EXPLANATORY MEMORANDUM TO

THE SUPERANNUATION (ASSEMBLY OMBUDSMAN FOR NORTHERN IRELAND AND THE NORTHERN IRELAND COMMISSIONER FOR COMPLAINTS) ORDER (NORTHERN IRELAND 2015

2015 NO. 347

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the above named statutory rule which is laid before the Northern Ireland Assembly.

1.2 The statutory rule is made under Articles 3(4) and (7) of the Superannuation (Northern Ireland) Order 1972 and is subject to negative resolution procedure in the Assembly.

1.3. The rule is due to come into operation on 21st October 2015 but shall have retrospective effect from 01 July 2015 by virtue of Article 3(7) of the Superannuation (Northern Ireland) Order 1972.

2. Purpose

2.1. The rule makes pension provision in the Principal Civil Service Pension Scheme (Northern Ireland) for employment by the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints

3. Background

3.1. The Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints is not under the direction of a Minister but is accountable directly to the NI Assembly

3.2. Under Article 3 of the Superannuation (Northern Ireland) Order 1972 the Department of Finance and Personnel has authority to make and maintain pension arrangements for Northern Ireland Civil Servants in the PCSPS (NI). It may also make pension provision in the PCSPS (NI) for associated employments, public offices and public appointments which meet the requirement of Article 3(5) of the Superannuation (Northern Ireland) Order 1972 wherein the remuneration of persons serving in those employments or offices is paid out of moneys appropriated by a transferred provision or out of the Northern Ireland Consolidated Fund.

3.3 The making of the statutory rule accomplishes this in respect of the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints.

4. Consultation

4.1. The provisions of Articles 3(4) and (7) of the Superannuation (Northern Ireland) Order 1972 under which the statutory rule is made do not require that the Department carry out formal consultations prior to its introduction.

5. Equality Impact

5.1. An Equality Screening exercise is not considered necessary since the introduction of the legislation will not differentially impact adversely on any of the groups identified at section 75 of the NI Act 1998.

6. Regulatory Impact

6.1. The rule imposes no costs on business, charities, social economy enterprises or the voluntary sector. A Regulatory Impact Assessment is not considered necessary.

7. Financial Implications

7.1. There are no financial applications for the Department as contributions for pension provision are met by the employee/employer.

8. Section 24 of the Northern Ireland Act

8.1. The Departmental Solicitor's Office has advised that the Order is within the scope of Section 24 of the Northern Ireland Act 1998 and is therefore within competence..

9. EU implications

9.1. None.

10. Parity or Replicatory Measure

10.1. Not applicable

11. Additional Information

11.1. Margaret Coyle at the Department of Finance and Personnel (telephone 02871 319202 or email Margaret.coyle@dfpni.gov.uk) or Peter Philip (telephone 02871 310706 or email peter.philip@dfpni.gov.uk) can answer any queries regarding the Regulations.