

**EXPLANATORY MEMORANDUM TO**

**THE PUBLIC SERVICE PENSIONS (ASSEMBLY OMBUDSMAN FOR  
NORTHERN IRELAND AND THE NORTHERN IRELAND COMMISSIONER  
FOR COMPLAINTS) REGULATIONS (NORTHERN IRELAND) 2015**

**2015 NO. 348**

**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 section 25 of the Public Service Pensions Act (Northern Ireland) 2014 and is subject to negative resolution procedure in the Assembly.
- 1.3. The rule is due to come into operation on 21<sup>st</sup> October 2015 but shall have retrospective effect from 01 July 2015 by virtue of Section 3(3)(b) of the Public Service Pensions Act (Northern Ireland) 2014.

**2. Purpose**

- 2.1. The rule specifies that persons who, though not specified in section 1(2) of the Public Service Pensions Act (Northern Ireland) 2014, may potentially be covered by The Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014. They are potentially covered by the scheme because a determination under section 25(5) is needed to make the scheme actually relate to some or all of these persons.

**3. Background**

- 3.1. The Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints is not under the direction of a Minister but is accountable directly to the NI Assembly
- 3.2. Section 25 of the 2014 Act sets out the sequence of the procedures to be followed to enable an extension of the scheme. Once the scheme regulations have been made, the Department of Finance and Personnel

as responsible authority may at any time make a determination under section 25(5) of the 2014 Act that the 'alpha' pension scheme established by the Public Service (Civil Servants and Others) Pension Regulations (Northern Ireland) 2014 will also relate.

#### **4. Consultation**

4.1. Not applicable on this occasion .

#### **5. Equality Impact**

5.1. An Equality Screening exercise is not considered necessary since the introduction of the legislation will not differentially impact adversely on any of the groups identified at section 75 of the NI Act 1998.

#### **6. Regulatory Impact**

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

#### **7. Financial Implications**

7.1. There are no financial applications for the Department as contributions for pension provision are met by the employee/employer.

#### **8. Section 24 of the Northern Ireland Act**

8.1. The Departmental Solicitor's Office has advised that the Regulation is within the scope of Section 24 of the Northern Ireland Act 1998 and is therefore within competence..

#### **9. EU implications**

9.1. None.

#### **10. Parity or Replicatory Measure**

10.1. Not applicable

#### **11. Additional Information**

11.1. Margaret Coyle at the Department of Finance and Personnel (telephone 02871 319202 or email [Margaret.coyle@dfpni.gov.uk](mailto:Margaret.coyle@dfpni.gov.uk)) or Peter Philip (telephone 02871 310706 or email [peter.philip@dfpni.gov.uk](mailto:peter.philip@dfpni.gov.uk)) can answer any queries regarding the Regulations.