beneficiary" means a person, other than a member, who is entitled to the present payment of benefits under a public service pension scheme;

(**1**) S.I. 1995/3213 (N.I. 22); Article 49(9)(b) was substituted by Article 246(1) of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) 2014 c. 2 (N.I.)

(**4**) The definition of "member" was amended by paragraph 50(2) of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)); the definition of "pensioner member" was amended by paragraph 5(3) of Schedule 5 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and Article 11(7) of S.I. 2006/745; *see also* the definition of "pension credit member" as inserted by paragraph 50(3) of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

"money purchase benefits" has the meaning given in section 176(1) of the Pension Schemes (Northern Ireland) Act 1993(**5**);

"public service pension scheme" means—

(a) a scheme established under section 1 of the 2014 Act (schemes for persons in public service) and any statutory pension scheme that is connected with it;

(b) a new public body pension scheme and any statutory pension scheme that is connected with it.

Records

3. For the purposes of section 16 of the 2014 Act (records), the scheme manager for a public service pension scheme(**6**) must keep the records which are specified in regulations 4 to 6.

Records of member and beneficiary information

4.—(1) In respect of member and beneficiary information, the records which are specified are—

(a) the name of each member and of each beneficiary;

(b) the date of birth of each member and of each beneficiary;

(c) the gender of each member and of each beneficiary;

(d) the last known postal address of each member and of each beneficiary;

(e) each member's identification number in respect of the scheme;

(f) the national insurance number of each member who has been allocated such a number, and

(g) in respect of each active member, deferred member and pensioner member—

(i) the dates on which such member joins and leaves the scheme;

(ii) details of such member's employment with any employer participating in the scheme including—

(aa) the period of pensionable service in that employment, and

(bb) the amount of pensionable earnings in each year of that employment.

(2) In respect of each member's rights and, where applicable, of each beneficiary's entitlement, to any benefits which are not money purchase benefits, injury benefits or compensation benefits under the scheme, the records which are specified are—

(a) any formula or formulas used for calculating the member's or beneficiary's pension or benefit;

(b) the percentage to be applied in respect of revaluation for each year to the member's accrued rights to benefits under the scheme, and

(c) any increase to be applied to the pensioner member's or beneficiary's pension or benefit in payment in each year.

(3) In respect of each member's rights to any money purchase benefits under the scheme, the records which are specified are—

(a) any investment decisions taken by, or in relation to, the member;

(b) any investments held on behalf of the member, and

(c) any anticipated date of retirement notified by the member.

(**5**) 1993 c. 49; the definition of "money purchase benefits" was amended by section 27(1) of the Pensions Act (Northern Ireland) 2012 (c. 3 (N.I.)) and paragraph 19 of the Schedule to S.R. 2005 No. 434

(**6**) *See* section 31 of the Public Service Pensions Act (Northern Ireland) 2014 which provides that section 16 applies to a new public body pension scheme and any statutory pension scheme that is connected with it

(4) In respect of pension credits under Article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**7**) (creation of pension debits and credits) or under section 29(1)(b) of the Welfare Reform and Pensions Act 1999(**8**) (creation of pension debits and credits), the records which are specified are records of any information relevant to calculating each member's rights under the scheme which are attributable (directly or indirectly) to a pension credit.

(5) In respect of pension debits under Article 26(1)(a) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 or under section 29(1)(a) of the Welfare Reform and Pensions Act 1999, the records which are specified are records of any information relevant to calculating any reduction in each member's rights under the scheme which are attributable to a pension debit.

Records of transactions

5. In respect of transactions, the records which are specified are—

(a) any employer contribution or member contribution paid in relation to each active member;

(b) payments of pensions and benefits including the date of the payment;

(c) except where the payment is a payment under paragraph (b) or (f), payments made by, or on behalf of, the scheme manager to any person including—

(i) the name and address of the person to whom payment was made, and

(ii) the reason for that payment;

(d) any movement or transfer of assets from the scheme to any person including—

(i) the name and address of the person to whom the assets were moved or transferred, and

(ii) the reason for that transaction;

(e) the receipt or payment of money or assets in respect of the transfer of members into or out of the scheme including—

(i) the name of that member;

(ii) the terms of the transfer;

(iii) the name of the scheme into or out of which the member has been transferred;

(iv) the date of the transfer, and

(v) the date of receipt or payment of money or assets;

(f) payments made to any member who leaves the scheme, other than on a transfer, including—

(i) the name of that member;

(ii) the date of leaving;

(iii) the member's entitlement at that date;

(iv) the method used for calculating any entitlement under the scheme, and

(v) how that entitlement was discharged;

(g) payments made to any employer participating in the scheme;

(h) any amount due to the scheme which has been written off in the scheme's accounts, and

(i) any other payment to the scheme including the name and address of the person from whom it is received and, where a payment is made in respect of a member, the name of the member in respect of whom it is made.

(**7**) S.I. 1999/3147 (N.I. 11)
(**8**) 1999 c. 30