

**EXPLANATORY MEMORANDUM TO
SUPERANNUATION (COMMISSIONER OF THE NORTHERN IRELAND
LAW COMMISSION) ORDER (NORTHERN IRELAND) 2012**

2012 No. 51

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 Article 3(4) 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 14 March 2012 and will have effect from 1 February 2012 by virtue of Article 3(7) of the Superannuation (Northern Ireland) Order 1972.

2. Purpose

- 2.1 The rule adds the Commissioner of the Northern Ireland Law Commission to Schedule 1 of the Superannuation Order with effect from 1 February 2012. 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 of the Northern Ireland Law Commission was established by section 50 of and schedule 9 to the Justice (Northern Ireland) Act 2002 (c.26) as amended by paragraphs 8 and 25 of Schedule 13 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)
- 3.2 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 Statutory Rule accomplishes this in respect of the Commissioner of the Northern Ireland Law Commission.

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

4.1 None

5. Consultation

5.1 The provisions of Article 3(4) 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