

2019 No. 92

AGE DISCRIMINATION

PENSIONS

**The Employment Equality (Age) (Amendment) Regulations
(Northern Ireland) 2019**

Made - - - - - *24th April 2019*

Coming into operation - - - - - *15th May 2019*

The Department for Communities, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to discrimination, makes the following Regulations in exercise of the powers conferred by that section.

Citation and commencement

1. These Regulations may be cited as the Employment Equality (Age) (Amendment) Regulations (Northern Ireland) 2019 and shall come into operation on 15th May 2019.

Amendment of the Employment Equality (Age) Regulations

2. In paragraph 16 of Schedule 1 to the Employment Equality (Age) Regulations (Northern Ireland) 2006(c) (pension schemes)—

- (a) in sub-paragraph (1)(a) for “65” substitute “that member’s state pension age(d)”;
- (b) in sub-paragraph (2) in the definition of “relevant state retirement pension rate” for “paragraph 2(5) of Schedule 28 to the 2004 Act” substitute “regulation 4(3)(b) of the Registered Pension Schemes (Bridging Pensions) and Appointed Day Regulations 2016(e) (pensions bridging: pensionable age on or after 6th April 2016)”.

Sealed with the Official Seal of the Department for Communities on 24th April 2019

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

(a) See Schedule 2 to the European Communities (Designation) (No. 3) Order 2002 (S.I. 2002/1819)
(b) 1972 c. 68
(c) S.R. No. 261; paragraph 16 was substituted by regulation 2(3)(i) of S.R. 2006 No. 453 and amended by regulation 3(b) and (c) of S.R. 2016 No. 25
(d) State pension age is defined in paragraph 16(2) of Schedule 1 to S.R. 2006 No. 261
(e) S.I. 2016/1005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment Equality (Age) Regulations (Northern Ireland) 2006 (“the 2006 Regulations”).

Regulation 2(a) amends the 2006 Regulations so as to increase the maximum age at which an occupational pension scheme can reduce the rate of pension a pensioner member of the scheme is receiving from age 65 to the state pension age of that member. This is to allow pension schemes to continue to rely on the exception in the 2006 Regulations which enables schemes to reduce the member’s benefits by an amount not exceeding the relevant state retirement pension rate with effect from the date they reach their state pension age without infringing their age related equality obligations.

Regulation 2(b) amends the definition of “relevant state retirement pension rate”. The term was defined in accordance with the meaning given in paragraph 2(5) of Schedule 28 to the Finance Act 2004 (c. 12). Paragraph 2(5) was repealed by section 20(1) of the Finance Act 2016 (c. 24). The term was re-defined in the Registered Pension Schemes (Bridging Pensions) and Appointed Day Regulations 2016 (“the 2016 Regulations”). Regulation 2(b) updates the definition in the 2006 Regulations so it refers to the relevant part of the definition in the 2016 Regulations.

An assessment of the impact of these Regulations is detailed in a Regulatory Impact Assessment, a copy of which is laid in the Business Office and the Library of the Northern Ireland Assembly. Copies of the Assessment are available from the Department for Communities, Social Security Policy and Legislation Division, Level 8, Causeway Exchange, 1-7 Bedford Street, Belfast BT2 7EG or from the website: <https://www.communities-ni.gov.uk/articles/pension-information>. A copy of the Assessment is also annexed to the Explanatory Memorandum which is available alongside this Statutory Rule on the website: <http://www.legislation.gov.uk/nisr>.

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