

**EXPLANATORY MEMORANDUM TO
SUPERANNUATION (COMMISSIONER FOR OLDER PEOPLE FOR
NORTHERN IRELAND) ORDER (NORTHERN IRELAND) 2011**

2011 No. 410

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the above named statutory rule which is laid before the Northern Ireland Assembly.
- 1.2 The statutory rule is made under Articles 3(4) and (7) of the Superannuation (Northern Ireland) Order 1972 and is subject to negative resolution procedure in the NI Assembly.
- 1.3 The rule is due to come into operation on 30 December 2011 and will have retrospective effect from 8 February 2011

2. Purpose

- 2.1 The rule adds the Commissioner for Older People for Northern Ireland to Schedule 1 of the Superannuation Order with effect from 8 February 2011. Where an employment is listed at Schedule 1 to the Superannuation (Northern Ireland) Order 1972 pension provision is made for that Office in the Principal Civil Service Pensions Scheme (Northern Ireland) [PCSPS(NI)].

3. Background

- 3.1 The office of Commissioner for Older People for Northern Ireland was established by the Commissioner for Older People Act (Northern Ireland) 2011.
- 3.2 The Commissioner for Older People for Northern Ireland will be appointed by the First and Deputy First Ministers acting jointly and pension provision must be made for persons holding the post.
- 3.4 Under Article 3 of the Superannuation (Northern Ireland) Order 1972 the Department of Finance and Personnel has authority to make and maintain pension arrangements for Northern Ireland Civil Servants in the Principal Civil Service Pension Scheme (Northern Ireland), PCSPS (NI). It may also make pension provision in the PCSPS (NI) for associated employments, public offices and public appointments which meet the requirement of Article 3(5) of the Superannuation (Northern Ireland)

Order 1972 wherein the remuneration of persons serving in those employments or offices is paid out of moneys appropriated by a transferred provision or out of the NI Consolidated Fund.

- 3.5 The making of the rule accomplishes this in respect of the Commissioner for Older People for Northern Ireland.

4. Matters of special interest to the Committee for Finance and Personnel

- 4.1 None

5. Consultation

- 5.1 The provisions of Articles 3(4) and (7) of the Superannuation (Northern Ireland) Order 1972 under which the statutory rule is made do not require that the Department carry out formal consultations prior to its introduction.

6. Position in Great Britain

- 6.1 Not Applicable.

7. Equality Impact

- 7.1 There are no implications for any of the Section 75 groups.

8. Regulatory Impact

- 8.1 The rule imposes no costs on business, charities, social economy enterprises or the voluntary Sector. A Regulatory Impact Assessment is not considered necessary.

9. Financial Implications

- 9.1 None. Contributions for pension provision in the PCSPS(NI) are paid by employers and individual post holders.

10. EU implications

- 10.1 None.

11. Section 24 of the Northern Ireland Act

- 11.1 It is the view of the Department that the Order is compatible with section 24 of the NI Act 1998