
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 141

**The Public Service (Civil Servants and Others) Pensions
(Remediable Service) Regulations (Northern Ireland) 2023**

PART 3

Decisions about the treatment of remediable service

CHAPTER 1

Opted-out service elections

Application and interpretation of Chapter 1

5.—(1) This Chapter applies to and in respect of a member (“M”) with PCSPS(NI) opted-out service.

(2) In this Chapter—

“opted-out service decision-maker” means the person who may make an opted-out service election under regulation 6(2);

“PCSPS(NI) opted-out service” means relevant opted-out service(1) in an employment or office in relation to the PCSPS(NI).

Election in relation to PCSPS(NI) opted-out service

6.—(1) An election (an “opted-out service election”) may be made in relation to M’s PCSPS(NI) opted-out service in accordance with this Chapter and section 5 of PSPJOA 2022.

(2) An opted-out service election may be made—

(a) by M or,

(b) where M is a deceased member, by the eligible decision-maker determined in accordance with the Schedule.

(3) Where a person other than the scheme manager is the opted-out service decision-maker, an opted-out service election may only be made after the scheme manager determines an application which is—

(a) made by or on behalf of M,

(b) in a form and manner determined by the scheme manager,

(c) received by the scheme manager during the period beginning with 1st October 2023 and ending—

(i) at the end of 30th September 2024, or

(1) See sections 5(7) (read with section 4) and 36 of PSPJOA 2022 for the meaning of relevant opted-out service in relation to a Chapter 1 legacy scheme (such as the PCSPS(NI)).

- (ii) such later time as the scheme manager considers reasonable in all the circumstances, and
- (d) accompanied by such information—
- (i) which is within the person’s possession, or
 - (ii) which the person may reasonably be expected to obtain,
- that the scheme manager may by written notice require the person to provide in relation to the decision which caused the service in question to become opted-out service.
- (4) As soon as is reasonably practicable after receipt of an application, the scheme manager must—
- (a) determine whether an opted-out service election may be made in relation to M, and
 - (b) notify the person who made the application whether such an opted-out service election may be made.
- (5) Where the scheme manager is the opted-out service decision-maker, the scheme manager must, as soon as is reasonably practicable after determining that they are the opted-out service decision-maker, determine whether to make an opted-out service election in relation to M.
- (6) The scheme manager may refuse an application where any of the following conditions is not met—
- (a) the decision by virtue of which M’s service became opted-out service was communicated to the scheme manager on or after 12th March 2012;
 - (b) the decision by virtue of which M’s service became opted-out service was made pursuant to a relevant breach of a non-discrimination rule⁽²⁾;
 - (c) any—
 - (i) assets held for the purposes of a partnership pension account⁽³⁾ that are referable to pension contributions made by or on behalf of M in respect of M’s PCSPS(NI) opted-out service are transferred to the PCSPS(NI), and
 - (ii) entitlement to a future or current pension under the partnership pension account that would otherwise arise under the rules of the partnership pension account in respect of the value of the assets transferred is surrendered;
 - (d) where any assets that are referable to pension contributions made by or on behalf of M in respect of M’s PCSPS(NI) opted-out service have been paid or transferred out of a partnership pension account, an amount determined by the scheme manager following consultation with the scheme actuary is paid to the PCSPS(NI) in respect of the payment or transfer.
- (7) An opted-out service election to be made by—
- (a) a person other than the scheme manager is made when that person confirms that an opted-out service election is to be made following receipt of the notification mentioned in paragraph (4)(b);
 - (b) the scheme manager is made at the time determined by the scheme manager.
- (8) See section 5(2) to (4) of PSPJOA 2022 about the effect, timing and irrevocability of an opted-out service election.

(2) See section 25(8) of PSPJOA 2022 for the meaning of “non-discrimination rule” and section 25(9) for the circumstances in which breach of a non-discrimination rule is “relevant”.

(3) See section 110(1) of PSPJOA 2022 for the definition of “partnership pension account”.