
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

Set-off

168.—(1) The scheme manager may set off a relevant monetary obligation against a member's entitlement to benefits under this scheme.

(2) In this regulation, a "relevant monetary obligation" is a monetary obligation owed by a member (P), which satisfies the conditions in paragraph (3), (4) or (5).

(3) The conditions are that the monetary obligation—

- (a) was incurred to the Department or P's employer (if different);
- (b) was incurred after P became an active member of this scheme; and
- (c) arose out of or was connected with service in the scheme employment in respect of which P is a member of this scheme.

(4) The conditions are that the monetary obligation—

- (a) was incurred to this scheme; and
- (b) arose out of P's criminal, negligent or fraudulent act or omission.

(5) The conditions are that the monetary obligation—

- (a) was incurred to this scheme; and
- (b) arose out of a payment made to P in error by the scheme manager.

(6) Paragraph (7) applies if a set-off is to be applied as a result of P owing a relevant monetary obligation which satisfies the conditions in paragraph (3).

(7) Where this paragraph applies, the scheme manager may not apply a set-off against that part of P's entitlement to benefits that represents transfer credits within the meaning of Article 121(1) (interpretation of Part 2) of the 1995 Order⁽¹⁾ (other than prescribed transfer credits for the purposes of Article 89(5)(d) (exceptions from the inalienability of occupational pensions) of the 1995 Order⁽²⁾).

(1) The definition of "transfer credits" in Article 121(1) was amended by the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), Art.290(1), Sch.10 para. 63(1) and (2)

(2) Article 89(5)(d) was amended by the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) Schedule 9 para.46(1) and (4). See S.R. 1997 No. 153 which prescribes the transfer credits

(8) The scheme manager may only apply a set-off against that part of a member's pension that exceeds any guaranteed minimum to which the member is entitled under section 10 of the 1993 Act.

(9) The value of the set-off applied must not exceed the lesser of—

- (a) the amount of the relevant monetary obligation;
- (b) the value of P's entitlement to benefits.

(10) The scheme manager may only set-off a relevant monetary obligation against P's entitlement to benefits if—

- (a) there is no dispute as to the amount of the relevant monetary obligation; or
- (b) the relevant monetary obligation is enforceable—
 - (i) under an order of a competent court; or
 - (ii) in consequence of an award of an arbitrator.