

SCHEDULE 2

Transitional provisions

PART 7

Transitional provisions relating to the PCSPS(NI)

Pensionable service under the PCSPS(NI)

35.—(1) This paragraph applies in relation to a transition member with continuity of service (T) who is in pensionable service under this scheme.

(2) The following provisions of the PCSPS(NI) continue to apply after the closing date as if T continued in pensionable service under that scheme—

- (a) the provisions relating to payment of contributions for added pension and added years; and
- (b) if T is a member of Section III of the PCSPS(NI), the provisions in that Section relating to the indexation of pension accounts for an active member.

(3) In determining whether T qualifies under the PCSPS(NI) for retirement benefits (other than an ill-health pension), T's pensionable service under that scheme terminates when T's pensionable service under this scheme terminates.

(4) In determining T's final salary for any purposes of the PCSPS(NI) under Schedule 7 (final salary link) to the Act, pensionable earnings derived from service under this scheme are to be regarded as derived from service under the PCSPS(NI).

Commencement Information

II Sch. 2 para. 35 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Ill health retirement certificate not given

36.—(1) This paragraph applies if a member of the PCSPS(NI) (or the member's employer on behalf of the member)—

- (a) claimed payment of an ill-health pension under that scheme before the member's transition date; and
- (b) the pension does not become payable before the member's transition date.

(2) If the member is not entitled to immediate payment of an ill-health pension under the PCSPS(NI), the member joins this scheme on whichever is the later of—

- (a) the member's transition date; and
- (b) the day after all relevant appeal rights in relation to the scheme medical adviser's decision not to give an ill-health retirement certificate are exhausted.

(3) In this paragraph—

“all relevant appeal rights” includes the member's appeal rights under section 2.04 (^{F1}... Retirement on Medical Grounds) of the Northern Ireland Civil Service HR Handbook; and

“ill-health retirement certificate” means a certificate given by the scheme medical adviser under the PCSPS(NI) stating that, in the opinion of the scheme medical adviser, the member has suffered a permanent breakdown in health involving incapacity for employment or total incapacity for employment.

Changes to legislation: There are currently no known outstanding effects for the The Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014, PART 7. (See end of Document for details)

Textual Amendments

- F1** Word in [Sch. 2 para. 36\(3\)](#) omitted (with effect in accordance with of the amending Rule) by virtue of [The Public Service \(Civil Servants and Others\) Pensions \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/67\)](#), regs. 1(2), **58(9)**

Commencement Information

- I2** Sch. 2 para. 36 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Deferred membership of the PCSPS(NI)

37.—(1) A transition member with continuity of service (T) does not become a deferred member of the PCSPS(NI) unless T becomes a deferred member of this scheme.

(2) If T opts out of this scheme in relation to service in a scheme employment and T has at least 2 years' qualifying service—

- (a) T becomes a deferred member of the PCSPS(NI) in relation to that service; and
- (b) any periodical payments for added pension or added years paid under the PCSPS(NI) cease to be payable.

(3) If T re-enters pensionable service under this scheme after a gap in service not exceeding 5 years, T ceases to be a deferred member of the PCSPS(NI).

(4) After the scheme closing date T is not on a gap in service while T is in service which is pensionable under an existing scheme, an existing public body pension scheme, a scheme under section 1 of the Act or a new public body pension scheme.

Commencement Information

- I3** Sch. 2 para. 37 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Repayment of contributions under the PCSPS(NI)

38. If a transition member with continuity of service (T) opts out of this scheme and T has less than 2 years' qualifying service—

- (a) T must be repaid members' contributions [^{F2}paid] under the PCSPS(NI); and
- (b) any periodical payments for added pension or added years [^{F3}paid] under the PCSPS(NI) cease to be payable.

Textual Amendments

- F2** Word in [Sch. 2 para. 38\(a\)](#) inserted (with effect in accordance with of the amending Rule) by [The Public Service \(Civil Servants and Others\) Pensions \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/67\)](#), regs. 1(2), **58(10)(a)**

- F3** Word in [Sch. 2 para. 38\(b\)](#) inserted (with effect in accordance with of the amending Rule) by [The Public Service \(Civil Servants and Others\) Pensions \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/67\)](#), regs. 1(2), **58(10)(b)**

Commencement Information

- I4** Sch. 2 para. 38 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Qualifying for retirement benefits under the PCSPS(NI)

39. In determining whether a transition member with continuity of service qualifies for retirement benefits under the PCSPS(NI), the member's qualifying service includes the total of—

- (a) the member's qualifying service under the PCSPS(NI); and
- (b) the member's qualifying service under this scheme.

Commencement Information

I5 Sch. 2 para. 39 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Final salary link not to apply again to a pension in payment

40. Where any element of a pension under the PCSPS(NI) which is in payment has been calculated by reference to Schedule 7 (final salary link) to the Act, that element of the pension is not recalculated by reference to Schedule 7 in consequence of a subsequent period of pensionable public service (within the meaning of paragraph 3 of Schedule 7 to the Act) unless the further period of pension is aggregated under the rules of the PCSPS(NI) applicable to the member.

Commencement Information

I6 Sch. 2 para. 40 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014, PART 7.