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

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No. 0000

PUBLIC SERVICE PENSIONS

The Police Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*xx xxxx 2016*
Coming into operation -	*6th April 2016*

The Department of Justice makes the following Regulations in exercise of the powers conferred by sections 1(1) and (2)(g), 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.

Pursuant to section 24(1) and (3) of that Act, a draft of this instrument has been laid before and approved by a resolution of the Assembly.

Citation, commencement and expiry

1.—(1) These Regulations may be cited as the Police Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016.

(2) Regulation 3 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 Police Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015(**c**) ceases to have effect.

Interpretation

2. In these Regulations—

"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. 156.

"the new scheme" means the pension scheme established by regulations made under section 1(1) and (2)(g) of the 2014 Act; and

"the old scheme" means the pension schemes established by—

(a) the Royal Ulster Constabulary Pensions Regulations 1988(**a**); or

(b) the Police Pension (Northern Ireland) Regulations 2009(**b**);

regulations made under sections 25(2)(k) and 26(2)(g) of the Police (Northern Ireland) Act 1998(**c**).

Modification of contracting-out provisions

3. After regulation 9 of the Police Pensions (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 Justice on xx xxxx 2016.

L.S.

David Ford
Minister of Justice

The Department of Finance and Personnel has consented to these Regulations.
Sealed with the Official Seal of the Department of Finance and Personnel on xx xxxx 2016.

L.S.

Name
A senior officer of the Department of Finance and Personnel

(**a**) S.R. 1988 No 374. Amended by S.R. 1988 No 438, S.R. 1989 Nos. 106, 160 and 387, S.R. 1990 No. 411, S.R.1993 Nos. 223 and 327, S.R. 1996 No. 4, S.R. 1997 No. 259, S.R. 1998 No. 240, S.R. 2001 No. 369, S.R 2002 No. 100, S.R. 2004 No. 384, S.R. 2006 Nos. 122, 123, 152, 268 and 313, S.R. 2007 Nos. 476, 484 and 485, S.R. 2009 No. 143, S.R. 2010 Nos. 43 and 348, S.R. 2012 No. 64, S.R. 2013 Nos. 35 and 36, S.I. 2013/2318 and 2014 (c.2) (N.I.).

(**b**) S.R. 2009 No 79. Amended by S.R. 2010 No. 348, S.R. 2012 No. 64, S.R. 2013 Nos. 35 and 36 and S.I. 2013/2318.

(**c**) 1998 c.32. The powers conferred by sections 25 and 26 are extended by Articles 14 and 15 of the Superannuation (Northern Ireland) Order 1972 (S.I. 1972/1073 (N.I. 10)). Both sections have been modified by section 49 of the Police (Northern Ireland) Act 2000 (2000 c. 32).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Chapter 3 of Part 4 of the Pension Schemes (Northern Ireland) Act 1993 ("the 1993 Act") 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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