

SCHEDULE 2

Transitional provisions

PART 1

General

Interpretation-general

1. In this Schedule—

“Article 3(3A) eligible person” means a person who is eligible to be an active member of the PCSPS(NI) by virtue of being a person who is in service in an office or employment specified in a list produced for the purposes of Article 3(3A) (superannuation schemes as respects civil servants, etc) of the 1972 Order⁽¹⁾;

“closing date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the PCSPS(NI), the tapered protection closing date for that member; or
- (b) if the member is not a protected member of that scheme, the scheme closing date;

“existing public body pension scheme” means a public body pension scheme specified on a list published by the Department for the purpose of this Schedule;

“full protection member”, in relation to the PCSPS(NI), has the meaning given in paragraph 9;

“protected member”, in relation to the PCSPS(NI), means a full protection member or tapered protection member of that scheme;

“protection period”—

- (a) for a full protection member of the PCSPS(NI), has the meaning given in paragraph 10;
- (b) for a tapered protection member of the PCSPS(NI), has the meaning given in paragraph 20;

“tapered protection closing date”, in relation to a tapered protection member of the PCSPS(NI), has the meaning given in paragraph 3;

“tapered protection member”, in relation to the PCSPS(NI), has the meaning given in paragraph 19;

“transition date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the PCSPS(NI), the day after the tapered protection closing date for that member;
- (b) if the member is not a protected member of that scheme, the day after the scheme closing date or, if later, the day the person ceased to be a protected member of the scheme;

“transition member” means a person—

- (a) who is a member of the PCSPS(NI) by virtue of the person’s pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of the person’s pensionable service under this scheme.

(1) Article 3(3A) was inserted by the Public Service Pensions Act (Northern Ireland) 2014 (c.2) section.29; Schedule 9 paragraphs 1 and 2

Meaning of “continuity of service”

2.—(1) For the purposes of this Schedule, a transition member (T) has continuity of service between pensionable service in the PCSPS(NI) and pensionable service in this scheme (“continuity of service”) unless T has a gap in service exceeding 5 years which—

- (a) begins on or before T’s closing date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(2) For the purpose of sub-paragraph (1), after the scheme closing date T is not on a gap in service while T is in service which is pensionable under an existing scheme, an existing public body pension scheme, a scheme under section 1 of the Act or a new public body pension scheme.

Meaning of “tapered protection closing date”

3.—(1) The tapered protection closing date for a tapered protection member of the PCSPS(NI) other than a member to whom paragraph 9(5) or 27 applies is—

- (a) if the member exercises the option under Part 4 of this Schedule, the scheme closing date; or
- (b) if the member does not exercise that option, a date between 31st May 2015 and 31st January 2022 (inclusive) determined by the scheme manager by reference to a table published for that purpose.

(2) A tapered protection closing date determined under sub-paragraph (1)(b) must fall on the last day of a month.

(3) The tapered protection closing date for a tapered protection member of the PCSPS(NI) to whom paragraph 9(5) or 27 applies is a date determined by the scheme manager.

Meaning of “active member of the PCSPS(NI)”

4.—(1) This paragraph applies to a person (P) who is an active member of the PCSPS(NI) other than as an Article 3(3A) eligible person.

(2) For the purpose of Parts 2 and 3 of this Schedule, P is an active member of the PCSPS(NI) on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) if P is on a gap in service not exceeding 5 years.

(3) For the purpose of sub-paragraph (2)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Meaning of “active member of an existing scheme”

5.—(1) For the purpose of Parts 2 and 3 of this Schedule, a person (P) is an active member of an existing scheme (other than the PCSPS(NI)) on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding 5 years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing scheme P is not on a gap in service while P is in pensionable public service.

(3) In sub-paragraph (2), “the closing date for the existing scheme” means the date referred to in section 18(4) of the Act, as applicable.

Meaning of “active member of an existing public body pension scheme”

6.—(1) For the purpose of Parts 2 and 3 of this Schedule, a person (P) is an active member of an existing public body pension scheme on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding 5 years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing public body pension scheme, P is not on a gap in service while P is in pensionable public service.

(3) In sub-paragraph (2), “the closing date for the existing public body pension scheme” means the date determined under section 32(2) of the Act by the public authority responsible for that scheme.

Commencement of active membership of this scheme

7.—(1) A person who is a transition member on entering pensionable service under this scheme who does not have continuity of service becomes an active member of this scheme on the day the person begins pensionable service in a scheme employment.

(2) A person who is a transition member on entering pensionable service under this scheme who has continuity of service (T) becomes an active member of this scheme—

- (a) if T is in pensionable service in a scheme employment on the transition date, on that date; or
- (b) if T is not in pensionable service in a scheme employment on the transition date, on the day T enters pensionable service in a scheme employment after that date.