STATUTORY RULES OF NORTHERN IRELAND

2014 No. 290

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

PART 12

Supplementary

CHAPTER 3

Forfeiture and set-off

Forfeiture: relevant monetary obligations and relevant monetary losses

167.—(1) If a member (P) owes a relevant monetary obligation or has caused a relevant monetary loss, the scheme manager may withhold benefits payable to P under this scheme.

(2) The scheme manager may withhold benefits to the extent the scheme manager considers appropriate but may only withhold that part of P's pension that exceeds any guaranteed minimum to which P is entitled under section 10 of the 1993 Act.

(3) The scheme manager may not withhold more than the lesser of—

(a) the amount of the relevant monetary obligation or relevant monetary loss; and

(b) the value of P's entitlement to benefits.

(4) The scheme manager may only withhold benefits if—

(a) there is no dispute as to the amount of the relevant monetary obligation or relevant monetary loss; or

(b) the relevant monetary obligation or relevant monetary loss is enforceable as follows—

(i) under an order of a competent court; or

(ii) in consequence of an award of an arbitrator.

(5) In this regulation—

"relevant monetary obligation" means a monetary obligation which—

(a) was incurred to the Department or P's employer (if different);

(b) was incurred after P became an active member of this scheme;

(c) arose out of P's criminal, negligent or fraudulent act or omission; and

(d) arose out of or was connected with service in the scheme employment in respect of which P is a member of this scheme; and

"relevant monetary loss" means a monetary loss which—

(e) was caused to this scheme; and

(f) arose as a result of P's criminal, negligent or fraudulent act or omission.