

SCHEDULE 1

Regulation 138

Payments for extra pension

PART 1

General

Interpretation

1. In this Schedule—

“added pension option” means the option to make added pension payments;

“amount of accrued added pension” means the total of—

(a) the amount of accrued added (self only) pension (if any); and

(b) the amount of accrued added (all beneficiaries) pension (if any);

“amount of extra pension” has the meaning given in paragraph 2;

“appropriate pay period” means the pay period that the scheme manager considers appropriate;

“effective pension age option” means the option to make effective pension age payments;

“effective pension age payments” means periodical payments for an effective pension age made to this scheme;

“eligible employment” has the meaning given in paragraph 34;

“overall limit of extra pension” has the meaning given in paragraph 3;

“periodical payment period” means the period for which periodical payments for added pension or an effective pension age are payable;

“period of service”, in relation to this scheme, means a continuous period of pensionable service under this scheme;

“the relevant day”, in relation to a lump sum payment for added pension, means—

(a) if the scheme manager provides a statement of the amount of added pension, the first day after the period of one month beginning with the date of the statement; or

(b) otherwise, the day on which the lump sum payment is received by the scheme manager;

“the relevant scheme year” means the scheme year in which the relevant day falls;

“statement of the amount of added pension” means the statement referred to in paragraph 18;

“third party” means a third party approved by the scheme manager to make payments for extra pension in respect of an active member of this scheme; and

“value”, in relation to an effective pension age option, means a value determined by the scheme manager under Part 3 or 4 of this Schedule.

Commencement Information

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

Meaning of “amount of extra pension”

2. The amount of extra pension at any given time is the total of the following—

(a) the amount of accrued added pension at that time;

Status: Point in time view as at 18/12/2014.

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

- (b) if the member has exercised one or more effective pension age options, the value of each option as at that time.

Commencement Information

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

Meaning of “overall limit of extra pension”

3.—(1) The overall limit of extra pension is—

- (a) £6,500 for any scheme year ending before 1st April 2016; and
- (b) for any scheme year beginning on or after 1st April 2016—
 - (i) the overall limit of extra pension determined by the Department in respect of that scheme year as published before the start of that scheme year; or
 - (ii) if no such determination is made, the amount calculated under paragraph (2).

(2) The amount is the amount to which the annual rate of a pension of an amount equal to the overall limit of extra pension for the previous scheme year would have been increased under the 1971 Act if—

- (a) that pension were eligible to be so increased; and
- (b) the beginning date for that pension were the first day of the previous scheme year.

Commencement Information

I3 Sch. 1 para. 3 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Limit on elections

4. An added pension option may not be exercised in relation to a member if the member has exercised an effective pension age option and—

- (a) the value of the effective pension age option exceeds the overall limit of extra pension; or
- (b) if the added pension option is exercised, the amount of extra pension would exceed the overall limit of extra pension.

Commencement Information

I4 Sch. 1 para. 4 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Amount of accrued added pension may not exceed overall limit of extra pension

5.—(1) At any given time, the total amount of accrued added pension in all the active member’s accounts established for a member under Part 5 may not exceed the overall limit of extra pension.

(2) If a member has opted to make periodical payments for added pension under this scheme, the scheme manager may by notice to the member cancel the added pension option if it appears to the scheme manager that the overall limit of extra pension will be exceeded if the member continues to make the periodical payments.

(3) If the scheme manager cancels the option, the periodical payments cease to be payable from the next pay period beginning after the date specified in the notice of cancellation.

(4) For the purpose of this paragraph, “amount of accrued added pension” does not include any amount attributable to a lump sum payable to a member under a compensation scheme.

Commencement Information

I5 Sch. 1 para. 5 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Actuarial advice

6. The scheme manager must take advice from the scheme actuary before determining any amount under this Schedule.

Commencement Information

I6 Sch. 1 para. 6 in operation at 18.12.2014, see [reg. 1\(2\)](#)

PART 2

Payments for added pension

CHAPTER 1

Exercising the added pension option

Added pension option exercisable by member

- 7.—(1) An active member of this scheme may opt to make added pension payments to increase—
- (a) the member’s retirement benefits⁽¹⁾ for a period of service; or
 - (b) the member’s retirement benefits and death benefits payable in respect of the member for a period of service.
- (2) A member may exercise the added pension option by notice to the scheme manager in a form required by the scheme manager (“the option notice”).
- (3) The option notice must state whether the added pension payments are to be made by—
- (a) periodical payments; or
 - (b) a lump sum payment.
- (4) If the whole or part of any lump sum payable to the member under a compensation scheme is to be used as a lump sum payment for added pension the option notice must specify this.
- (5) A member may exercise the added pension option more than once but an option to make a lump sum payment for added pension may only be exercised once in any scheme year.
- (6) An option to make a lump sum payment for added pension may only be exercised if the member—
- (a) has been an active member of this scheme in relation to a continuous period of pensionable service for at least 12 months; and
 - (b) has been provided with a statement of the amount of added pension (if paragraph 18 applies).

(1) ()Added pension which increases the member’s retirement benefits is payable to the member as part of the member’s full retirement pension or partial retirement pension in accordance with the provisions of Part 6 of these Regulations

Status: Point in time view as at 18/12/2014.

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

Commencement Information

I7 Sch. 1 para. 7 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Added pension option exercisable by employer or third party

8.—(1) A third party or the employer of an active member of this scheme may, if the scheme manager approves, opt to make a lump sum payment for added pension to increase—

- (a) the member’s retirement benefits for a period of service; or
- (b) both the member’s retirement benefits and death benefits payable in respect of the member for a period of service.

(2) The employer or third party may exercise an added pension option by notice to the scheme manager in a form required by the scheme manager (“the option notice”).

(3) The employer or third party may exercise an added pension option more than once but only once in any scheme year.

(4) If an active member opts for the whole or part of any lump sum payable to the member under a compensation scheme to be used to make a lump sum payment for added pension, the member’s employer may opt to make a lump sum payment under this regulation.

Commencement Information

I8 Sch. 1 para. 8 in operation at 18.12.2014, see [reg. 1\(2\)](#)

CHAPTER 2

Periodical payments for added pension

Application of Chapter

9. This Chapter applies in relation to an active member of this scheme who opts to make periodical payments for added pension under this scheme.

Commencement Information

I9 Sch. 1 para. 9 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Member’s option to make periodical payments for added pension

10.—(1) The option notice must specify—

- (a) the periodical payment period; and
- (b) the amount of the periodical payment to be deducted by the member’s employer from the member’s pensionable earnings in each pay period.

(2) The amount of the periodical payment may be expressed as—

- (a) a percentage of the member’s pensionable earnings; or
- (b) a fixed sum.

(3) The amount of the periodical payment must not be less than any minimum amount determined by the scheme manager.

Commencement Information

II0 Sch. 1 para. 10 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Cancellation of option by member

11.—(1) The member may, by notice to the scheme manager, cancel the option at any time during the periodical payment period.

(2) If the member cancels the option, the periodical payments cease to be payable from the beginning of the next scheme year after the scheme manager receives the notice of cancellation.

Commencement Information

II1 Sch. 1 para. 11 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Periodical payments

12.—(1) The periodical payments are payable by deduction by the member's employer from the member's pensionable earnings during the periodical payment period.

(2) The periodical payment period—

(a) begins with—

(i) if the member exercises the option within 3 months after joining this scheme, the first appropriate pay period beginning on or after the date on which the scheme manager receives the option notice; or

(ii) in any other case, the first appropriate pay period of the scheme year beginning on or after the date on which the scheme manager receives the option notice; and

(b) ends on the earlier of—

(i) the date on which the member ceases to be an active member of this scheme; and

(ii) the date specified in the option notice.

(3) Subject to sub-paragraph (4), during a period of assumed pay the member may—

(a) stop the periodical payments; or

(b) continue the periodical payments as if the member were receiving pensionable earnings at the full rate.

(4) During any period in which the member is receiving statutory maternity pay within the meaning of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁾ or is on paid ordinary maternity leave, paid adoption leave or paid paternity leave, the member may—

(a) stop the periodical payments; or

(b) make periodical payments of an amount determined by reference to the member's actual pay during that period.

(5) If a member stops the periodical payments during a period of assumed pay, the member may, by notice to the scheme manager in a form required by the scheme manager, resume the periodical payments in the next pay period after the period of assumed pay ends.

(2) (1992 c.7

Status: Point in time view as at 18/12/2014.

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

Commencement Information

I12 Sch. 1 para. 12 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Amount of added (self only) pension for a scheme year (periodical payments)

13.—(1) This paragraph applies in relation to each scheme year during which a member makes periodical payments to increase the member’s retirement benefits only.

(2) An amount of added (self only) pension is credited to the active member’s account for that scheme year.

(3) The amount is determined by the scheme manager by reference to published actuarial tables, having regard to the cost in the scheme year of providing retirement benefits to a person of the member’s age and gender.

Commencement Information

I13 Sch. 1 para. 13 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Amount of added (all beneficiaries) pension for a scheme year (periodical payments)

14.—(1) This paragraph applies in relation to each scheme year during which a member makes periodical payments to increase—

- (a) the member’s retirement benefits; and
- (b) death benefits payable in respect of the member.

(2) An amount of added (all beneficiaries) pension is credited to the active member’s account for that scheme year.

(3) The amount is determined by the scheme manager by reference to published actuarial tables, having regard to the cost in the scheme year of providing retirement benefits to—

- (a) a person of the member’s age; and
- (b) dependants of a person of that age.

Commencement Information

I14 Sch. 1 para. 14 in operation at 18.12.2014, see [reg. 1\(2\)](#)

CHAPTER 3

Lump sum payments for added pension made by member

Application of Chapter

15. This Chapter applies in relation to an active member of this scheme who opts to make a lump sum payment for added pension under this scheme..

Commencement Information

I15 Sch. 1 para. 15 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Member's option to make a lump sum payment for added pension

16.—(1) The option notice must specify the amount of the lump sum which must not be less than any minimum amount determined by the scheme manager.

(2) The lump sum is payable immediately to the scheme manager by deduction by the member's employer from the member's pensionable earnings or otherwise.

Commencement Information

I16 Sch. 1 para. 16 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Payment by lump sum from a compensation scheme

17.—(1) This paragraph applies if the member specifies in the option notice that the whole or part of any lump sum payable to the member under a compensation scheme is to be used as a lump sum payment for added pension.

(2) The member's employer may make a lump sum payment for added pension in relation to the member using the whole or part of the lump sum specified in the option notice.

Commencement Information

I17 Sch. 1 para. 17 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Statement of amount of added pension

18.—(1) If the scheme manager so requires, the member before exercising the option must ask the scheme manager to provide a statement of the amount of added pension.

(2) A statement of the amount of added pension must set out the amount that would be credited to the active member's account if the lump sum is received by the scheme manager within one month after the date of the statement.

(3) The statement must also—

- (a) specify the overall limit of extra pension; and
- (b) inform the member if it appears to the scheme manager that the overall limit of extra pension would be exceeded if the active member's account is credited with the amount of added pension set out in the statement.

Commencement Information

I18 Sch. 1 para. 18 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Amount of added (self only) pension (lump sum payment)

19.—(1) This paragraph applies if a member opts to make a lump sum payment to increase the member's retirement benefits only.

(2) Following payment of the lump sum by the member an amount of added (self only) pension is credited to the active member's account for the relevant scheme year.

(3) The amount credited to the account is—

Status: Point in time view as at 18/12/2014.

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

- (a) if the scheme manager has provided a statement of the amount of added pension and the lump sum is received by the scheme manager within one month after the date of the statement, the amount specified in the statement; or
- (b) otherwise, an amount determined by the scheme manager by reference to published actuarial tables, having regard to—
 - (i) the amount of the lump sum;
 - (ii) the cost as at the relevant day of providing retirement benefits to a person of the member's age and gender;
 - (iii) factors relating to the member's circumstances as at the relevant day; and
 - (iv) any other factors as at the date of the statement of the amount of added pension to which the scheme actuary considers regard should be had.

Commencement Information

I19 Sch. 1 para. 19 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Amount of added (all beneficiaries) pension (lump sum payment)

- 20.—(1) This paragraph applies if a member opts to pay a lump sum to increase—
- (a) the member's retirement benefits; and
 - (b) death benefits payable in respect of the member.
- (2) On payment of the lump sum by the member an amount of added (all beneficiaries) pension is credited to the active member's account in the relevant scheme year.
- (3) The amount credited to the account is—
- (a) if the scheme manager has provided a statement of the amount of added pension and the lump sum is received by the scheme manager within one month after the date of the statement, the amount specified in the statement; or
 - (b) otherwise, an amount determined by the scheme manager by reference to published actuarial tables, having regard to—
 - (i) the amount of the lump sum;
 - (ii) the cost as at the relevant day of providing retirement benefits to a person of the member's age and dependants of a person of that age;
 - (iii) factors relating to the member's circumstances as at the relevant day; and
 - (iv) any other factors as at the date of the statement of the amount of added pension to which the scheme actuary considers regard should be had.

Commencement Information

I20 Sch. 1 para. 20 in operation at 18.12.2014, see [reg. 1\(2\)](#)

CHAPTER 4

Lump sum payments for added pension made by employer or third party

Application of Chapter

21. This Chapter applies in relation to an employer or third party who opts to make a lump sum payment for added pension in relation to an active member of this scheme.

Commencement Information

I21 Sch. 1 para. 21 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Employer or third party option to make a lump sum payment for added pension

22.—(1) The option notice must specify the amount by which the member's added (self only) pension or added (all beneficiaries) pension for the relevant scheme year is to be increased.

(2) The amount of the lump sum payment is—

- (a) if the option notice specifies an increase in the member's added (self only) pension, an amount determined by the scheme manager, after consultation with the scheme actuary, having regard to the cost as at the relevant day of providing retirement benefits to a person of the member's age and gender; and
- (b) if the option notice specifies an increase in the member's added (all beneficiaries) pension an amount determined by the scheme manager, after consultation with the scheme actuary, having regard to the cost as at the relevant day of providing retirement benefits to—
 - (i) a person of the member's age; and
 - (ii) the dependants of such a person.

(3) The lump sum payment must be paid in a manner determined by the scheme manager after consultation with the scheme actuary.

(4) The scheme manager must notify the employer or third party of the amount of the lump sum and the manner in which it is to be paid.

Commencement Information

I22 Sch. 1 para. 22 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Amount of added (self only) pension (lump sum payment)

23.—(1) This paragraph applies if an employer or third party opts to make a lump sum payment to increase the member's added (self only) pension.

(2) On payment of the lump sum by the employer or third party an amount of added (self only) pension is credited to the active member's account in the relevant scheme year.

(3) The amount credited to the account is an amount determined by the scheme manager, after consultation with the scheme actuary, having regard to the amount of the lump sum payment.

Commencement Information

I23 Sch. 1 para. 23 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Status: Point in time view as at 18/12/2014.

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

Amount of added (all beneficiaries) pension (lump sum payment)

24.—(1) This paragraph applies if an employer or third party opts to pay a lump sum to increase the member’s added (all beneficiaries) pension.

(2) On payment of the lump sum by the employer or third party an amount of added (all beneficiaries) pension is credited to the active member’s account in the relevant scheme year.

(3) The amount credited to the account is an amount determined by the scheme manager, after consultation with the scheme actuary, having regard to the amount of the lump sum payment.

Commencement Information

I24 Sch. 1 para. 24 in operation at 18.12.2014, see [reg. 1\(2\)](#)

PART 3

Effective pension age payments

CHAPTER 1

Exercising the effective pension age option

Effective pension age option exercisable by member

25.—(1) This paragraph applies if an active member of this scheme in relation to a continuous period of pensionable service has a normal pension age above 65 years.

(2) Subject to sub-paragraphs (3) and (4), the member may opt to make periodical payments for an effective pension age of 1, 2 or 3 years below the member’s normal pension age (“effective pension age option”).

(3) An effective pension age option may not be exercised to achieve an effective pension age below 65 years.

(4) The member may opt to make periodical payments for an effective pension age of any period up to 3 years below the member’s normal pension age if that would achieve an effective pension age of 65 years.

(5) An effective pension age is—

- (a) relative to normal pension age; and
- (b) automatically adjusted to reflect any change in normal pension age.

Commencement Information

I25 Sch. 1 para. 25 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Exercising the effective pension age option

26.—(1) A member may exercise an effective pension age option by notice to the scheme manager in any form the scheme manager may require (“the option notice”).

(2) The option notice must state the effective pension age which is to apply under the option.

(3) A member may exercise an effective pension age option more than once.

(4) A member may not exercise an effective pension age option during—

- (a) a period of assumed pay; or
- (b) any scheme year in which the member has reached the overall limit of extra pension for that year.

Commencement Information

I26 Sch. 1 para. 26 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Payment of pension at effective pension age

27.—(1) For any part of a scheme year in which a member makes periodical payments for an effective pension age option, the member is entitled to payment of a full retirement earned pension or partial retirement earned pension attributable to the option at the effective pension age stated in the option without actuarial reduction.

(2) The amount of pension attributable to the option is reduced if the periodical payments are stopped before the end of the periodical payment period.

(3) For any period in which the periodical payments are stopped, an amount of standard earned pension is credited to the active member's account instead of an amount of earned pension attributable to the option.

Commencement Information

I27 Sch. 1 para. 27 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Member ceases to be in pensionable service under this scheme

28.—(1) An effective pension age option in relation to a continuous period of pensionable service under this scheme ceases to have effect when the member ceases to be in that pensionable service.

(2) Periodical payments cease to be payable from the member's last day of pensionable service.

(3) In the circumstances provided for in regulation 139(2), the member is entitled to a refund under that regulation of the periodical payments.

(4) If the member re-enters pensionable service under this scheme after a gap in pensionable service not exceeding 5 years, the periodical payments resume in the first pay period after the member re-enters pensionable service unless—

- (a) the periodical payments have been refunded to the member under regulation 139; or
- (b) a transfer payment has been made to another scheme in respect of the member's accrued rights under this scheme.

(5) The periodical payments resume under sub-paragraph (4) even if the member has reached the overall limit of extra pension for the scheme year in which the payments resume.

Commencement Information

I28 Sch. 1 para. 28 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Cancellation of option

29.—(1) A member may, by notice to the scheme manager, cancel an effective pension age option at any time during the periodical payment period.

Status: Point in time view as at 18/12/2014.

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

(2) If the member cancels the option, the periodical payments cease to be payable from the beginning of the next scheme year after the scheme manager receives notice of the cancellation.

(3) If the member exercises an effective pension age option again within a period not exceeding 5 years, the periodical payments resume from the first pay period of the next scheme year beginning after the date on which the member exercises the option again.

(4) The periodical payments resume under sub-paragraph (3) even if the member has reached the overall limit of extra pension for the scheme year in which the payments resume.

Commencement Information

I29 Sch. 1 para. 29 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Value of an effective pension age option

30.—(1) The value of an effective pension age option at any time is a value determined by the scheme manager as at that time⁽³⁾.

(2) A member who has exercised an effective pension age option—

- (a) may at any time ask the scheme manager to provide a statement of the value of the effective pension age option; and
- (b) must ask the scheme manager to provide a statement of the value of the effective pension age option before an added pension option may be exercised in relation to the member.

Commencement Information

I30 Sch. 1 para. 30 in operation at 18.12.2014, see [reg. 1\(2\)](#)

CHAPTER 2

Making effective pension age payments

Amount of periodical payments

31.—(1) Periodical payments for an effective pension age are payable by deduction by the member's employer from the member's pensionable earnings in every pay period during the periodical payment period.

(2) The amount of the periodical payments is an amount—

- (a) determined by the scheme manager; and
- (b) set out in a notice to the member.

(3) The scheme manager must determine the amount by reference to published actuarial tables having regard to—

- (a) the member's age and gender; and
- (b) the number of years before the member will reach normal pension age.

(4) Before the start of every scheme year, the scheme manager must—

- (a) review the amount of the periodical payments; and

(3) (Under paragraph 4(a) (limit on elections), a member may not exercise an added pension option if the value of an effective pension age option exceeds the overall limit of extra pension

- (b) if the scheme manager re-determines the amount, send the member notice of the amount payable from the start of the next scheme year.

Commencement Information

I31 Sch. 1 para. 31 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Periodical payment period

32. The periodical payment period—

- (a) begins with—
 - (i) if the member exercises the option within 3 months after joining this scheme, the first appropriate pay period beginning on or after the date on which the scheme manager receives the option notice; or
 - (ii) in any other case, the first appropriate pay period of the scheme year beginning on or after the date on which the scheme manager receives the option notice; and
- (b) ends on the earlier of—
 - (i) the date on which the member ceases to be in pensionable service in the eligible employment to which the option relates; and
 - (ii) the date on which the member reaches the effective pension age.

Commencement Information

I32 Sch. 1 para. 32 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Periodical payments during period of assumed pay

33.—(1) Subject to sub-paragraph (2), during a period of assumed pay the member may—

- (a) stop the periodical payments; or
- (b) continue the periodical payments as if the member were receiving pensionable earnings at the full rate.

(2) During any period in which the member is receiving statutory maternity pay within the meaning of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁴⁾ or is on paid ordinary maternity leave, paid adoption leave or paid paternity leave, the member may—

- (a) stop the periodical payments; or
- (b) make periodical payments of an amount determined by reference to the member's actual pay during that period.

(3) If a member stops the periodical payments during a period of assumed pay, the member may, by notice to the scheme manager in a form required by the scheme manager, resume the periodical payments in the next pay period after the period of assumed pay ends.

Commencement Information

I33 Sch. 1 para. 33 in operation at 18.12.2014, see [reg. 1\(2\)](#)

(4) 1992 c.7

Status: Point in time view as at 18/12/2014.

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

SCHEDULE 2

Regulation 182

Transitional provisions

PART 1

General

Interpretation-general

1. In this Schedule—

“Article 3(3A) eligible person” means a person who is eligible to be an active member of the PCSPS(NI) by virtue of being a person who is in service in an office or employment specified in a list produced for the purposes of Article 3(3A) (superannuation schemes as respects civil servants, etc) of the 1972 Order⁽⁵⁾;

“closing date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the PCSPS(NI), the tapered protection closing date for that member; or
- (b) if the member is not a protected member of that scheme, the scheme closing date;

“existing public body pension scheme” means a public body pension scheme specified on a list published by the Department for the purpose of this Schedule;

“full protection member”, in relation to the PCSPS(NI), has the meaning given in paragraph 9;

“protected member”, in relation to the PCSPS(NI), means a full protection member or tapered protection member of that scheme;

“protection period”—

- (a) for a full protection member of the PCSPS(NI), has the meaning given in paragraph 10;
- (b) for a tapered protection member of the PCSPS(NI), has the meaning given in paragraph 20;

“tapered protection closing date”, in relation to a tapered protection member of the PCSPS(NI), has the meaning given in paragraph 3;

“tapered protection member”, in relation to the PCSPS(NI), has the meaning given in paragraph 19;

“transition date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the PCSPS(NI), the day after the tapered protection closing date for that member;
- (b) if the member is not a protected member of that scheme, the day after the scheme closing date or, if later, the day the person ceased to be a protected member of the scheme;

“transition member” means a person—

- (a) who is a member of the PCSPS(NI) by virtue of the person’s pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of the person’s pensionable service under this scheme.

⁽⁵⁾ Article 3(3A) was inserted by the Public Service Pensions Act (Northern Ireland) 2014 (c.2) section.29; Schedule 9 paragraphs 1 and 2

Commencement Information

I34 Sch. 2 para. 1 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Meaning of “continuity of service”

2.—(1) For the purposes of this Schedule, a transition member (T) has continuity of service between pensionable service in the PCSPS(NI) and pensionable service in this scheme (“continuity of service”) unless T has a gap in service exceeding 5 years which—

- (a) begins on or before T’s closing date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(2) For the purpose of sub-paragraph (1), 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

I35 Sch. 2 para. 2 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Meaning of “tapered protection closing date”

3.—(1) The tapered protection closing date for a tapered protection member of the PCSPS(NI) other than a member to whom paragraph 9(5) or 27 applies is—

- (a) if the member exercises the option under Part 4 of this Schedule, the scheme closing date; or
- (b) if the member does not exercise that option, a date between 31st May 2015 and 31st January 2022 (inclusive) determined by the scheme manager by reference to a table published for that purpose.

(2) A tapered protection closing date determined under sub-paragraph (1)(b) must fall on the last day of a month.

(3) The tapered protection closing date for a tapered protection member of the PCSPS(NI) to whom paragraph 9(5) or 27 applies is a date determined by the scheme manager.

Commencement Information

I36 Sch. 2 para. 3 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Meaning of “active member of the PCSPS(NI)”

4.—(1) This paragraph applies to a person (P) who is an active member of the PCSPS(NI) other than as an Article 3(3A) eligible person.

(2) For the purpose of Parts 2 and 3 of this Schedule, P is an active member of the PCSPS(NI) on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) if P is on a gap in service not exceeding 5 years.

(3) For the purpose of sub-paragraph (2)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Status: Point in time view as at 18/12/2014.

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

Commencement Information

I37 Sch. 2 para. 4 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Meaning of “active member of an existing scheme”

5.—(1) For the purpose of Parts 2 and 3 of this Schedule, a person (P) is an active member of an existing scheme (other than the PCS(S)(NI)) on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding 5 years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing scheme P is not on a gap in service while P is in pensionable public service.

(3) In sub-paragraph (2), “the closing date for the existing scheme” means the date referred to in section 18(4) of the Act, as applicable.

Commencement Information

I38 Sch. 2 para. 5 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Meaning of “active member of an existing public body pension scheme”

6.—(1) For the purpose of Parts 2 and 3 of this Schedule, a person (P) is an active member of an existing public body pension scheme on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding 5 years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing public body pension scheme, P is not on a gap in service while P is in pensionable public service.

(3) In sub-paragraph (2), “the closing date for the existing public body pension scheme” means the date determined under section 32(2) of the Act by the public authority responsible for that scheme.

Commencement Information

I39 Sch. 2 para. 6 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Commencement of active membership of this scheme

7.—(1) A person who is a transition member on entering pensionable service under this scheme who does not have continuity of service becomes an active member of this scheme on the day the person begins pensionable service in a scheme employment.

(2) A person who is a transition member on entering pensionable service under this scheme who has continuity of service (T) becomes an active member of this scheme—

- (a) if T is in pensionable service in a scheme employment on the transition date, on that date; or
- (b) if T is not in pensionable service in a scheme employment on the transition date, on the day T enters pensionable service in a scheme employment after that date.

Commencement Information

I40 Sch. 2 para. 7 in operation at 18.12.2014, see [reg. 1\(2\)](#)

PART 2

Exceptions to section 18(1) of the Act: full protection members of the PCSPS(NI)

Interpretation of Part

8. In this Part—

“active member of an existing public body pension scheme” has the meaning given in paragraph 6;

“active member of an existing scheme” has the meaning given in paragraph 5; and

“active member of the PCSPS(NI)” has the meaning given in paragraph 4

Commencement Information

I41 Sch. 2 para. 8 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Full protection members of the PCSPS(NI)

9.—(1) A person (P) to whom any of paragraphs 12 to 17 applies is a full protection member of the PCSPS(NI).

(2) P ceases to be a full protection member of the PCSPS(NI) when P ceases to be in pensionable service under that scheme unless sub-paragraph (3) or (4) applies.

(3) This sub-paragraph applies if—

(a) P returns to service which is pensionable under the PCSPS(NI) from service which is pensionable under an existing scheme or an existing public body pension scheme; and

(b) P would have been a fully protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the PCSPS(NI).

(4) This sub-paragraph applies if—

(a) P returns to service which is pensionable under the PCSPS(NI) otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and

(b) P returns to service which is pensionable under the PCSPS(NI) after a gap in service not exceeding 5 years.

(5) If P returns to service which is pensionable under the PCSPS(NI) in circumstances where sub-paragraph (6) applies, P is a tapered protection member of the PCSPS(NI) when P returns to that service.

(6) This sub-paragraph applies if—

(a) P returns to service which is pensionable under the PCSPS(NI) from service which is pensionable under an existing scheme or an existing public body pension scheme; and

Status: Point in time view as at 18/12/2014.

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

(b) P would have been a protected member of the existing scheme or existing public body pension scheme by virtue of an exception to which section 18(8)(a) and (b) of the Act (or that section as applied by section 32(4)) applies had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the PCSPS(NI).

(7) In this paragraph—

“exception” means—

- (a) in relation to an existing scheme, an exception under section 18(5) or 18(6) of the Act provided for in the scheme regulations for that scheme;
- (b) in relation to an existing public body pension scheme, an exception under section 32(4) of the Act provided for by the public authority responsible for that scheme;

“fully protected member” of an existing scheme or an existing public body scheme means a person in respect of whom an exception applies, which exception is one to which section 18(7) of the Act (or that section as applied by section 32(4)) applies for the purposes of that scheme.

(8) For the purpose of paragraph (4)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Commencement Information

I42 Sch. 2 para. 9 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Exception for full protection members during protection period

10.—(1) The protection period for a person (P) who is a full protection member of the PCSPS(NI) is the period which—

- (a) begins on the day after the scheme closing date (or if paragraph 15(3) applies, the day after the existing public body pension scheme closed to all members); and
- (b) ends when P ceases to be a full protection member of the PCSPS(NI) (unless P is a tapered protection member by virtue of paragraph 9(5)).

(2) During the protection period—

- (a) P is eligible to be in pensionable service under the PCSPS(NI);
- (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
- (c) benefits are to be provided under the PCSPS(NI) to or in respect of P in relation to that pensionable service.

Commencement Information

I43 Sch. 2 para. 10 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Full protection member not eligible to join this scheme

11. While a person (P) is a full protection member of the PCSPS(NI), P is not eligible to be an active member of this scheme.

Commencement Information

I44 Sch. 2 para. 11 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Members of the PCSPS(NI) on scheme closing date

- 12.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.
- (2) This sub-paragraph applies if—
- (a) P was an active member of the PCSPS(NI) on the scheme closing date and on 31st March 2012; and
 - (b) P would, unless P dies, reach normal pension age under that scheme on or before 1st April 2022.
- (3) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme other than the PCSPS(NI) or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (b) P was an active member of the PCSPS(NI) on the scheme closing date; and
 - (c) P would, unless P dies, reach normal pension age under the PCSPS(NI) and P’s transitional scheme on or before 1st April 2022.

Commencement Information

I45 Sch. 2 para. 12 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Pre-fresh start prison officers

- 13.—(1) This paragraph applies if P was in service as a pre-fresh start prison officer under Section II of the PCSPS(NI) on—
- (a) 31st March 2012;
 - (b) the scheme closing date; and
 - (c) 1st April 2015.
- (2) For the purposes of this paragraph, P is in service as a pre-fresh start prison officer if P is in service as a prison officer to whom rule 2.26 of Section II of the PCSPS(NI) applies.
- (3) In sub-paragraph (2), “in service as a prison officer” has the meaning given in rule 2.25 of Section II of the PCSPS(NI).

Commencement Information

I46 Sch. 2 para. 13 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Members of an existing scheme

- 14.—(1) This paragraph applies if—
- (a) P was an active member of an existing scheme other than the PCSPS(NI) or an existing public body pension scheme on the closing date for that scheme;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (c) P begins service which is pensionable under the PCSPS(NI) not more than 5 years after leaving pensionable service under an existing scheme other than the PCSPS(NI);
 - (d) P would have been a fully protected member of the existing scheme referred to in paragraph (c) had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under the PCSPS(NI); and

Status: Point in time view as at 18/12/2014.

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

- (e) P would, unless P dies, reach normal pension age under the PCSPS(NI) and P’s transitional scheme on or before 1st April 2022.
- (2) For the purposes of this paragraph—
 - (a) the closing date for an existing scheme is the date referred to in section 18(4) of the Act, as applicable;
 - (b) the closing date for an existing public body pension scheme is the date determined under section 32(2) of the Act by the public authority responsible for that scheme;
 - (c) “exception”, in relation to an existing scheme, means an exception under section 18(5) or 18(6) of the Act provided for in the scheme regulations for that scheme; and
 - (d) “fully protected member” of an existing scheme means a person in respect of whom an exception applies, which exception is one to which section 18(7) of the Act applies for the purposes of that scheme.

Commencement Information

I47 Sch. 2 para. 14 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Members of an existing public body pension scheme

- 15.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.
- (2) This sub-paragraph applies if—
 - (a) P was an active member of an existing scheme other than the PCSPS(NI) or an existing public body pension scheme on the closing date for that scheme;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (c) P begins service which is pensionable under the PCSPS(NI) not more than 5 years after leaving pensionable service under an existing public body pension scheme;
 - (d) P would have been a fully protected member of the existing public body pension scheme referred to in paragraph (c) had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under the PCSPS(NI); and
 - (e) P would, unless P dies, reach normal pension age under the PCSPS(NI) and P’s transitional scheme on or before 1st April 2022.
 - (3) This sub-paragraph applies if—
 - (a) P was an active member of an existing public body pension scheme on a date that the scheme closed to any further accrual by members of benefits under the scheme, whether under section 32 of the Act or otherwise;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (c) P begins service which is pensionable under the PCSPS(NI) not more than 5 years after leaving pensionable service under the existing public body pension scheme referred to in paragraph (a); and
 - (d) P would, unless P dies, reach normal pension age under the PCSPS(NI) and P’s transitional scheme on or before 1st April 2022.
 - (4) For the purposes of this paragraph—
 - (a) the closing date for an existing scheme is the date referred to in section 18(4) of the Act, as applicable;

- (b) the closing date for an existing public body pension scheme is the date determined under section 32(2) of the Act by the public authority responsible for that scheme;
- (c) “exception”, in relation to an existing public body pension scheme, means an exception under section 32(4) of the Act provided for by the public authority responsible for that scheme; and
- (d) “fully protected member” of an existing public body pension scheme means a person in respect of whom an exception applies, which exception is one to which section 18(7) of the Act, as applied by section 32(4), applies for the purposes of that scheme.

Commencement Information

I48 Sch. 2 para. 15 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Fair Deal eligible persons transferred out on or before 31st March 2012

- 16.—(1) This paragraph applies if sub-paragraphs (2), (3), (4) and (5) apply.
- (2) This sub-paragraph applies if—
- (a) P ceased to be an active member of the PCSPS(NI) on a date (P’s transfer date) on or before 31st March 2012;
 - (b) P begins service which is pensionable under the PCSPS(NI) as an Article 3(3A) eligible person on a date (P’s re-joining date) after 31st March 2012; and
 - (c) Between P’s transfer date and P’s re-joining date—
 - (i) P was not eligible to be in pensionable service under the PCSPS(NI); or
 - (ii) P was only eligible to be in pensionable service under the PCSPS(NI) as a result of a transfer of the transferred services, and during such period that P would have been eligible to be in pensionable service under the PCSPS(NI) as a result of the transfer P was—
 - (aa) an active member of the PCSPS(NI); and
 - (bb) continuously employed to carry out the transferred services whilst P was eligible to be in pensionable service under the PCSPS(NI).
- (3) This sub-paragraph applies if P is an active member of the PCSPS(NI) as an Article 3(3A) eligible person continuously after P’s re-joining date.
- (4) This sub-paragraph applies if P is a Fair Deal eligible person.
- (5) This sub-paragraph applies if P would, unless P dies, reach normal pension age under the PCSPS(NI) before 2nd April 2022.
- (6) In this paragraph, “continuously” means without a gap of any period.

Commencement Information

I49 Sch. 2 para. 16 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Fair Deal eligible persons transferred out after 31st March 2012

- 17.—(1) This paragraph applies if sub-paragraphs (2), (3), (4) and (5) apply.
- (2) This sub-paragraph applies if—

Status: Point in time view as at 18/12/2014.

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

- (a) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (b) P ceased to be an active member of the PCSPS(NI) or of this scheme on a date (P’s transfer date) after 31st March 2012;
 - (c) P was an active member of an existing scheme or an existing public body pension scheme throughout the period between 31st March 2012 and P’s transfer date;
 - (d) P begins service which is pensionable under the PCSPS(NI) as a section 3(3)(a) eligible person on a date (P’s re-joining date) after P’s transfer date; and
 - (e) Between P’s transfer date and P’s re-joining date—
 - (i) P was not eligible to be in pensionable service under the PCSPS(NI); or
 - (ii) P was only eligible to be in pensionable service under the PCSPS(NI) as a result of a transfer of the transferred services, and during such period that P would have been eligible to be in pensionable service under the PCSPS(NI) as a result of the transfer P was—
 - (aa) an active member of the PCSPS(NI); and
 - (bb) continuously employed to carry out the transferred services whilst P was eligible to be an active member of the PCSPS(NI).
- (3) This sub-paragraph applies if P is an active member of the PCSPS(NI) as an Article 3(3A) eligible person continuously after P’s re-joining date.
- (4) This sub-paragraph applies if P is a Fair Deal eligible person.
- (5) This sub-paragraph applies if P would, unless P dies, reach normal pension age under the PCSPS(NI) and P’s transitional scheme before 2nd April 2022.
- (6) In this paragraph, “continuously” means without a gap of any period.

Commencement Information

I50 Sch. 2 para. 17 in operation at 18.12.2014, see [reg. 1\(2\)](#)

PART 3

Exceptions to section 18(1) of the Act: tapered protection members of the PCSPS(NI)

Interpretation of Part

18. In this Part—

“active member of an existing public body pension scheme” has the meaning given in paragraph 6;

“active member of an existing scheme” has the meaning given in paragraph 5; and “active member of the PCSPS(NI)” has the meaning given in paragraph 4.

Commencement Information

I51 Sch. 2 para. 18 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Tapered protection members of the PCSPS(NI)

19.—(1) A person (P) to whom any of paragraphs 22 to 27 applies is a tapered protection member of the PCSPS(NI).

(2) P ceases to be a tapered protection member of the PCSPS(NI) on whichever of the following days occurs first—

- (a) P's tapered protection closing date; or
- (b) the day on which P ceases to be in pensionable service under the PCSPS(NI), unless sub-paragraph (3) or sub-paragraph (4) applies.

(3) This sub-paragraph applies if—

- (a) Before P's transition date P returns to service which is pensionable under the PCSPS(NI) from service which is pensionable under an existing scheme or an existing public body pension scheme; and
- (b) P would have been a protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the PCSPS(NI).

(4) This sub-paragraph applies if—

- (a) Before P's transition date P returns to service which is pensionable under the PCSPS(NI) otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and
- (b) P returns to service which is pensionable under the PCSPS(NI) after a gap in service not exceeding 5 years.

(5) In this paragraph— “exception” means—

- (a) in relation to an existing scheme, an exception under section 18(5) or 18(6) of the Act provided for in the scheme regulations for that scheme;
- (b) in relation to an existing public body pension scheme, an exception under section 32(4) of the Act provided for by the public authority responsible for that scheme; and

(6) “protected member” of an existing scheme or an existing public body scheme means a person in respect of whom an exception applies for the purposes of that scheme.

(7) For the purpose of paragraph (4)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Commencement Information

I52 Sch. 2 para. 19 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Exception for tapered protection members during protection period

20.—(1) The protection period for a tapered protection member of the PCSPS(NI) is the period which—

- (a) begins on the day after the scheme closing date (or if paragraph 24(3) applies, the day after the day that the existing public body pension scheme closed to any further accrual by members of benefits under the scheme); and
- (b) ends when P ceases to be a tapered protection member of the PCSPS(NI).

(2) During the protection period—

- (a) P is eligible to be in pensionable service under the PCSPS(NI);

Status: Point in time view as at 18/12/2014.

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

- (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
- (c) benefits are to be provided under the PCSPS(NI) to or in respect of P in relation to that pensionable service.

Commencement Information

I53 Sch. 2 para. 20 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Tapered protection member not eligible to join this scheme

21. While a person (P) is a tapered protection member of the PCSPS(NI), P is not eligible to be an active member of this scheme.

Commencement Information

I54 Sch. 2 para. 21 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Members of the PCSPS(NI) on scheme closing date

- 22.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.
- (2) This sub-paragraph applies if—
- (a) P was an active member of the PCSPS(NI) on the scheme closing date and on 31st March 2012; and
 - (b) P would, unless P dies, reach normal pension age under the PCSPS(NI) between 2nd April 2022 and 1st September 2025 (inclusive).
- (3) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme other than the PCSPS(NI), or of an existing public body pension scheme, (“P’s transitional scheme”) on 31st March 2012;
 - (b) P was an active member of the PCSPS(NI) on the scheme closing date; and
 - (c) P would, unless P dies, reach normal pension age under—
 - (i) the PCSPS(NI) during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P’s transitional scheme on or before 1st September 2025.

Commencement Information

I55 Sch. 2 para. 22 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Members of an existing scheme

- 23.—(1) This paragraph applies if—
- (a) P was an active member of an existing scheme other than the PCSPS(NI) or an existing public body pension scheme on the closing date for that scheme;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;

- (c) P begins service which is pensionable under the PCSPS(NI) not more than 5 years after leaving pensionable service under an existing scheme other than the PCSPS(NI);
 - (d) P would have been a protected member of the existing scheme referred to in paragraph (c) had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under the PCSPS(NI); and
 - (e) P would, unless P dies, reach normal pension age under—
 - (i) the PCSPS(NI) during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P’s transitional scheme on or before 1st September 2025.
- (2) For the purposes of this paragraph—
- (a) the closing date for an existing scheme is the date referred to in section 18(4) of the Act, as applicable;
 - (b) the closing date for an existing public body pension scheme is the date determined under section 32(2) of the Act by the public authority responsible for that scheme;
 - (c) “exception”, in relation to an existing scheme, means an exception under section 18(5) or 18(6) of the Act provided for in the scheme regulations for that scheme; and
 - (d) “protected member of the existing scheme” means a person in respect of whom an exception applies for the purposes of that scheme.

Commencement Information

I56 Sch. 2 para. 23 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Members of an existing public body pension scheme

- 24.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.
- (2) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme other than the PCSPS(NI) or an existing public body pension scheme on the closing date for that scheme;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (c) P begins service which is pensionable under the PCSPS(NI) not more than 5 years after leaving pensionable service under an existing public body pension scheme;
 - (d) P would have been a protected member of the existing public body pension scheme referred to in paragraph (c) had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under the PCSPS(NI); and
 - (e) P would, unless P dies, reach normal pension age under—
 - (i) the PCSPS(NI) during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P’s transitional scheme on or before 1st September 2025.
- (3) This sub-paragraph applies if—
- (a) P was an active member of an existing public body pension scheme on a date that the scheme closed to any further accrual by members of benefits under the scheme, whether under section 32 of the Act or otherwise;

Status: Point in time view as at 18/12/2014.

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

- (b) P was an active member of an existing scheme or an existing public body pension scheme (P’s transitional scheme) on 31st March 2012;
 - (c) P begins service which is pensionable under the PCSPS(NI) not more than 5 years after leaving pensionable service under the existing public body pension scheme referred to in paragraph (a); and
 - (d) P would, unless P dies, reach normal pension age under—
 - (i) the PCSPS(NI) during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P’s transitional scheme on or before 1st September 2025.
- (4) For the purposes of this paragraph—
- (a) the closing date for an existing scheme is the date referred to in section 18(4) of the Act, as applicable;
 - (b) the closing date for an existing public body pension scheme is the date determined under section 32(2) of the Act by the public authority responsible for that scheme;
 - (c) “exception”, in relation to an existing public body pension scheme, means an exception under section 32(4) of the Act provided for by the public authority responsible for that scheme; and
 - (d) “protected member of the existing public body pension scheme” means a person in respect of whom an exception applies for the purposes of that scheme.

Commencement Information

I57 Sch. 2 para. 24 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Fair Deal eligible persons transferred out on or before 31st March 2012

25.—(1) This paragraph applies if sub-paragraphs (2), (3), (4) and (5) apply.

(2) This sub-paragraph applies if—

- (a) P ceased to be an active member of the PCSPS(NI) on a date (P’s transfer date) on or before 31st March 2012;
- (b) P begins service which is pensionable under the PCSPS(NI) as an Article 3(3A) eligible person on a date (P’s re-joining date) after 31st March 2012; and
- (c) Between P’s transfer date and P’s re-joining date—
 - (i) P was not eligible to be in pensionable service under the PCSPS(NI); or
 - (ii) P was only eligible to be in pensionable service under the PCSPS(NI) as a result of a transfer of the transferred services, and during such period that P would have been eligible to be in pensionable service under the PCSPS(NI) as a result of the transfer P was—
 - (aa) an active member of the PCSPS(NI); and
 - (bb) continuously employed to carry out the transferred services whilst P was eligible to be in pensionable service under the PCSPS(NI).

(3) This sub-paragraph applies if P is an active member of the PCSPS(NI) as an Article 3(3A) eligible person continuously after P’s re-joining date.

(4) This sub-paragraph applies if P is a Fair Deal eligible person.

(5) This sub-paragraph applies if P would, unless P dies, reach normal pension age under the PCSPS(NI) during the period beginning with 2nd April 2022 and ending with 1st September 2025.

(6) In this paragraph, “continuously” means without a gap of any period.

Commencement Information

I58 Sch. 2 para. 25 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Fair Deal eligible persons transferred out after 31st March 2012

26.—(1) This paragraph applies if sub-paragraphs (2), (3), (4) and (5) apply.

(2) This sub-paragraph applies if—

- (a) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
- (b) P ceased to be an active member of the PCSPS(NI) or of this scheme on a date (P’s transfer date) after 31st March 2012;
- (c) P was an active member of an existing scheme or an existing public body pension scheme throughout the period between 31st March 2012 and P’s transfer date;
- (d) P begins service which is pensionable under the PCSPS(NI) as an Article 3(3)(a) eligible person on a date (P’s re-joining date) after P’s transfer date; and
- (e) Between P’s transfer date and P’s re-joining date—
 - (i) P was not eligible to be in pensionable service under the PCSPS(NI); or
 - (ii) P was only eligible to be in pensionable service under the PCSPS(NI) as a result of a transfer of the transferred services, and during such period that P would have been eligible to be in pensionable service under the PCSPS(NI) as a result of the transfer P was—
 - (aa) an active member of the PCSPS(NI); and
 - (bb) continuously employed to carry out the transferred services whilst P was eligible to be in pensionable service under the PCSPS(NI).

(3) This sub-paragraph applies if P is an active member of the PCSPS(NI) as an Article 3(3A) eligible person continuously after P’s re-joining date.

(4) This sub-paragraph applies if P is a Fair Deal eligible person.

(5) This sub-paragraph applies if, P would, unless P dies, reach normal pension age under—

- (i) the PCSPS(NI) during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
- (ii) P’s transitional scheme on or before 1st September 2025.

(6) In this paragraph, “continuously” means without a gap of any period.

Commencement Information

I59 Sch. 2 para. 26 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Tapered protection members of an existing scheme or an existing public body pension scheme

27.—(1) This paragraph applies if—

Status: Point in time view as at 18/12/2014.

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

- (a) paragraph 14 or 15 of this Schedule would have applied but for the fact that P would not have been a fully protected member of the existing scheme or existing public body pension scheme referred to in paragraph 14(1)(c) or 15(2)(c), as applicable (“the transferring scheme”) on the date P begins service which is pensionable under the PCSPS(NI); and
- (b) P would have been a protected member of the transferring scheme by virtue of an exception to which section 18(8)(a) and (b) of the Act (or that section as applied by section 32(4)) applies had P re-entered service which is pensionable under the transferring scheme on the date P returns to service which is pensionable under the PCSPS(NI).
- (2) In this paragraph— “exception” means—
- (a) in relation to an existing scheme, an exception under section 18(5) or 18(6) of the Act provided for in the scheme regulations for that scheme;
- (b) in relation to an existing public body pension scheme, an exception under section 32(4) of the Act provided for by the public authority responsible for that scheme; and
- “fully protected member” of an existing scheme or an existing public body scheme means a person in respect of whom an exception applies, which exception is one to which section 18(7) of the Act (or that section as applied by section 32(4)) applies for the purposes of that scheme.

Commencement Information

I60 Sch. 2 para. 27 in operation at 18.12.2014, see [reg. 1\(2\)](#)

PART 4

Option for tapered protection members of the PCSPS(NI)

Option to begin pensionable service before the transition date

28.—(1) This paragraph applies in relation to a tapered protection member (P) of the PCSPS(NI) who is in pensionable service in the PCSPS(NI) at any time during—

- (a) the period beginning with 15th August 2014 and ending with 30th September 2014; or
- (b) any other period determined by the scheme manager.

(2) Not later than 31st October 2014 (or within any longer period determined by the scheme manager), the scheme manager may offer P the option to begin pensionable service under this scheme on the day after the scheme closing date.

(3) If P does not exercise the option within 3 months after the date of the offer (or within any longer period determined by the scheme manager), P begins pensionable service under this scheme on P’s transition date.

Commencement Information

I61 Sch. 2 para. 28 in operation at 18.12.2014, see [reg. 1\(2\)](#)

PART 5

Payment of ill-health benefits to transition members with continuity of service

Transition member who has not reached normal pension age under the PCSPS(NI)

29.—(1) This paragraph applies in relation to a transition member with continuity of service who—

- (a) becomes entitled to an ill-health pension under this scheme; and
- (b) has not reached normal pension age under the PCSPS(NI).

(2) If this paragraph applies—

- (a) an ill-health pension and lump sum are not payable under the PCSPS(NI);
- (b) an ill-health pension is payable under this scheme in accordance with this paragraph; and
- (c) the member becomes a deferred member of the PCSPS(NI).

(3) If the member meets the lower tier payment threshold only, the annual rate of ill-health pension payable under this scheme is the sum of—

- (a) the annual rate of a lower tier earned pension payable under this scheme;
- (b) the annual rate of full retirement earned pension that would, if the member was entitled to payment of an ill-health pension under the PCSPS(NI), be payable to the member at normal pension age under the PCSPS(NI); and
- (c) an amount of pension which is equivalent to the lump sum that would, if the member was entitled to payment of the lump sum, be payable to the member under—
 - (i) rule L.10(2) of Section I of the PCSPS(NI); or
 - (ii) rule 3.1(b) of Section II of that scheme.

(4) If the member meets the upper tier payment threshold, the annual rate of ill-health pension payable under this scheme is the sum of—

- (a) the annual rate of a lower tier earned pension payable under this scheme;
- (b) the annual rate of an upper tier top up earned pension payable under this scheme;
- (c) the annual rate of full retirement earned pension that would, if the member was entitled to payment of an ill-health pension under the PCSPS(NI), be payable to the member at normal pension age under the PCSPS(NI); and
- (d) an amount of pension which is equivalent to the lump sum that would, if the member was entitled to payment of the lump sum, be payable under—
 - (i) rule L.10(2) of Section I of the PCSPS(NI); or
 - (ii) rule 3.1(b) of Section II of that scheme.

(5) If, after the ill-health pension becomes payable under this paragraph, a transfer payment is made from the PCSPS(NI) in respect of the member's rights under that scheme, the scheme manager must deduct from the amount of ill-health pension payable under this paragraph in respect of service in the PCSPS(NI) an amount which is equal to the value of the pension represented by that transfer payment.

(6) If the full retirement account specifies an amount of full retirement added pension of any description, the following pensions are payable with the lower tier earned pension—

- (a) the annual rate of full retirement added pension of that description payable under this scheme; and

Status: Point in time view as at 18/12/2014.

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

- (b) the annual rate of full retirement added pension that would, if the member was entitled to payment of an ill-health pension under the PCSPS(NI), be payable to the member with that pension under the PCSPS(NI).

(7) The amount of pension payable under this paragraph which represents the amount that would have been payable under the PCSPS(NI) is subject to the same conditions, and ceases to be payable in the same circumstances, as the pension to which the member would have been entitled under the PCSPS(NI) in accordance with the rules of that scheme.

(8) In this paragraph—

- (a) a reference to the annual rate of a full retirement earned pension payable under the PCSPS(NI) means the annual pension payable under the following provisions—
- (i) if the member was an active member of Section I of the PCSPS(NI) before becoming an active member of this scheme, rule D1 of that Section;
 - (ii) if the member was an active member of Section II of the PCSPS(NI) before becoming an active member of this scheme, rules 3.1 to 3.3a of that Section;
 - (iii) if the member was an active member of Section III of the PCSPS(NI) before becoming an active member of this scheme, rule E.2 of that Section;
- (b) a reference to full retirement added pension payable under the PCSPS(NI) means added pension payable under the following provisions—
- (i) if the member was an active member of Section I of the PCSPS(NI) before becoming an active member of this scheme, rule C1.11 of that Section;
 - (ii) if the member was an active member of Section II of the PCSPS(NI) before becoming an active member of this scheme, rule 14.13 of that Section;
 - (iii) if the member was an active member of Section III of the PCSPS(NI) before becoming an active member of this scheme, rule E.2 of that Section; and
- (c) a reference to an ill-health pension payable under the PCSPS(NI) means a pension payable under the following provisions—
- (i) if the member was an active member of Section I of the PCSPS(NI) before becoming an active member of this scheme, rule D4 of that Section;
 - (ii) if the member was an active member of Section II of the PCSPS(NI) before becoming an active member of this scheme, rules 3.4 to 3.7 of that Section;
 - (iii) if the member was an active member of Section III of the PCSPS(NI) before becoming an active member of this scheme, rules E.7 to E.9 of that Section.

Commencement Information

I62 Sch. 2 para. 29 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Transition member who has reached normal pension age under the PCSPS(NI)

30.—(1) This paragraph applies in relation to a transition member with continuity of service who is receiving payment of an ill-health pension in accordance with paragraph 29.

(2) When the member reaches normal pension age under the PCSPS(NI)—

- (a) the benefits payable under paragraph 29 in respect of service in the PCSPS(NI) cease to be payable under this scheme; and

- (b) the member becomes entitled under the PCSPS(NI) to the immediate payment of a full retirement earned pension within the meaning of paragraph 29, in accordance with the rules of that scheme.
- (3) In calculating the annual rate of full retirement earned pension payable under the PCSPS(NI) for the purposes of sub-paragraph (2)(b), the following are subtracted—
 - (a) the commutation amount (if any);
 - (b) the amount of pension which is equivalent to a lump sum, paid under paragraph 29(3)(c) or 29(4)(d); and
 - (c) an amount equal to any transfer payment made to another scheme before the member reached normal pension age under the PCSPS(NI).
- (4) Before the amounts in sub-paragraph (3)(a) and (b) are subtracted they must be increased by the amount by which the annual rate of a pension of that amount would have been increased under the 1971 Act if—
 - (a) that pension was eligible to be so increased; and
 - (b) the beginning date for that pension was the date that ill-health pension became payable under this scheme.

Commencement Information

I63 Sch. 2 para. 30 in operation at 18.12.2014, see [reg. 1\(2\)](#)

PART 6

Payment of death benefits in respect of transition members with continuity of service

Annual rate of surviving adult's pensions payable under this scheme when a transition member dies in service

- 31.—(1) This paragraph applies in relation to a transition member with continuity of service—
- (a) who dies as an active member of this scheme; and
 - (b) whose period of service is at least 12 months.
- (2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the PCSPS(NI) in respect of the member.
- (3) The annual rate of dependant's earned pension payable under regulation 107(3)(a) is the sum of—
- (a) the amount calculated under regulation 110 including the additional amount under regulation 110(5)(b) for a transition member with continuity of service; and
 - (b) the amount of annual pension which would have been payable under the PCSPS(NI) to the member's surviving spouse, surviving civil partner or other adult dependant had those benefits been payable under the PCSPS(NI) in respect of the member.
- (4) The amount of pension payable in accordance with sub-paragraph (3) which represents the amount that would have been payable under the PCSPS(NI) is subject to the same conditions, and ceases to be payable in the same circumstances, as the pension to which the member's surviving spouse, surviving civil partner or other adult dependant would have been entitled under the PCSPS(NI) in accordance with the rules of that scheme.
- (5) In this paragraph, "period of service" means—

Status: Point in time view as at 18/12/2014.

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

- (a) the member's continuous period of pensionable service under this scheme; and
- (b) the member's pensionable service under the PCSPS(NI) before the closing date.

Commencement Information

I64 Sch. 2 para. 31 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Annual rate of eligible child's pension payable under this scheme when a transition member dies in service

- 32.—(1) This paragraph applies in relation to a transition member with continuity of service—
- (a) who dies as an active member of this scheme; and
 - (b) whose period of service is at least 12 months.
- (2) Benefits for eligible children are not payable under the PCSPS(NI) in respect of the member.
- (3) The annual rate of child's earned pension payable under regulation 114(4)(a) is the sum of—
- (a) the annual rate of child's earned pension calculated under regulation 115 (annual rate of eligible child's pension); and
 - (b) the amount of annual pension which would have been payable under the PCSPS(NI) to any eligible children of the member had those benefits been payable under the PCSPS(NI) in respect of the member.
- (4) The amount of pension payable in accordance with sub-paragraph (3) which represents the amount that would have been payable under the PCSPS(NI) is subject to the same conditions, and ceases to be payable in the same circumstances, as the pension to which the eligible child would have been entitled under the PCSPS(NI) in accordance with the rules of that scheme.
- (5) In this paragraph, "period of service" means—
- (a) the member's continuous period of pensionable service under this scheme; and
 - (b) the member's pensionable service under the PCSPS(NI) before the closing date.

Commencement Information

I65 Sch. 2 para. 32 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Death in service lump sum

- 33.—(1) This paragraph applies in relation to a transition member with continuity of service who dies in service within the meaning of regulation 130 (death in service).
- (2) On the death of the member—
- (a) a lump sum death benefit is payable under regulation 130; but
 - (b) a death in service lump sum death benefit is not payable under the PCSPS(NI)
- (3) Where the member was an active member of Section I of the PCSPS(NI) before becoming an active member of this scheme, the member is entitled to an additional payment calculated in accordance with the table.
- (4) In the table, "final pay" means the member's final pay calculated under regulation 128 (meaning of "final pay").

<i>Member dies in scheme year beginning on</i>	<i>Additional payment</i>
1st April 2015	1 x final pay
1st April 2016	0.9 x final pay
1st April 2017	0.8 x final pay
1st April 2018	0.7 x final pay
1st April 2019	0.6 x final pay
1st April 2020	0.5 x final pay
1st April 2021	0.4 x final pay
1st April 2022	0.3 x final pay
1st April 2023	0.2 x final pay
1st April 2024	0.1 x final pay
1st April 2025 or any subsequent 1st April	0 x final pay

Commencement Information

I66 Sch. 2 para. 33 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Death out of service lump sum

34.—(1) For the purpose of payment of death benefits, a transition member with continuity of service who dies as a deferred member or pensioner member of this scheme dies out of service under this scheme and the PCSPS(NI).

(2) On the death of a deferred member or pensioner member of this scheme—

- (a) if regulation 131 (death out of service) applies to the member, a lump sum death benefit is payable under that regulation; and
- (b) if the member is a deferred member or pensioner member of the PCSPS(NI) and the conditions for payment of a death out of service lump sum death benefit under the rules of the PCSPS(NI) are met, a death out of service lump sum death benefit is payable under the PCSPS(NI).

Commencement Information

I67 Sch. 2 para. 34 in operation at 18.12.2014, see [reg. 1\(2\)](#)

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.

Status: Point in time view as at 18/12/2014.

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

(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

I68 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 (Early 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.

Commencement Information

I69 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

I70 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 under the PCSPS(NI); and
 - (b) any periodical payments for added pension or added years under the PCSPS(NI) cease to be payable.

Commencement Information

I71 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

I72 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

I73 Sch. 2 para. 40 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Status: Point in time view as at 18/12/2014.

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

PART 8

Miscellaneous transitional provisions

Declaration continues to have effect

41.—(1) This paragraph applies if a transition member with continuity of service has not made a declaration under these Regulations that another adult is the dependant of the member for the purpose of death benefits under this scheme.

(2) An existing declaration has effect as if made under these Regulations until the transition member makes a declaration under these Regulations.

(3) In this paragraph, “existing declaration” means a declaration which—

- (a) was made for the purpose of the PCSPS(NI); and
- (b) as at the closing date, had effect under that scheme.

Commencement Information

I74 Sch. 2 para. 41 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Nomination under the PCSPS(NI) continues to have effect

42.—(1) This paragraph applies if a transition member with continuity of service has not nominated a person under these Regulations to receive a lump sum death benefit under this scheme.

(2) An existing nomination has effect as if made under these Regulations until the transition member makes a nomination under these Regulations.

(3) In this paragraph, “existing nomination” means a nomination which—

- (a) was made for the purpose of the PCSPS(NI); and
- (b) as at the closing date, had effect under that scheme.

Commencement Information

I75 Sch. 2 para. 42 in operation at 18.12.2014, see [reg. 1\(2\)](#)

PART 9

Transfer of final salary benefits

Meaning of “final salary benefit”

43.—(1) In this Part, “final salary benefit” means benefit accrued under a final salary scheme, subject to sub-paragraph (2).

(2) Where only part of the pension entitlement payable under a final salary scheme to or in respect of a person which is based on the pensionable service of that person is or may be determined by reference to the person’s final salary, “final salary benefit” means the benefit in respect of which the pension entitlement is so determined.

Commencement Information

I76 Sch. 2 para. 43 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Acceptance of club transfer value payments and bulk transfers

44.—(1) If, in circumstances where regulation 156 applies, the special terms agreed for the acceptance of transfer payments require such part of a transfer value payment as relates to a member’s final salary benefit to be paid into the PCSPS(NI), that part of the transfer value payment must be paid into the PCSPS(NI).

(2) Any part of a club transfer value payment from another scheme that relates to a member’s final salary benefit must be paid into the PCSPS(NI).

Commencement Information

I77 Sch. 2 para. 44 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Member of this scheme or the PCSPS(NI)

45.—(1) This paragraph applies to a person who transfers final salary benefits into the PCSPS(NI)

(2) Unless the person is a protected member of the PCSPS(NI), the person—

- (a) becomes a member of this scheme; and
- (b) is taken to be a transitional member with continuity of service.

(3) If the person is a protected member of the PCSPS(NI), the scheme manager must determine, by reference to the rules of the PCSPS(NI), which Section of the PCSPS(NI) the person joins.

Commencement Information

I78 Sch. 2 para. 45 in operation at 18.12.2014, see [reg. 1\(2\)](#)

PART 10

Civil Service Compensation Scheme (Northern Ireland)

Quarantine

46.—(1) This paragraph applies if—

- (a) a member (P) left service in an employment to which the Civil Service Compensation Scheme (Northern Ireland) applies in circumstances where P received benefits under rule 2.2, 2A.3, 3.1, 3.2a or 7.2 of the Civil Service Compensation Scheme (Northern Ireland) which were enhanced to take account of a period after P left service (“the period of prospective service”);
- (b) P subsequently begins service in a scheme employment; and
- (c) the period beginning with the day after P’s last day of service as referred to in paragraph and ending with the day before P subsequently begins service as referred to in paragraph (b) is less than the period of prospective service.

Status: Point in time view as at 18/12/2014.

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

- (2) During the period of prospective service—
 - (a) P does not accrue any earned pension under this scheme; and
 - (b) the rules of the PCSPS(NI) apply, with the exception of rules relating to payment of contributions by the employer and the member.
- (3) Despite sub-paragraph (2)—
 - (a) P is treated as an active member of this scheme during the period of prospective service; and
 - (b) the period of prospective service counts as qualifying service.

Commencement Information

I79 Sch. 2 para. 46 in operation at 18.12.2014, see [reg. 1\(2\)](#)

Status:

Point in time view as at 18/12/2014.

Changes to legislation:

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