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

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No. 0000

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Service Workers (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 and 3 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.

Pursuant to section 24(1) of that Act, a draft of these Regulations has been laid before, and approved by resolution of the Assembly.

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Department of Finance and Personnel.

PART 1

Introductory

Citation, commencement and expiry

1. These Regulations may be cited as the Health Service Workers (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016.

2. Regulation 4 comes into operation on the same day as paragraph 38 of Schedule 13 to the Pensions Act (Northern Ireland) 2015(**b**) comes into operation. On that day regulation 9 of the Health Service Workers (Consequential Provisions) Regulations (Northern Ireland) 2015(**c**) ceases to have effect.

(**a**) 2014 c.2 (N.I.).
(**b**) 2015 c.5 (N.I.)
(**c**) S.R. 2015 No.167

Interpretation

3. In these Regulations—

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

"the new scheme" means the pension scheme established by regulations made under section 1(1) and (2)(e) of the Public Service Pensions Act (Northern Ireland) 2014 for the payment of pensions and other benefits to or in respect of health service workers;

"the old scheme" means the Health and Social Care Pension Scheme, as constituted by the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**b**) and the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(**c**).

PART 2

Modification of contracting-out provisions

Modification of contracting-out provisions

4. After regulation 9 of the Health Service Workers (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 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

(L.S.)

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

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(**a**) 1993 c.49

(**b**) S.R. 1995 No.95 as amended by S.R. 1997 Nos.217 and 390; S.R. 1998 No.299; S.R. 1999 No.293; S.R. 2002 No.69; S.R. 2004 Nos.103 and 104; S.R. 2005 Nos.155, 533, 534 and 565; S.R. 2006 Nos.159 and 410; S.R. 2008 Nos.96, 130 and 163; S.R. 2009 Nos.65 and 188; S.R. 2010 Nos.22, 286 and 420; S.R. 2011 No.256; S.R. 2012 Nos. 42 and 78; S.R. 2013 Nos.40, 73, 247 and 259; S.R. 2014 Nos.59 and 225 and S.R. 2015 Nos.121 and 122

(**c**) S.R. 2008 No.256 as amended by S.R. 2009 Nos.65 and 188; S.R. 2010 Nos.22, 286 and 420; S.R. 2011 No.256; S.R. 2012 Nos.42 and 78; S.R. 2013 Nos.40, 73, 247 and 259; S.R. 2014 Nos.59 and 225 and S.R. 2015 Nos.121 and 122

(L.S.)

A senior officer of the Department of Finance and Personnel

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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