STATUTORY RULES OF NORTHERN IRELAND

2026 No. 99

PUBLIC SERVICE PENSIONS

The Public Service (Civil Servants and Others) Pensions (Remediable Service) (Amendment) Regulations (Northern Ireland) 2026

Made - - - -	27th *May 2026*
Coming into operation	18th *June 2026*

The Department of Finance(**a**) makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(a), 2(1) (together with paragraph 1 of Schedule 2), 3(1), (2)(c) and (3) and 4(7) of the Public Service Pensions Act (Northern Ireland) 2014(**b**) ("the 2014 Act") and sections 5(1) and (5), 7(3), 10(1), 11(5), 19(1) and (5), 20(1), (4) and (5), 21 and 22(1), (2)(d) and (3) of the Public Service Pensions and Judicial Offices Act 2022(**c**) ("PSPJOA 2022").

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

To the extent required by section 27 of PSPJOA 2022, these regulations are made in accordance with Treasury directions(**d**) made under that section.

PART 1

Introductory

Citation and commencement

1. These Regulations—

(a) may be cited as the Public Service (Civil Servants and Others) Pensions (Remediable Service) (Amendment) Regulations (Northern Ireland) 2026;

(b) come into operation on 18th June 2026.

(**a**) The Department of Finance and Personnel was renamed the Department of Finance by section 1(4) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c.5(NI)).

(**b**) 2014 c. 2. Section 3(1) was amended by section 94(2) of PSPJOA 2022 and section 3(2)(c) was inserted by section 94(3) of that Act.

(**c**) 2022 c. 7

(**d**) See section 38 of PSPJOA 2022 for the meaning of "Treasury Directions" which includes directions given by the Department of Finance, the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions (Northern Ireland) 2023 were published on 26 January 2023 and are accessible online at https://www.finance-ni.gov.uk/publications/directions-made-under-public-service-pensions-and-judicial-offices-act-2022.

PART 2

The Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014

Amendment of the Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014

2.—(1) The Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014(**a**) are amended as follows.

(2) In regulation 2B (connected schemes), after paragraph (2) insert—

"(3) Sub-paragraphs (a) and (b) of paragraph (2) do not apply for the purposes of regulation 62B of the Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023(**b**)"

(3) In paragraph 29B of Schedule 2 (transitional provisions)—

(a) In sub-paragraph (1)—

(i) for "the transition date" in both places, substitute "1st April 2022";

(ii) in sub-sub-paragraph (b)(i), after "PCSPS(NI)" insert "or this scheme";

(iii) in sub-sub-paragraph (b)(ii), for "the PCSPS(NI)" substitute "that scheme";

(iv) for sub-sub-paragraph (d) substitute—

"(d) who either—

(i) would have been entitled to payment of an ill-health pension under the PCSPS(NI) if their ill-health pension application had been determined on 31st March 2022, or

(ii) made the application during a period of remediable service within the meaning given in section 1 of the PSPJOA 2022.";

(b) in sub-paragraphs (3) and (4), for "the transition date", in both places, substitute "1st April 2022";

(c) in sub-paragraph (8), after sub-sub-paragraph (d) insert—

"(e) "PSPJOA 2022" means the Public Service Pensions and Judicial Offices Act 2022. "

(**a**) S.R. 2014/290
(**b**) S.R.2023/141

PART 3

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

Amendment of the Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023

3. The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 are amended in accordance with this Part.

Amendments to Part 2 (remediable service statements)

4. After regulation 4 (requirements relating to remediable service statements), insert—

"Voidable remediable service statements

4A.—(1) The scheme manager may treat as void a remediable service statement provided in relation to a member ("M"), including where an immediate choice decision or a deferred choice decision has been made in relation to M's remediable service, provided that the scheme manager is satisfied that—

(a) the remediable service statement fails to meet one or more of the requirements in—

(i) regulation 4(4);

(ii) section 29(5) of PSPJOA 2022 (remediable service statements);

(iii) Treasury directions under section 29(6) of PSPJOA 2022, and

(b) but for the failure in sub-paragraph (a), it is more likely than not that the relevant decision-maker ("D") would make, or as the case may be, would have made a different immediate choice decision or deferred choice decision.

(2) The scheme manager may in particular determine that a remediable service statement fails to meet one or more of the requirements in the provisions mentioned in paragraph (1)(a) where—

(a) the scheme manager provides the remediable service statement to D before affording D a reasonable opportunity to make an election under—

(i) regulation 62B(2);

(ii) regulation 62C(2);

(iii) regulation 62D(2);

(iv) regulation 62E(2);

(v) regulation 62F(2);

(vi) section 5 of PSPJOA 2022,

(b) D, having made a remedy decision in relation to M based on the remediable service statement mentioned in sub-paragraph (a), makes one or more of the elections mentioned in sub-paragraph (a)(i) to (vi) in relation to M, and

(c) had D made that election or those elections before the provision of the remediable service statement, the remediable service statement would have contained different information.

(3) Where a remediable service statement is voided in accordance with paragraph (1)—

(a) it is to be treated as never having been provided;

(b) regulation 13(1)(b)(iii) does not apply.

(4) In this regulation, "relevant decision-maker" means—

(a) where M is a deferred choice member, the deferred choice decision-maker;

(b) where M is an immediate choice member, the immediate choice decision-maker.".

Amendments to Part 4 (provision about divorce and dissolution arrangements)

5.—(1) Regulation 18 (meaning of "alternative amount") is amended as follows.

(2) In paragraph (2)—

(a) in paragraph (b) of the definition of "the PCSPS(NI) amount", after "both the PCSPS(NI) and alpha" insert "(except where paragraph (2A) applies)";

(b) in paragraph (b) of the definition of "the alpha amount", after "both the PCSPS(NI) and alpha" insert "(except where paragraph (2A) applies)".

(3) After paragraph (2) insert—

"(2A) This paragraph applies where the relevant pension order—

(a) relates to mixed service, and

(b) specifies a PCSPS(NI) specified amount and an alpha specified amount.

(2B) Where paragraph (2A) applies—

"the PCSPS(NI) amount" means the aggregate of—

(a) in relation to pre-taper date remediable relevant benefits, the amount equal to the PCSPS(NI) implied percentage of the cash equivalent of the remediable relevant benefits on the valuation day determined as if all of those benefits had been secured in the PCSPS(NI), and

(b) in relation to post-taper date remediable relevant benefits, the amount equal to the alpha implied percentage of the cash equivalent of the remediable relevant benefits on the valuation day determined as if all of those benefits had been secured in the PCSPS(NI).

"the alpha amount" means the aggregate of—

(a) in relation to pre-taper date remediable relevant benefits, the amount equal to the PCSPS(NI) implied percentage of the cash equivalent of the remediable relevant benefits on the valuation day determined as if all of those benefits had been secured in alpha, and

(b) in relation to post-taper date remediable relevant benefits, the amount equal to the alpha implied percentage of the cash equivalent of the remediable relevant benefits on the valuation day determined as if all of those benefits had been secured in alpha.".

(4) In paragraph (3), in the appropriate places, insert—

""aggregate PCSPS(NI) and alpha implied percentage" means the percentage that the amount to be transferred from both the PCSPS(NI) and alpha represented of the cash equivalent of the relevant benefits determined as if pre-taper date benefits had been secured in the PCSPS(NI) and post-taper date benefits had been secured in alpha on valuation day;

"alpha implied percentage" means the percentage that the alpha specified amount represented of the cash equivalent of the post-taper date benefits determined as if all of those benefits had been secured in alpha on valuation day;

"alpha specified amount" means the amount specified in a relevant pension sharing order in relation to alpha for the purpose of determining an amount under section 26(3) of WRP(NI)O 1999(**a**);

"PCSPS(NI) implied percentage" means the percentage that the PCSPS(NI) specified amount represented of the cash equivalent of the pre-taper date benefits determined as if all of those benefits had been secured in the PCSPS(NI) on valuation day;

"PCSPS(NI) specified amount" means the amount specified in a relevant pension sharing order in relation to the PCSPS(NI) for the purpose of determining an amount under section 26(3) of WRP(NI)O 1999;

"relevant percentage value" means the percentage value the relevant pension sharing order specifies in relation to the initial scheme for the purpose of determining an amount under section 26(2) of WRP(NI)O 1999;".

Amendments to Part 5 (voluntary contributions)

6.—(1) Regulation 30 (treatment of EPA rights) is amended as follows.

(2) After paragraph (3) insert—

"(3A) Before making a remedy decision, the relevant decision-maker may opt for the scheme manager to pay M or, where M is deceased, M's personal representatives the compensatable amount.

(3B) The option in paragraph (3A) may only be exercised—

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

(b) during a period determined by the scheme manager.".

(3) For paragraph (7) substitute—

"(7) Where an option is exercised or a decision is made in accordance with—

(a) paragraph (3B) for the purpose of paragraph (3A), or

(b) paragraph (5) for the purpose of paragraph (4)(b),

the scheme manager must pay to M or, where M is deceased, M's personal representatives the compensatable amount.".

Amendments to Part 6 (transfers)

7.—(1) In regulation 38 (transfers out before 1st October 2023)—

(a) in paragraph (1), at the beginning, insert "Except where paragraph (1A) applies,";

(b) after paragraph (1) insert—

"(1A) This paragraph applies where—

(a) the receiving scheme was not a local government scheme within the meaning of section 86(1) of PSPJOA 2022, and

(b) the payment was made in circumstances in which any of the following applied—

(i) Rule F.12 of Section I,

(ii) Rule 6.35 of Section II, to the extent that it concerns persons being transferred to a new employer without their consent,

(iii) Rule G.12 of Section III, or

(iv) regulations 155(1) or (2) of the 2014 Regulations (bulk transfers out).".

(2) In regulation 39 (transfers in before 1st October 2023)—

(a) in paragraph (1), at the beginning, insert "Except where paragraph (1A) applies,";

(**a**) S.R. 1999/3147 (N.I. 11)

(b) after paragraph (1) insert—

"(1A) This paragraph applies where—

(a) the sending scheme was not a local government scheme within the meaning of section 86(1) PSPJOA 2022, and

(b) the payment was accepted in circumstances in which any of the following applied—

(i) Rule F.13 of Section I,

(ii) Rule 6.35 or 6.35za of, or paragraph 19 of Appendix 10 to, Section II, to the extent that each concerns persons being transferred to a new employer without their consent,

(iii) Rule G.13 of Section III, or

(iv) regulation 156(1) or (2) of the 2014 Regulations (bulk transfers in).".

Amendments to Part 7 (provision about special cases)

8.—(1) In regulation 61 (aggregation of PCSPS(NI) membership)—

(a) After paragraph (1) insert—

"(1A) Paragraphs (1B) and (1C) apply where—

(a) M is a deferred choice member,

(b) one of regulations 38, 41 or 42 of these Regulations applies in respect of M, and

(c) a deferred choice decision has not been made.

(1B) M may elect, in accordance with paragraph (1C), that M's eligible remediable service is to be treated as if an aggregation option had been exercised in relation to that service.

(1C) An election under paragraph (1B) is made in accordance with this paragraph where—

(a) the scheme manager, on receipt of M's application for a statement of entitlement, notifies M that M may make such an election, and

(b) M gives notice to the scheme manager, in a form and manner determined by the scheme manager, of M's decision to make such an election.";

(b) in paragraph (4), after "under" insert "paragraph (1B) or".

(2) After regulation 62 (payment of annual allowance tax charges and provision of information) insert—

"Recovery of injury or compensation scheme benefits

62A.—(1) This regulation applies where—

(a) there has been payment to or in respect of a remedy member ("M") of benefits under one or more of—

(i) an injury or compensation scheme established under section 1 of the 2014 Act;

(ii) an injury or compensation scheme established under section 3 of the Superannuation (Northern Ireland) Order 1972, and

(b) the amount of payment mentioned in (a) exceeds the amount that would have been paid had there been no relevant breach of a non-discrimination rule in relation to M's service.

(2) The scheme manager may recover the excess amount mentioned in paragraph (1)(b).

Opt-out period election

62B.—(1) This regulation applies in relation to a member ("M") where—

(a) all of M's remediable service was in alpha, or

(b) M's remediable service was mixed service.

(2) The relevant decision-maker may make an election that, for such period of M's remediable service as the relevant decision-maker specifies ("the opt-out period"), M's service be treated as not having been pensionable service under a civil service scheme.

(3) Except where the scheme manager is the relevant decision-maker, an election under paragraph (2) may only be made after the scheme manager has determined an application which is—

(a) made by or on behalf of M,

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

(c) received by the scheme manager during a period determined by the scheme manager.

(4) The scheme manager may by written notice require a person who has made an application under paragraph (3) to provide in relation to the application such information that—

(a) is within the person's possession, or

(b) the person may reasonably be expected to obtain.

(5) As soon as reasonably practicable after receipt of an application under paragraph (3), the scheme manager must—

(a) determine whether an election under paragraph (2) may be made in relation to M, and

(b) notify the person who made the application whether such an election may be made.

(6) Where the scheme manager is the relevant decision maker, the scheme manager must, as soon as is reasonably practicable after determining that they are the relevant decision-maker, determine whether to make such an election in relation to M.

(7) The scheme manager may refuse an application under paragraph (3) where the scheme manager is not satisfied that, but for a relevant breach of a non-discrimination rule, M would more likely than not have opted out of pensionable service for the opt-out period or an equivalent period.

(8) An election under paragraph (2) is made by—

(a) a person other than the scheme manager when that person sends confirmation to the scheme manager that such an election is to be made following receipt of the notification mentioned in paragraph (5);

(b) the scheme manager at the time determined by the scheme manager.

(9) Where an election under paragraph (2) is made, the scheme manager must—

(a) treat M as having opted that M's service during the opt-out period should not be pensionable service under a civil service scheme, and

(b) pay to M or, where M is deceased, M's personal representatives an amount of compensation equal to the amount of pension contributions M paid during the opt-out period.

(10) In this regulation, "relevant decision-maker" means, where M is —

(a) an immediate choice member, the immediate choice decision-maker;

(b) a deferred choice member, the deferred choice decision-maker.

Retrospective ill-health retirement assessment under alpha

62C.—(1) This regulation applies to an immediate choice member ("M"), where M was, immediately before 1st April 2022, a full protection member within the meaning of paragraph 1 of Schedule 2 to the 2014 Regulations.

(2) The immediate choice decision-maker may elect for M's service to be treated as if, during the period of M's remediable service, M had claimed payment of ill-health benefits under Chapter 4 of Part 6 of the 2014 Regulations ("ill-health benefits").

(3) Except where the scheme manager is the immediate choice decision-maker, an election under paragraph (2) may only be made after the scheme manager has determined an application which is—

(a) made by or on behalf of M,

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

(c) received by the scheme manager during a period determined by the scheme manager.

(4) The scheme manager may by written notice require the person who has made an application under paragraph (3) to provide in relation to the application such information that—

(a) is within the person's possession, or

(b) the person may reasonably be expected to obtain.

(5) As soon as reasonably practicable after receipt of an application made under paragraph (3), the scheme manager must—

(a) determine whether an election under paragraph (2) may be made in relation to M,

(b) determine the entitlement, if any, to ill-health benefits for the period claimed, as if all of M's remediable service had been in alpha, and

(c) notify the person who made the application what M's entitlement, if any, to ill-health benefits for the period claimed would be.

(6) Where the scheme manager is the relevant decision-maker, the scheme manager must as soon as is reasonably practicable after determining that they are the relevant decision-maker, determine whether to make such an election in relation to M.

(7) The scheme manager may refuse an application made under paragraph (3) where the scheme manager is not satisfied that, but for a relevant breach of a non-discrimination rule, M would more likely than not have claimed payment of ill-health benefits during the period of M's remediable service.

(8) An election under paragraph (2) is made by—

(a) a person other than the scheme manager when that person sends confirmation to the scheme manager that such an election is to be made following receipt of the notification mentioned in paragraph (5)(c);

(b) the scheme manager at the time determined by the scheme manager.

(9) Where an election under paragraph (2) is made, the scheme manager must treat M's service as if the ill-health benefits determined under paragraph (5)(b) had been payable from the day after M's last day of service in an employment or office which is capable of being pensionable service in a civil service scheme.

Retrospective ill-health retirement assessment under Section II

62D.—(1) This regulation applies in relation to an immediate choice member ("M") where—

(a) M was, as at the closing date(**a**), a member of Section II, and

(b) either—

(i) all of M's remediable service was in alpha, or

(ii) M's remediable service was mixed service.

(2) The immediate choice decision-maker may make an election for M's service to be treated as if, during the period of M's remediable service, M had claimed payment of an ill-health pension.

(3) Except where the scheme manager is the immediate choice decision-maker, an election under paragraph (2) may only be made after the scheme manager has determined an application which is—

(a) made by or on behalf of M,

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

(c) received by the scheme manager during a period determined by the scheme manager.

(4) The scheme manager may by written notice require the person making the application under paragraph (3) to provide in relation to the application such information which—

(a) is within the person's possession, or

(b) the person may reasonably be expected to obtain.

(5) As soon as reasonably practicable after receipt of an application made under paragraph (3), the scheme manager must—

(a) determine whether an election under paragraph (2) may be made in relation to M,

(b) determine the entitlement, if any, to ill-health pension for the period claimed, as if all of M's remediable service had been in Section II, and

(c) notify the person who made the application of the determinations made in accordance with sub-paragraphs (a) and (b).

(6) Where the scheme manager is the immediate choice decision-maker, the scheme manager must, as soon as is reasonably practicable after determining that they are the immediate choice decision-maker, determine whether to make an election under paragraph (2) in relation to M.

(7) The scheme manager may refuse an application made under paragraph (3) where the scheme manager is not satisfied that, but for a relevant breach of a non-discrimination rule, M would more likely than not have claimed payment of an ill-health pension during the period of M's remediable service.

(8) An election under paragraph (2) is made by—

(a) a person other than the scheme manager when that person sends confirmation to the scheme manager that such an election is to be made following receipt of the notification mentioned in paragraph (5)(c);

(b) the scheme manager at the time determined by the scheme manager.

(9) Where an election under paragraph (2) is made, the scheme manager must treat M as if the ill-health pension had been payable from the day after M's last day of service in an employment or office which is capable of being pensionable service in a civil service scheme.

Recalculation of partial retirement pension under PCSPS(NI)

62E.—(1) This regulation applies in relation to a deferred choice member ("M"), where

(a) either—

(**a**) See section 1(8) of PSPJOA 2022 for the meaning of "the closing date"

(i) all of M's remediable service was in alpha, or

(ii) M's remediable service was mixed service,

(b) M exercised a partial retirement option under the PCSPS(NI) during M's period of remediable service and

(c) M did not exercise a partial retirement option under alpha during M's period of remediable service.

(2) The deferred choice decision-maker may make an election that the pensionable service in respect of which M exercised the partial retirement option mentioned in paragraph (1)(b) be treated as if it included M's remediable service up to and including the date on which that option was exercised.

(3) Except where the scheme manager is the eligible decision-maker, an election under paragraph (2) may only be made after the scheme manager has determined an application which is—

(a) made by or on behalf of M,

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

(c) received by the scheme manager during a period determined by the scheme manager.

(4) The scheme manager may by written notice require the person making the application under paragraph (3) to provide in relation to the application such information which—

(a) is within the person's possession, or

(b) the person may reasonably be expected to obtain.

(5) As soon as reasonably practicable after receipt of an application made under paragraph (3), the scheme manager must—

(a) determine whether an election under paragraph (2) may be made in relation to M, and

(b) notify the person who made the application whether such an election may be made.

(6) Where the scheme manager is the person who may make an election under paragraph (2), the scheme manager must, as soon as is reasonably practicable after determining that they are that person, determine whether to make such an election in relation to M.

(7) The scheme manager may refuse an application made under paragraph (3) where the scheme manager is not satisfied that it is more likely than not that, but for a relevant breach of a non-discrimination rule, M would, during the period of M's remediable service, have exercised an option under paragraph (2) in relation to M's remediable service.

(8) An election under paragraph (2) is made by—

(a) a person other than the scheme manager when that person sends confirmation to the scheme manager that an election is to be made following receipt of the notification mentioned in paragraph (5);

(b) the scheme manager at the time determined by the scheme manager.

(9) Where an election under paragraph (2) is made, the scheme manager must adjust M's subsequent partial retirement pension payments under the PCSPS(NI) as if the pensionable service in respect of which M exercised a partial retirement option under the PCSPS(NI) included M's remediable service up to and including the date on which that option was exercised.

(10) In this regulation—

"partial retirement option under alpha" means an option exercisable under Chapter 3 of Part 6 of the 2014 Regulations;

"partial retirement option under PCSPS(NI)" means an option exercisable under—

(a) rule D.1A of Section I

(b) rule 3.3b of Section II;

(c) Rule E.4 of Section III.

Recalculation of early retirement pension under PCSPS(NI)

62F.—(1) This regulation applies in relation to a deferred choice member ("M"), where—

(a) either—

(i) all of M's remediable service was in alpha, or

(ii) M's remediable service was mixed service,

(b) M exercised an early retirement option under the PCSPS(NI) during M's period of remediable service and

(c) M did not exercise an early retirement option under alpha during M's period of remediable service.

(2) The deferred choice decision-maker may make an election that the pensionable service in respect of which M exercised the early retirement option mentioned in paragraph (1)(b) be treated as if it included M's remediable service up to and including the date on which that option was exercised.

(3) Except where the scheme manager is the eligible decision-maker, an election under paragraph (2) may only be made after the scheme manager has determined an application which is—

(a) made by or on behalf of M,

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

(c) received by the scheme manager during a period determined by the scheme manager.

(4) The scheme manager may by written notice require the person making the application under paragraph (3) to provide in relation to the application such information which—

(a) is within the person's possession, or

(b) the person may reasonably be expected to obtain.

(5) As soon as reasonably practicable after receipt of an application made under paragraph (3), the scheme manager must—

(a) determine whether an election under paragraph (2) may be made in relation to M, and

(b) notify the person who made the application whether such an election may be made.

(6) Where the scheme manager is the person who may make an election under paragraph (2), the scheme manager must, as soon as is reasonably practicable, determine whether to make such an election in relation to M.

(7) The scheme manager may refuse an application made under paragraph (3) where the scheme manager is not satisfied that it is more likely than not that, but for a relevant breach of a non-discrimination rule, M would, during the period of M's remediable service, have exercised an option under paragraph (2) in relation to M's remediable service.

(8) An election under paragraph (2) by—

(a) a person other than the scheme manager is made when that person sends confirmation to the scheme manager that an election is to be made following receipt of the notification mentioned in paragraph (5);

(b) the scheme manager is made at the time determined by the scheme manager.

(9) Where an election under paragraph (2) is made, the scheme manager must adjust M's subsequent early retirement pension payments under the PCSPS(NI) as if the pensionable service in respect of which M exercised an early retirement option under the PCSPS(NI) included M's remediable service up to and including the date on which that option was exercised.

(10) In this regulation, "early retirement option" means an option to receive immediate payment of a reduced pension before reaching normal pension age.".

Amendment to Part 9 (liabilities and payment)

9. In regulation 69 (reduction of liabilities in relation to pension contributions), after paragraph (2) insert—

"(2A) Where the aggregate sum of the tax relief amounts as calculated under direction 4(6) of the PSP Directions (NI) 2023 is negative in relation to a relevant member who is an active member of the scheme, a reduction may be made at the discretion of the scheme manager in accordance with direction 4(7)(b)(ii) of those Directions.".

Amendments to Schedule (eligible decision-makers for deceased members)

10.—(1) The schedule is amended in accordance with this regulation.

(2) For paragraphs 2 and 3 substitute—

"Sole beneficiary: an adult

2.—(1) Where a person is—

(a) the sole beneficiary, and

(b) an adult,

the eligible decision-maker is determined in accordance with sub-paragraph (2).

(2) The eligible decision-maker is—

(a) the person mentioned in sub-paragraph (1), or

(b) where no decision about whether to make an election has been received by the scheme manager by such day as the scheme manager considers reasonable in all the circumstances, the scheme manager.

Sole beneficiary: a child

3.—(1) Where a person ("A") is—

(a) the sole beneficiary, and

(b) a child,

the eligible decision maker is determined in accordance with sub-paragraph (2).

(2) The eligible decision-maker is—

(a) A's parent or guardian, or

(b) where no decision about whether to make an election has been received by the scheme manager by such day as the scheme manager considers reasonable in all the circumstances, the scheme manager.".

(3) For paragraphs 5 and 6 substitute—

"Sole beneficiary: M's estate

5. Where M's estate is the sole beneficiary, the eligible decision-maker is—

(a) M's personal representative, or

(b) where no decision about whether to make an election has been received by the scheme manager by such day as the scheme manager considers reasonable in all the circumstances, the scheme manager.

Multiple beneficiaries: including a surviving adult

6.—(1) Where—

(a) two or more adults are the only beneficiaries, and

(b) one of those adults ("B"), is a surviving adult,

the eligible decision-maker is determined in accordance with sub-paragraph (2).

(2) The eligible decision-maker is—

(a) B, or

(b) where no decision about whether to make an election has been received by the scheme manager by such day as the scheme manager considers reasonable in all the circumstances, the scheme manager.".

(4) After paragraph 12 insert—

"**Option for scheme manager to be eligible decision-maker**

13.—(1) A person (other than the scheme manager) determined as the eligible decision-maker in accordance with paragraph 2, 3, 5, or 6 may, subject to sub-paragraph (3) opt for the scheme manager to be the eligible decision-maker ("scheme manager option").

(2) A scheme manager option may only be exercised by notice to the scheme manager in a form and manner determined by the scheme manager.

(3) Where a scheme manager option has been exercised, the scheme manager may determine, if the scheme manager considers it reasonable in all the circumstances, that the eligible decision-maker is the scheme manager,".

Sealed with the Official Seal of the Department of Finance on 27th May 2026.

(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 Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014 (S.R. 2014/290) ("the 2014 Regulations") and the Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141) ("the 2023 Regulations").

The Public Service Pensions Act (Northern Ireland) 2014 (c. 2) ("PSPA(NI) 2014") makes provision, and confers powers to make further provision (in the form of "scheme regulations" as defined in section 1 of PSPA(NI) 2014), about the establishment of public service pension schemes. The 2014 Regulations are the scheme regulations establishing alpha, the successor civil service pension scheme to the Principal Civil Service Pension Scheme (Northern Ireland) ("the PCSPS(NI)"). They provided for transitional protection for certain cohorts of PCSPS(NI) members. This transitional protection was subsequently found to unlawfully discriminate between civil service pension scheme members on the basis of age.

The Public Service Pensions and Judicial Offices Act 2022 (c.7) ("PSPJOA 2022"), at Chapter 1, makes provision, and confers powers for scheme regulations under PSPA(NI) 2014 to make further provision, in relation to specified service ("remediable service" as defined in section 1 of PSPJOA 2022) of members who benefited from transitional protection, and of members who did not benefit from transitional protection only by reason of their age. Section 27 of PSPJOA 2022 requires certain powers to make scheme regulations to be exercised in accordance with Treasury directions.

These Regulations are scheme regulations under PSPA(NI) 2014 and in accordance with PSPJOA 2022 in relation to a member's remediable service in the PCSPS(NI) and alpha. They are, to the extent required by section 27 of PSPJOA 2022, made in accordance with Treasury directions under that section (in the form of the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions (Northern Ireland) 2023). These Regulations have retrospective effect, which is authorised by section 3(3)(b) of PSPA(NI) 2014.

Part 2 of these Regulations makes provision amending the 2014 Regulations. All members who applied successfully for ill-health retirement before 31st March 2022 and had their application determined after that date will receive the higher of the PCSPS(NI) and alpha annual ill-health pension rates. Currently this only applies in relation to members who received full transitional protection.

Part 3 of the Regulations makes amendments to the 2023 Regulations.

Regulations 4 makes provisions clarifying the circumstances in which the scheme manager may treat as void a remediable service statement that is materially inaccurate or incomplete.

Regulation 5 makes minor clarificatory amendments to definitions concerning divorce and dissolution provisions.

Regulation 6 makes provision concerning when a choice can be made to receive compensation in relation to a member's EPA rights relating to their remediable service. Where compensation is chosen, those EPA rights are extinguished.

Regulation 7 makes clarificatory provision concerning transfers.

Regulations 8 and 9 make provision for special cases. This includes provision enabling decision-makers to choose that members' remediable service be treated as if, but for the discriminatory transitional protection, the member would have decided to apply for ill-health retirement or to opt out of civil service pensions arrangements for a period.

An impact assessment has not been completed for these Regulations. An equality screening has been carried out for these Regulations, and no equality issues were identified. An explanatory Memorandum has been published alongside these Regulations on http://www.legislation.gov.uk.

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£8.90

http://www.legislation.gov.uk/id/nisr/2026/99

ISBN 978-0-33-802641-5

