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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 290**

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

PART 4

Scheme membership

CHAPTER 1

Eligibility for active membership

**Scheme employment**

13.—(1) In these Regulations, “scheme employment” means—

- (a) permanent or fixed term employment as a civil servant;
- (b) permanent or fixed term employment held by a person mentioned in regulation 3(2)(a) to (e) and to whom this scheme relates by virtue of a determination under section 25(5) of the Act, where the scheme relates to P by virtue of that employment;
- (c) permanent or fixed term employment held by a Fair Deal eligible person, where the scheme relates to that person by virtue of that employment.

(2) Any person engaged under a contract for services or engaged locally overseas is not in a scheme employment.

**Eligible persons**

14.—(1) For the purpose of this Part an eligible person is a person who is eligible to be an active member of this scheme.

(2) A person who is in service in a scheme employment (P) is an eligible person in relation to that service unless paragraph (3) or (4) applies.

(3) This paragraph applies if the terms of the employment exclude P from being an active member of this scheme.

(4) This paragraph applies if, in relation to service in that employment—

- (a) P is a protected member of the PCSPS(NI).
- (b) P has a partnership pension account; or
- (c) P is a member of any other pension scheme and P’s employer pays contributions to that scheme in respect of P.

**Service in 2 or more scheme employments**

15. If a person is in service in 2 or more scheme employments, regulation 14 applies separately in relation to each employment.

**Fair Deal eligible persons**

- 16.—(1) In these Regulations, “Fair Deal eligible person” means—
- (a) a person mentioned in regulation 3(2)(g)—
    - (i) in respect of whom the Department has made a further determination under section 25(5) of the Act in accordance with regulation 3(1)(b); and
    - (ii) who meets the conditions of eligibility set out in paragraph (2) (“the conditions of eligibility”); or
  - (b) a person mentioned in regulation 3(2)(f) or (h)—
    - (i) in respect of whom the Department has made a determination under section 25(5) of the Act in accordance with regulation 3(1)(b); and
    - (ii) who meets the conditions of eligibility.
- (2) A person (P) meets the conditions of eligibility if—
- (a) P’s employer is a party to an Admission Agreement in respect of the transferred services and the Admission Agreement has not terminated;
  - (b) on the Fair Deal transfer date, P is employed to carry out the transferred services;
  - (c) since the Fair Deal transfer date, P has been continuously employed to carry out the transferred services;
  - (d) P is employed to carry out the transferred services for more than 50% of P’s time working under P’s contract to carry out the transferred services;
  - (e) P is not, in respect of the transferred services, an active member of an occupational pension scheme or a personal pension scheme provided by P’s employer; and
  - (f) P has not signed an agreement with P’s employer to waive voluntarily, P’s eligibility to be an active member of this scheme as a Fair Deal eligible person.
- (3) For the purposes of paragraph 2(c), P has not been continuously employed where P has had gap in service of any period.
- (4) In determining whether P meets the condition in paragraph (2)(d)—
- (a) functions or services carried out by P under another contract are to be disregarded;
  - (b) if the scheme manager has agreed that P may carry out functions or services in another description of employment specified in a published list, those other functions or services must be treated as if they were the transferred services; and
  - (c) time spent carrying out activities associated with the transferred services (such as training relevant to the transferred services) may be treated as time spent carrying out the transferred services.
- (5) A person who ceases to meet the conditions of eligibility ceases to be a Fair Deal eligible person on the date that the person ceases to meet those conditions.
- (6) In these regulations—
- “Admission Agreement” means a contractual agreement between the Department and P’s employer (and if applicable a 3rd party) relating to participation in this scheme;
- “Fair Deal transfer date” means the date specified in the published list as the date on which a person, in order to be eligible to be an active member of this scheme in respect of the transferred services, must have been employed to carry out those services;
- “published list” means a list of persons to whom the scheme relates published for the purposes of section 25(9) of the Act; and

“the transferred services”, in relation to a person, means the functions or services in the description of employment specified in a published list that relates to that person.