Draft Regulations laid before the Assembly under section 24 of the Public Service Pensions Act (Northern Ireland) 2014, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No. 0000

PUBLIC SERVICE PENSIONS

The Firefighters' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

Made - - - -

Coming into operation in accordance with regulation 2

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred by sections 1(1) and (2)(f), 2(1) and 3(1), (2), (3)(a) and (4) of the Public Service Pensions Act (Northern Ireland) 2014(**a**).

In accordance with section 21 of that Act, the Department has consulted the representatives of such persons as appear to it likely to be affected by these Regulations.

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

Citation, commencement and expiry

1. These Regulations may be cited as the Firefighters' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016.

2. Regulations 3 and 4 come into operation on the same day as paragraph 38 of Schedule 13 to the Pension Act (Northern Ireland) 2015(**b**) comes into operation. On that day regulation 9 of the Firefighters' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015(**c**) ceases to have effect.

Interpretation

3. In these Regulations—

"the 1993 Act" means the Pension Schemes (Northern Ireland) Act 1993(**d**);

"the 2014 Act" means the Public Service Pensions Act (Northern Ireland) 2014;

(**a**) 2014 c.2 (N.I.)
(**b**) 2015 c.5 (N.I.)
(**c**) S.R. 2015 No. 166
(**d**) 1993 c.49

"the new scheme" means the pension scheme established by regulations made under section 1(1) and (2)(f) of the 2014 Act for the payment of pensions and other benefits to or in respect of fire and rescue workers; and

"old scheme" means the scheme constituted by the Firefighters' Pension Scheme Order (Northern Ireland) 2007(**a**) or the scheme constituted by the New Firefighters' Pension Scheme Order (Northern Ireland) 2007(**b**).

Modification of contracting-out provisions

4. After regulation 9 (Protection of increases in guaranteed minimum pensions) of the Firefighters' Pension Scheme (Consequential Provisions) Regulations (Northern Ireland) 2015 insert—

"**Protection of increases in guaranteed minimum pensions after abolition of contracting-out**

9A.—(1) Chapter 3 of Part 4 of the 1993 Act (protection for early leavers: protection of increases in guaranteed minimum pensions ("anti-franking")) is modified as follows.

(2) In the application of that Chapter to P as a member of the old scheme—

(a) in section 83(1)(a)(i) (general protection principle), the reference to the time when P ceases to be in pensionable service under a scheme that was, before the second abolition date, a salary-related contracted-out scheme is to be taken as a reference to the time when P ceases to be in pensionable service in relation to the new scheme; and

(b) subsequent references to "the cessation date" are to be construed accordingly.".

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on

Name
A senior officer of the
Department of Health, Social Services and Public Safety

The Department of Finance and Personnel consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on

Name
A senior officer of the
Department of Finance and Personnel

(**a**) S.R. 2007 No. 144, amended by S.R. 2008 No. 382, S.R. 2012 No. 161, S.R. 2013 No. 85, S.R. 2014 Nos 56 & 169 and S.R. 2015 Nos 8 & 11

(**b**) S.R. 2007 No. 215, amended by S.R. 2008 No. 381, S.R. 2012, No.162, S.R. 2013 Nos. 84 and 172, S.R. 2014 Nos. 57 & 168 and SR 2015 Nos. 9 & 10

EXPLANATORY NOTE

(This note is not part of the Regulations)

Chapter 3 of Part 4 of the Pension Schemes (Northern Ireland) Act 1993 concerns "anti-franking", or the protection of increases in guaranteed minimum pensions ("GMPs") which contracted-out schemes had to provide until 1997. For this purpose, the Regulations provide that the "cessation date", when a person ceases to be in contracted-out employment under the old scheme (and from which point GMPs may need to be increased) is treated as the date when the person leaves the new scheme, and not the date when they transfer from their old scheme to their new scheme. Regulation 9A includes a subsequent modification of the definition of "cessation date" in section 83 of the 1993 Act; that definition was amended by the Pensions Act (Northern Ireland) 2015 as part of the abolition of contracting-out.

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