

**EXPLANATORY MEMORANDUM TO
SUPERANNUATION (OFFICE OF THE DIRECTOR AND DEPUTY
DIRECTOR OF PUBLIC PROSECUTIONS) ORDER (NORTHERN
IRELAND) 2011**

2011 No. 116

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 NI Assembly.
- 1.3 The rule is due to come into operation on 11 April 2011 and will have retrospective effect from 12 April 2010.

2. Purpose

- 2.1 The rule adds the Offices of Director and Deputy Director of Public Prosecutions for Northern Ireland to Schedule 1 of the Superannuation Order with effect from 12 April 2010. Where an employment is listed at Schedule 1 to the Superannuation (Northern Ireland) Order 1972 pension provision is made for that Office in the Principal Civil Service Pensions Scheme (Northern Ireland) [PCSPS(NI)].

3. Background

- 3.1 The posts of Director and Deputy Director of Public Prosecutions for Northern Ireland were established by the Justice (Northern Ireland) Act 2002.
- 3.2 Prior to the devolution of legislative power in relation to policing and justice matters to the Northern Ireland Assembly from 12 April 2010, the Offices of Director and Deputy Director of Public Prosecutions for Northern Ireland were paid and administered directly by the Northern Ireland Office, NIO in London and pension provision for each post was paid for and administered directly by the NIO in schemes 'Broadly By Analogy', BBA, to the pension scheme for NIO home civil servants - the Principal Civil Service Pension Scheme, PCSPS.

- 3.3 Following the devolution of policing and justice functions in the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 and the Northern Ireland Act 1998 (Transfer of Staff and Property) Order 2010 these posts are now public appointments which are paid for directly from the Northern Ireland Consolidated Fund and administered by the Department of Justice, therefore pension provision in schemes BBA to the PCSPS is no longer appropriate.
- 3.4 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 Principal Civil Service Pension Scheme (Northern Ireland), 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 NI Consolidated Fund.
- 3.5 The making of the rule accomplishes this in respect of the Offices of Director and Deputy Director of Public Prosecutions for Northern Ireland.

4. Matters of special interest to the Committee for Finance and Personnel

- 4.1 None

5. Consultation

- 5.1 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.

6. Position in Great Britain

- 6.1 Not Applicable.

7. Equality Impact

- 7.1 There are no implications for any of the Section 75 groups.

8. Regulatory Impact

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

9. Financial Implications

9.1 None. Contributions for pension provision in the PCSPS(NI) are paid by employers and individual post holders

10. EU implications

10.1 None.

11. Section 24 of the Northern Ireland Act

11.1 It is the view of the Department that the Order is compatible with section 24 of the NI Act 1998