

SCHEDULES

SCHEDULE 1

Section 1(3).

Persons in public service: definitions

Civil servants

1. In this Act, “civil servants” means persons employed in the civil service of Northern Ireland.

Holders of judicial office

2.—(1) In this Act, “holders of judicial office” means holders of an office specified in an order made by the Department of Justice.

(2) An order under this paragraph is subject to negative resolution.

Local government workers

3.—(1) In this Act, “local government workers” means persons employed in local government service and specified in scheme regulations.

(2) In this paragraph, “local government service” means service specified in scheme regulations.

Teachers

4. In this Act, “teachers” includes persons who are employed otherwise than as teachers—

(a) in a capacity connected with education which to a substantial extent involves the control or supervision of teachers, or

(b) in employment which involves the performance of duties in connection with the provision of education or services ancillary to education,

and who are specified in scheme regulations.

Health service workers

5.—(1) In this Act, “health service workers” means persons engaged in health services and specified in scheme regulations.

(2) In this paragraph, “health services” means services specified in scheme regulations.

Fire and rescue workers

6. In this Act, “fire and rescue workers” means persons employed by the Northern Ireland Fire and Rescue Service Board.

Members of the police service

7. In this Act “members of the police service” means—

- (a) police officers, police trainees and police reserve trainees within the meaning of section 77 of the Police (Northern Ireland) Act 2000, and
- (b) police cadets appointed under section 42 of that Act.

SCHEDULE 2

Section 2(1).

Responsible authorities

Civil servants

1. Scheme regulations for civil servants may be made by the Department of Finance and Personnel.

Holders of judicial office

2. Scheme regulations for holders of judicial office may be made by the Department of Justice.

Local government workers

3. Scheme regulations for local government workers may be made by the Department of the Environment.

Teachers

4. Scheme regulations for teachers may be made by the Department of Education.

Health service workers

5. Scheme regulations for health service workers may be made by the Department of Health, Social Services and Public Safety.

Fire and rescue workers

6. Scheme regulations for fire and rescue workers may be made by the Department of Health, Social Services and Public Safety.

Members of the police service

7. Scheme regulations for members of the police service may be made by the Department of Justice.

SCHEDULE 3

Section 3(2)(a).

Scope of scheme regulations: supplementary matters

1. Eligibility and admission to membership.

This includes—

- (a) specifying who, of the persons in relation to whom the scheme regulations may be made, is eligible for membership;
- (b) conditions of eligibility.

2. The benefits which must or may be paid under the scheme.

Those benefits may include—

- (a) pensions and other benefits on leaving service to which the scheme relates (whether before, at or after normal pension age);
- (b) benefits payable on death (in service or otherwise);
- (c) compensation payments (including for death, injury or redundancy);
- (d) discretionary payments and concessions.

3. The persons to whom benefits under the scheme are payable.

Those persons may include—

- (a) active, deferred and pensioner members of the scheme;
- (b) pension credit members of the scheme;
- (c) widows, widowers, surviving civil partners and surviving dependants.

4. The conditions subject to which benefits are payable.

5. The assignment of benefits, including restrictions on assignment.

6. The forfeiture or suspension of benefits.

7. The recovery of overpaid benefits.

8. The exclusion of double recovery of compensation or damages.

This includes—

- (a) exclusion or modification of rights to compensation or damages in respect of any matter in a case where benefits are paid under the scheme in respect of the same matter;
- (b) exclusion or modification of rights to benefits under the scheme where compensation or damages are received in respect of the same matter from another source.

9. Contributions, including—

- (a) the making of contributions by employers and members;
- (b) contribution rates;
- (c) interest on late payment of contributions;
- (d) the return of contributions (with or without interest).

10. The payment or receipt of transfer values or other lump sum payments for the purpose of creating or restoring rights to benefits (under the scheme or otherwise).

11. Pension funds (for schemes which have them).

This includes the administration, management and winding-up of any pension funds.

12. The administration and management of the scheme, including—

- (a) the giving of guidance or directions by the responsible authority to the scheme manager (where those persons are different);
- (b) the person by whom benefits under the scheme are to be provided;
- (c) the provision or publication of information about the scheme.

13. The delegation of functions under scheme regulations, including—

- (a) delegation of functions by the scheme manager or responsible authority;
- (b) further delegation of functions by any delegatee.

14. The payment by an employer of—

- (a) any costs relating to the administration of the scheme;
- (b) any costs incurred because of a failure by the employer to comply with the employer's obligations under the scheme;
- (c) interest relating to payments to be made by virtue of this paragraph.

15. The resolution of disputes and appeals (including the referral to a court of law of questions of law which under the scheme fall to be determined by the responsible authority).

SCHEDULE 4

Section 17(1).

Regulatory oversight

1. The Pensions (Northern Ireland) Order 2005 is amended as follows.

2.—(1) Article 2 (general interpretation) is amended as follows.

(2) In paragraph (2), after the definition of “occupational pension scheme” insert—

““pension board” has the same meaning as in the Public Service Pensions Act (Northern Ireland) 2014 (see section 5 of that Act);”.

(3) After the definition of “professional adviser” in that paragraph insert—

““public service pension scheme” means, subject to paragraph (6A)—

- (a) a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 (new public service schemes);
- (b) a new public body pension scheme (within the meaning of that Act);
- (c) any statutory pension scheme which is connected with a scheme referred to in paragraph (a) or (b) (and for this purpose “statutory pension scheme” and “connected” have the meanings given in that Act);”.

(4) After the definition of “the Regulator” in that paragraph insert—

““scheme manager”, in relation to a public service pension scheme, has the same meaning as in the Public Service Pensions Act (Northern Ireland) 2014 (see section 4 of that Act);”.

(5) After paragraph (6) insert—

“(6A) A scheme which would otherwise fall within the definition of “public service pension scheme” in paragraph (2) does not fall within that definition if—

- (a) it is an injury or compensation scheme (within the meaning of the Public Service Pensions Act (Northern Ireland) 2014), or
- (b) it is specified in an order made by the Department after consulting the Department of Finance and Personnel.”.

3.—(1) Article 9 (improvement notices) is amended as follows.

(2) In paragraph (3)(a), after “85” insert “or 85A”.

(3) In paragraph (7)—

- (a) in sub-paragraph (c), the final “or” is repealed;
- (b) at the end insert “or

(e) section 5(5) (pension board: conflicts of interest), 6 (pension board: information), 14 (information about benefits) or 16

(records) of the Public Service Pensions Act (Northern Ireland) 2014.”.

4. After Article 10 insert—

“Appointment of skilled person to assist public service pension scheme

10A.—(1) The Regulator may, if it considers it desirable for the purpose of ensuring compliance with pensions legislation, appoint a person to assist the pension board of a public service pension scheme in the discharge of its functions.

(2) A person appointed under this Article may be any person appearing to the Regulator to have the necessary skills.

(3) The pension board of a public service pension scheme must have regard to the advice of a person appointed under this Article.

(4) The costs of a person appointed under this Article are to be met by the scheme manager of the scheme.

(5) In paragraph (1) “pensions legislation” has the same meaning as in Article 9.”.

5.—(1) In Article 13 (power of the Regulator to recover unpaid contributions), paragraph (3) is amended as follows.

(2) In the definition of “due date”—

(a) in paragraph (b), the final “and” is repealed;

(b) after paragraph (c) insert “and

(d) in relation to employer contributions payable under a public service pension scheme, the date on which the contributions are due under the scheme;”.

(3) In the definition of “employer contribution”—

(a) in paragraph (a)—

(i) after “occupational pension scheme” insert “other than a public service pension scheme”;

(ii) the final “and” is repealed;

(b) after paragraph (b) insert “and

(c) in relation to a public service pension scheme, means any contributions payable under the scheme by the employer.”.

6. In Article 65 (duty to report breaches of the law), in paragraph (1)—

(a) after sub-paragraph (a) insert—

Status: This is the original version (as it was originally enacted).

“(aa) a member of the pension board of a public service pension scheme;”;

(b) in sub-paragraph (b), for “such a scheme” substitute “an occupational or personal pension scheme”.

7. After Article 65 insert—

“Reporting late payment of employer contributions

Duty to report late payment of employer contributions

65A.—(1) Where—

(a) any amount payable under a public service pension scheme by or on behalf of an employer in relation to the scheme by way of contributions is not paid on or before the date on which it is due under the scheme, and

(b) the scheme manager has reasonable cause to believe that the failure is likely to be of material significance to the Regulator in the exercise of any of its functions,

the scheme manager must give a written report of the matter to the Regulator as soon as reasonably practicable.

(2) Subject to Article 283 (protected items), no duty to which a person is subject is to be regarded as contravened merely because of any information or opinion contained in a written report under this Article.

(3) Article 10 of the 1995 Order (civil penalties) applies to any person who, without reasonable excuse, fails to comply with an obligation imposed on him by this Article.”.

8.—(1) Article 66 (reports by skilled persons) is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (b), the final “or” is repealed;

(b) after sub-paragraph (b) insert—

“(ba) in the case of a work-based scheme which is a public service pension scheme, a member of the pension board of the scheme, or”;

(c) in sub-paragraph (c), for “such a scheme” substitute “a work-based pension scheme”.

9. In Article 67 (provision of information), in paragraph (2), after sub-paragraph (a) insert—

“(aa) a member of the pension board of a public service pension scheme,”.

10. In Article 68 (inspection of premises), in paragraph (2)—
- (a) after sub-paragraph (d) insert—
“*(da)* section 16 of the Public Service Pensions Act (Northern Ireland) 2014;”,
 - (b) in sub-paragraph (e), for “(d)” substitute “*(da)*”.
11. In Article 84 (reports), at the end insert—
“*(4)* Before making a report under this Article which relates to a public service pension scheme, the Regulator must notify the scheme manager.”.
12. After Article 84 insert—

“Reports about misappropriation, etc. in public service pension schemes

84A.—(1) If the Regulator has reasonable grounds to suspect or believe that a member of the pension board of a public service pension scheme—

- (a) has misappropriated any assets of the scheme or is likely to do so,
or
- (b) has a conflict of interest in relation to investment of assets of the scheme,

the Regulator must report the matter to the scheme manager.

(2) For the purposes of the law of defamation, the reporting of any matter by the Regulator under paragraph (1) is privileged unless the reporting is shown to be made with malice.

(3) For the purposes of paragraph (1)(b) a person does not have a conflict of interest in relation to investment of assets merely by virtue of membership of the scheme.”.

- 13.—(1) Article 85 (codes of practice) is amended as follows.
- (2) In paragraph (4), after “provision of a code of practice” insert “issued under this Article”.
 - (3) In paragraph (7), at the end insert “under this Article”.
 - (4) At the end of the Article insert—
“*(8)* The Regulator may not issue codes of practice under this Article in relation to a public service pension scheme (but see Article 85A).”.

14. After Article 85 insert—

“Codes of practice: public service pension schemes

85A.—(1) The Regulator may, in relation to public service pension schemes, issue codes of practice—

Status: This is the original version (as it was originally enacted).

- (a) containing practical guidance in relation to the exercise of functions under relevant pensions legislation, and
 - (b) regarding the standards of conduct and practice expected from those who exercise such functions.
- (2) The Regulator must issue one or more such codes of practice relating to the following matters—
- (a) the discharge of the duties imposed by Articles 65 and 65A (duties to report breaches of the law and late payment of employer contributions);
 - (b) the obligations imposed by Article 225A (requirements for knowledge and understanding: pension boards of public service pension schemes);
 - (c) the discharge of the duty imposed by Article 226B (internal controls);
 - (d) the discharge of duties imposed under section 109 of the Pension Schemes Act (disclosure of information to members);
 - (e) the discharge of the duty imposed by Article 49(9)(b) of the 1995 Order (duty of trustees or managers of occupational pension schemes to report material failures by employers to pay contributions deducted from employee's earnings timeously);
 - (f) the discharge of the duty imposed by Article 50 of the 1995 Order (internal dispute resolution);
 - (g) the discharge of duties imposed under section 5(5) of the Public Service Pensions Act (Northern Ireland) 2014 (pension board: conflicts of interest and representation) and other duties relating to conflicts of interest;
 - (h) the discharge of duties imposed by virtue of section 6 (pension board: information) of that Act and other duties relating to the publication of information about governance and administration;
 - (i) the discharge of duties imposed under section 14 of that Act (information about benefits);
 - (j) the discharge of duties imposed under section 16 (records) of that Act and other duties relating to record-keeping;
 - (k) such other matters as may be prescribed for the purposes of this Article.
- (3) The Regulator may from time to time revise the whole or any part of a code of practice issued under this Article and issue that revised code.
- (4) Subject to Article 9(3)(a) and (8) (power for improvement notice to direct that person complies with code of practice and civil penalties for failure to comply), a failure on the part of any person to observe any

provision of a code of practice issued under this Article does not of itself render that person liable to any legal proceedings.

(5) A code of practice issued under this Article is admissible in evidence in any legal proceedings (within the meaning of Article 85) and, if any provision of such a code appears to the court or tribunal concerned to be relevant to any question arising in the proceedings, it must be taken into account in determining that question.

(6) A code of practice issued under this Article may be—

- (a) combined with a code of practice issued under Article 85;
- (b) combined with one or more other codes of practice issued under this Article.

(7) A code of practice issued under this Article may relate to all public service pension schemes or any one or more of them.

(8) In this Article, “relevant pensions legislation” means—

- (a) the statutory provisions constituting “pensions legislation” within the meaning of Article 85, and
- (b) sections 5(5) (pension board: conflicts of interest and representation), 6 (pension board: information), 14 (information about benefits) and 16 (records) of the Public Service Pensions Act (Northern Ireland) 2014.

(9) Articles 86 and 87 make provision about the procedure to be followed when a code of practice is issued or revoked under this Article.”.

15.—(1) Article 86 (procedure for codes) is amended as follows.

(2) In paragraph (1), after “code of practice” insert “under Article 85 or 85A”.

(3) In paragraphs (4)(a) and (9), after “85” insert “or 85A”.

16. In Article 87 (revocation of codes), in paragraph (1), after “code of practice” insert “under Article 85 or 85A”.

17. In Article 88 (procedure for regulatory functions), in paragraph (2), after subparagraph (b) insert—

“(ba) the power to appoint a skilled person in relation to a public service pension scheme under Article 10A,”.

18. In Article 138 (requirement to wind up schemes with sufficient assets), in paragraph (14), after “public service pension scheme” insert “(within the meaning of the Pension Schemes Act)”.

19. After Article 225 insert—

“Requirement for knowledge and understanding: pension boards of public service pension schemes

225A.—(1) This Article applies to every individual who is a member of the pension board of a public service pension scheme.

(2) An individual to whom this Article applies must be conversant with—

- (a) the rules of the scheme, and
- (b) any document recording policy about the administration of the scheme which is for the time being adopted in relation to the scheme.

(3) An individual to whom this Article applies must have knowledge and understanding of—

- (a) the law relating to pensions, and
- (b) such other matters as may be prescribed.

(4) The degree of knowledge and understanding required by paragraph (3) is that appropriate for the purposes of enabling the individual properly to exercise the functions of a member of the pension board.”.

20. In Article 226A (requirement for internal controls), in paragraph (3)—

(a) before sub-paragraph (a) insert—

“(za) a public service pension scheme;”;

(b) in sub-paragraph (a) for “a scheme” substitute “any other scheme”.

21. After Article 226A insert—

“Requirement for internal controls: public service pension schemes

226B.—(1) The scheme manager of a public service pension scheme must establish and operate internal controls which are adequate for the purpose of securing that the scheme is administered and managed—

- (a) in accordance with the scheme rules, and
- (b) in accordance with the requirements of the law.

(2) Nothing in this Article affects any other obligations of the scheme manager to establish or operate internal controls, whether imposed by or by virtue of any statutory provision, the scheme rules or otherwise.

(3) In this Article “internal controls” has the same meaning as in Article 226A.”.

SCHEDULE 5

Section 18.

Existing pension schemes

Civil servants

1. A scheme under Article 3 of the Superannuation Order.

Exceptions: injury benefits and compensation benefits

Holders of judicial office

2. A scheme constituted by or made under any provision of Part 1 or section 19 of the Judicial Pensions and Retirement Act 1993 so far as relating to payment of pension benefits to or in respect of—

- (a) the President of appeals tribunals (within the meaning of Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998) appointed under Article 6 of that Order, or a member of a panel constituted under Article 7(1) of that Order who is appointed to serve as a member of that panel and is a barrister or solicitor;
- (b) the President or Vice-President of the Industrial Tribunals and the Fair Employment Tribunal, appointed under Article 82 of the Fair Employment and Treatment (Northern Ireland) Order 1998;
- (c) the President or other member of the Lands Tribunal.

Local government workers

3. Regulations under Article 9 of the Superannuation Order.

Exception: injury benefits

Teachers

4. Regulations under Article 11 of the Superannuation Order.

Exception: injury benefits

Health service workers

5. Regulations under Article 12 of the Superannuation Order.

Exception: injury benefits

Fire and rescue workers

6. An order under Article 10 of the Fire Services (Northern Ireland) Order 1984 (continued by Article 60 of the Fire and Rescue Services (Northern Ireland) Order 2006).

Exceptions: injury benefits and compensation benefits

Members of the police service

7. A scheme under section 25(2)(k) or 26(2)(g) of the Police (Northern Ireland) Act 1998.

Exception: injury benefits

SCHEDULE 6

Section 19.

Existing injury and compensation schemes

Civil servants

1. A scheme under Article 3 of the Superannuation Order.

Specified benefits: injury benefits and compensation benefits

Local government workers

2. Regulations under Article 9 of the Superannuation Order.

Specified benefits: injury benefits

Teachers

3. Regulations under Article 11 of the Superannuation Order.

Specified benefits: injury benefits

Health service workers

4. Regulations under Article 12 of the Superannuation Order.

Specified benefits: injury benefits

Fire and rescue workers

5. Article 10 of the Fire Services (Northern Ireland) Order 1984.

Specified benefits: injury benefits and compensation benefits

Members of the police service

6. A scheme under section 25(2) or 26(2) of the Police (Northern Ireland) Act 1998.

Specified benefits: injury benefits

Compensation schemes for loss of office, etc.

7. Regulations under Article 19 of the Superannuation Order.

SCHEDULE 7

32.

Final salary link

Persons who remain in an old scheme for past service

1.—(1) This paragraph applies in a case where—

- (a) a person is a member of an existing scheme to which section 18(1) applies or a scheme to which section 32(2) applies (the “old scheme”) by virtue of his or her pensionable service for that scheme (“the old scheme service”), and
- (b) the person is also a member of a scheme under section 1 or a new public body pension scheme (“the new scheme”) by virtue of his or her pensionable service for that scheme (“the new scheme service”).

(2) If, in a case where this paragraph applies—

- (a) the old scheme service and the new scheme service are continuous, and
- (b) the person’s employer in relation to the old scheme service is the person’s employer in relation to the new scheme service (or any other employer in relation to the new scheme),

then, in determining the person’s final salary for any purpose of the old scheme—

- (i) the old scheme service is to be regarded as having ended when the new scheme service ended, and
- (ii) such earnings as scheme regulations for the new scheme may specify, being earnings derived by the person from the new scheme, are to be regarded as derived from the old scheme service (subject to sub-paragraph (3)).

(3) The amount of the earnings that are to be regarded as derived from the old scheme service must not be materially less than the amount of the earnings that would have been the person’s pensionable earnings derived from that service had the new scheme service been old scheme service.

Status: This is the original version (as it was originally enacted).

*Persons whose benefits under an old scheme
are transferred to another closed scheme*

2.—(1) This paragraph applies in a case where—

- (a) a person has been a member of an existing scheme to which section 18(1) applies or a scheme to which section 32(2) applies (“the old scheme”) by virtue of his or her pensionable service for that scheme (“the old scheme service”),
- (b) the person is also a member of a scheme under section 1 or a new public body pension scheme (“the new scheme”) by virtue of his or her pensionable service for that scheme (“the new scheme service”),
- (c) the person’s rights to benefit under the old scheme have been transferred after the date referred to in section 18(1) or section 32(2) to an existing scheme to which section 18(1) applies or a scheme to which section 32(2) applies (“the transfer scheme”), and
- (d) the old scheme service is treated, by virtue of that transfer, as pensionable service of the person for the transfer scheme (“the deemed transfer scheme service”).

(2) If, in a case where this paragraph applies—

- (a) the deemed transfer scheme service and the new scheme service are continuous, and
- (b) the person’s employer in relation to the new scheme service is an employer in relation to the transfer scheme,

then, in determining the person’s final salary for any purpose of the transfer scheme—

- (i) the deemed transfer scheme service is to be regarded as having ended when the new scheme service ended, and
- (ii) such earnings as scheme regulations for the new scheme may specify, being earnings derived by the person from the new scheme service, are to be regarded as derived from the deemed transfer scheme service (subject to sub-paragraph (3)).

(3) The amount of the earnings that are to be regarded as derived from the deemed transfer scheme service must not be materially less than the amount of the earnings that would have been the person’s pensionable earnings derived from that service had the new scheme service been deemed transfer scheme service.

(4) In sub-paragraph (1)(c), the reference to a transfer of rights to benefit includes the making of a transfer payment in respect of such rights.

Continuity of employment

3.—(1) For the purposes of paragraphs 1(2)(a) and 2(2)(a), there are to be disregarded—

- (a) any gap in service where the person was in pensionable public service;
- (b) a single gap of service where the person was not in pensionable public service, if that gap does not exceed 5 years;
- (c) two or more gaps in service where the person was not in pensionable public service, if none of the gaps exceeds 5 years.

(2) In this paragraph, “pensionable public service” means service which is pensionable service in relation to—

- (a) a scheme under section 1, or
- (b) a new public body pension scheme.

Movement between new schemes

4. Where the condition in sub-paragraph (1)(b) of paragraph 1 or 2 applies by virtue of periods of pensionable service for two or more different schemes—

- (a) identify the last period of pensionable service by virtue of which that paragraph applies and the scheme to which that service relates, and
- (b) disregard, for the purposes of that sub-paragraph, periods of pensionable service relating to other schemes.

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

5.—(1) Scheme regulations may provide that where a pension in payment under a scheme to which section 18(1) or 32(2) applies has been calculated by reference to this Schedule, the pension cannot be recalculated by reference to this Schedule where there is a subsequent period of pensionable public service (within the meaning of paragraph 3).

(2) Provision made under sub-paragraph (1) may in particular be made by amending the scheme under which the pension is in payment.

SCHEDULE 8

Section 27.

Consequential and minor amendments

Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29)

1. In section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (terms of appointment and remuneration, etc., of members), for subsection (5A) substitute—

“(5A) Subsection (5), so far as relating to allowances and gratuities by way of superannuation, shall not have effect in relation to persons—

- (a) to whom Part 1 of the Judicial Pensions and Retirement Act 1993 applies, or
- (b) to whom a pension is payable under a scheme made by the Department of Justice under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1 (2)(b) (holders of judicial office),

except to the extent provided by or under those Acts.”.

Pensions (Increase) Act (Northern Ireland) 1971 (c. 35)

2. After section 8 of the Pensions (Increase) Act (Northern Ireland) 1971 insert—

“8A. Section 8(2): references to “service”

(1) In a case where—

- (a) paragraph 1 or 2 of Schedule 7 to the 2014 Act (final salary link for persons who remain in old scheme for past service) applies in relation to a person, and
- (b) the person’s final salary falls to be determined by reference to that paragraph,

references in section 8(2) above to the service in respect of which a pension is payable include the person’s new scheme service (within the meaning of Schedule 7 to the 2014 Act).

(2) In a case where—

- (a) a person is a member of a relevant old scheme by virtue of pensionable service for that scheme (“the relevant old scheme service”),
- (b) the person is also a member of a scheme under section 1 of the 2014 Act or a new public body pension scheme (“the new scheme”) by virtue of pensionable service for that scheme (“the new scheme service”),

(c) the relevant old scheme service and the new scheme service are continuous, and

(d) the person's employer in relation to the relevant old scheme service is the person's employer in relation to the new scheme service (or any other employer in relation to the new scheme),

references in section 8(2) above to the service in respect of which a pension is payable include the person's new scheme service.

(3) In this section—

(a) “relevant old scheme” means a career average revalued earnings scheme (within the meaning of the 2014 Act) to which section 18(1) or 32(2) of that Act applies (restriction of benefits under existing schemes);

(b) “employer”, “new public body pension scheme” and “pensionable service” have the same meanings as in that Act.

(4) For the purposes of subsection (2)—

(a) paragraphs 3 and 4 of Schedule 7 to the 2014 Act (continuity of employment, etc.) apply as they apply for the purposes of paragraphs 1(2) and 2(2) of that Schedule;

(b) regulations under section 1 of the 2014 Act (in the case of a new scheme under that section) or rules (in the case of a new public body pension scheme) may provide that where a pension is in payment under a relevant old scheme, references in section 8(2) above to the service in respect of which a pension is payable do not include any subsequent period of pensionable service in relation to a scheme under section 1 of the 2014 Act or a new public body pension scheme.

(5) Provision made under subsection (4)(b) may in particular be made by amending the relevant old scheme.

(6) In this section, “the 2014 Act” means the Public Service Pensions Act (Northern Ireland) 2014.”.

3. Schedule 2 to the Pensions (Increase) Act (Northern Ireland) 1971 (official pensions) is amended as follows.

4. After paragraph 2 insert—

“**2A.** A pension payable under a scheme made by the Department of Finance and Personnel under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(a) of that Act (civil servants).”.

5. After paragraph 3A insert—

“3B. A pension payable by the Department of Education under a scheme made by the Department under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(d) of that Act (teachers).”.

6. Before paragraph 6 insert—

“5A. A pension payable by the Department of Justice under a scheme made by the Department under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(g) of that Act (members of police service).

5B. A pension payable under a scheme made by the Department of Justice under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(b) of that Act (holders of judicial office).”.

7. After paragraph 7A there is inserted—

“7B. A pension payable by the Department of Health, Social Services and Public Safety under a scheme made by the Department under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(e) of that Act (health service workers).”.

8. After paragraph 14A insert—

“14B. A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act (Northern Ireland) 2014, made by the Department of the Environment under section 1 of that Act by virtue of section 1(2)(c) of that Act (local government workers).”.

9. After paragraph 16 insert—

“16A. A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act (Northern Ireland) 2014, made by the Department of Health, Social Services and Public Safety under section 1 of that Act by virtue of section 1(2)(f) of that Act (fire and rescue workers).”.

Superannuation (Northern Ireland) Order 1972 (NI 10)

10. The Superannuation Order is amended as follows.

11. In Article 3 (superannuation schemes as respects civil servants, etc.), after paragraph (1A) insert—

“(1B) Paragraph (1) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

12. In Article 9 (superannuation of persons employed in local government service, etc.), after paragraph (1) insert—

“(1A) Paragraph (1) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

13. In Article 11 (superannuation of teachers), after paragraph (1) insert—

“(1A) Paragraph (1) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

14. In Article 12 (superannuation of persons engaged in health services, etc.), after paragraph (1) insert—

“(1A) Paragraph (1) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

15. In Article 19 (compensation for loss of office, etc.), after paragraph (1) insert—

“(1A) Paragraph (1) is subject to section 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

Fire Services (Northern Ireland) Order 1984 (NI 11)

16. In Article 10 of the Fire Services (Northern Ireland) Order 1984 (continued by Article 60 of the [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(2006 NI 9\)](#)), after paragraph (3) insert—

“(3A) Paragraphs (1) to (3) are subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

Judicial Pensions and Retirement Act 1993 (c. 8)

17. In section 1 of the Judicial Pensions and Retirement Act 1993, after subsection (1A) (as inserted by Schedule 8 to the Public Service Pensions Act 2013), insert—

“(1B) This Part is subject to section 18 of the Public Service Pensions Act (Northern Ireland) 2014 (Northern Ireland provision restricting benefits provided under existing schemes).”.

18. In section 11 of that Act (provision against pensions under two or more judicial pension schemes), after subsection (5) (as inserted by Schedule 8 to the Public Service Pensions Act 2013), add—

“(6) This section does not prevent a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 having effect in relation to a person.”.

Pension Schemes (Northern Ireland) Act 1993 (c. 49)

19. The Pension Schemes (Northern Ireland) Act 1993 is amended as follows.

20.—(1) Section 67 (short service benefit) is amended as follows.

(2) In subsection (3), for “subsection (4)” substitute “subsections (4) and (5A)”.

(3) After subsection (5) insert—

“(5A) Subsection (3) does not apply in relation to a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014.”.

21. In section 79 (scope of Chapter 2: revaluation of accrued benefits), after subsection (1A) insert—

“(1B) The reference in subsection (1)(a)(iii) to normal pension age is to be read, in relation to a person who is an active or deferred member of a scheme under section 1 or section 32(7) of the Public Service Pensions Act (Northern Ireland) 2014, as—

(a) the member’s normal pension age within the meaning of that Act,
or

(b) the member’s deferred pension age within the meaning of that Act,
if that is later.

In this subsection “active member” and “deferred member”, in relation to such a scheme, have the meanings given by Article 121(1) of the Pensions (Northern Ireland) Order 1995.”.

Police (Northern Ireland) Act 1998 (c. 32)

22. The Police (Northern Ireland) Act 1998 is amended as follows.

23. In section 25 (regulations for Police Service of Northern Ireland), after subsection (2) insert—

“(2A) Subsection (2)(k) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

24. In section 26 (regulations for reserve constables in Northern Ireland), after subsection (2) insert—

“(2A) Subsection (2)(g) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

Social Security (Northern Ireland) Order 1998 (NI 10)

25. In Schedule 1 to the Social Security (Northern Ireland) Order 1998 (appeals tribunals: supplementary provisions), after paragraph 3 insert—

“(3A) Paragraph 2 and 3, so far as relating to pensions and allowances by way of superannuation, shall not have effect in relation to persons to whom a pension is payable under a scheme made by the Department of Justice under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2) (b) (holders of judicial office), except to the extent provided by or under that Act.”.

SCHEDULE 9

Section 29.

Existing schemes for civil servants: extension of access

1. The Superannuation Order is amended as follows.
2. In Article 3 (superannuation schemes as respects civil servants, etc.), after paragraph (3) insert—

“(3A) This Article also applies to persons serving in employment or in an office, not being service in employment or in an office of a kind mentioned in paragraph (3), where the employment or office is specified in a list produced for the purposes of this paragraph (see Article 3A).”.

3. After Article 3 insert—

“List of employments and offices for purposes of Article 3

3A.—(1) The Department may specify an employment or office in a list produced for the purposes of Article 3(3A) if paragraph (2), (3) or (4) applies in relation to the employment or office.

- (2) This paragraph applies to an employment or office if—
 - (a) at any time on or after the commencement of this Article, the employment or office ceases to be of a kind mentioned in Article 3(3), and
 - (b) immediately before that time persons serving in the employment or office are, or are eligible to be, members of a scheme under Article 3 by virtue of Article 3(3).
- (3) This paragraph applies to an employment or office if—
 - (a) at any time before the commencement of this Article, the employment or office ceased to be of a kind mentioned in Article 3(3), and
 - (b) at that time persons serving in the employment or office ceased to be members of a scheme under Article 3 or to be eligible for membership of such a scheme.
- (4) This paragraph applies to an employment or office if—

- (a) it is of a description prescribed by regulations, and
 - (b) the Department determines that it is appropriate for it to be specified for the purposes of Article 3(3A).
- (5) The power to specify an employment or office in reliance on paragraph (4) may be exercised so as to have retrospective effect.
- (6) The Department—
- (a) may at any time amend a list produced under this Article, and
 - (b) must publish the list (and any amendments to it).
- (7) The published list must comply with such requirements, and contain such information, as may be prescribed by regulations.
- (8) Regulations made under this Article are subject to negative resolution.”.