

2022 No. 134

EDUCATION

**The Teachers' Pension Scheme (Amendment) Regulations
(Northern Ireland) 2022**

Made - - - - *16th March 2022*

Coming into operation *1st April 2022*

The Department of Education makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(d), 2(1) and 3(1) and (2) of and Schedule 3 to the Public Service Pensions Act (Northern Ireland) 2014(a) (“the 2014 Act”).

In accordance with section 21(1) of the 2014 Act, the Department of Education has consulted the representatives of such persons as appear to the Department to be affected by these Regulations.

In accordance with section 3(5) of the 2014 Act, the Department of Finance has consented to the making of these Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Teachers' Pension Scheme (Amendment) Regulations (Northern Ireland) 2022.

(2) These Regulations come into operation on 1st April 2022.

Amendment of the Teachers' Pension Scheme Regulations (Northern Ireland) 2014

2.—(1) Schedule 3 (transitional provisions) to the Teachers' Pension Scheme Regulations (Northern Ireland) 2014(b) is amended as follows.

(2) In paragraph 1 (interpretation)(c)—

(a) after the definition of “existing scheme rules” insert—

““final salary benefits” means the benefits accrued in a final salary scheme in respect of which the pension entitlement payable to or in respect of a person's pensionable service is or may be determined by reference to the person's final salary;”;

(b) in the definition of “transition date”, after sub-paragraph (a) insert—

“(aa) for a full protection member of the existing scheme to whom a retirement pension has become payable under the existing scheme, means the day in which that member becomes an active member of this scheme;

(a) 2014 c.2 (N.I.) section 3 was amended by section 94(11) to (14) of the Public Service Pensions and Judicial Offices Act 2022(c 7)

(b) SR 2014 No 310

(c) Paragraph 1 has been amended by SR 2015 No 126

- (ab) for a full protection member of the existing scheme other than a full protection member described in sub-paragraph (aa), means 1st April 2022;”.
- (3) In sub-paragraph (3) of paragraph 5 (continuity of service), before paragraph (a) insert—
“(za) if P is a full protection member of the existing scheme, 31st March 2022;”.
- (4) For sub-paragraph (2) of paragraph 6 (meaning of “full protection member”) substitute—
“(2) P ceases to be a full protection member of the existing scheme on whichever of the following days occurs first—
(a) the day on which P ceases to be in pensionable service under the existing scheme;
or
(b) 31st March 2022.”.
- (5) For sub-paragraph (3) of paragraph 22 (receipt of club transfer values: member with tapered protection or no protection) substitute—
“(3) Payment of the club transfer value must be accepted into—
(a) the existing scheme so far as the payment relates to—
(i) benefits accrued in respect of pensionable service before the transition date, or
(ii) final salary benefits whenever accrued;
(b) this scheme so far as the payment relates to benefits, other than final salary benefits, accrued in respect of pensionable service on or after the transition date.”
- (6) For sub-paragraph (5) of paragraph 24 (bulk transfer payments for accepted members: accepting a bulk transfer payment) substitute—
“(5) The bulk transfer payment must be accepted into—
(a) the existing scheme so far as the payment relates to—
(i) benefits accrued in respect of pensionable service before 1st April 2022, or
(ii) final salary benefits whenever accrued;
(b) this scheme so far as the payment relates to benefits, other than final salary benefits, accrued in respect of pensionable service on or after 1st April 2022.”
- (7) In sub-paragraph (3) of paragraph 26 (application of existing scheme regulations), for the words from “before—” to the end substitute “before the transition date”.

Sealed with the Official Seal of the Department of Education on 16th March 2022

(L.S.)

Mark Bailey
A senior officer of the Department of Education

The Department of Finance consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance on 16th March 2022

(L.S.)

Patrick Neeson
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Teachers' Pension Scheme Regulations (Northern Ireland) 2014 (No. 310) ("the 2014 Regulations") in consequence of provision made by the Public Service Pensions and Judicial Offices Act 2022. The amendments ensure that the existing pension scheme established by the Teachers' Superannuation Regulations (Northern Ireland) 1998 (No. 333) will, except for limited purposes, be closed to the accrual of pension benefits on and after 1st April 2022, and that any members currently treated as being in pensionable service under the existing pension scheme will, on that date, begin accruing benefits in the scheme established by the 2014 Regulations.

Regulation 2 amends Schedule 3 to the 2014 Regulations as follows—

paragraph 1 is amended to include a new definition, "final salary benefits", and the definition of "transition date" has been expanded to include a date for full protection members so that provisions which refer to that term operate as intended in respect of such members;

paragraph 5(3) is amended to expand the definition of "continuity of service" to include a date for full protection members so that provisions which refer to that term operate as intended in respect of such members;

paragraph 6(2) is amended so that protection ceases for a full protection member on the earlier of the day on which they leave pensionable service under the existing scheme, or 31st March 2022;

paragraphs 22(3) and 24(5) are amended in relation to transfer into the existing scheme;

paragraph 26(3) is amended in relation to elections for the purchase of additional pension made by full protection members.

A full impact assessment has not been produced for these Regulations.

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