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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2015 No.**

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

**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(1) (references to “service”: relevant old scheme pension in payment) apply to P.

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(1) 1971 c. 35. Section 8A was inserted by paragraph 4 of Schedule 8 to the Public Service Pensions Act (Northern Ireland) 2014 (c.2).

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Northern Ireland Statutory Rule: *The Public Service (Civil Servants and Others) Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015 No. 81*

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