STATUTORY RULES OF NORTHERN IRELAND

2023 No. 131

PUBLIC SERVICE PENSIONS

The Teachers' Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023

Made - - - - 7th September 2023

Coming into operation 1st October 2023

THE TEACHERS' PENSION SCHEME (REMEDIABLE SERVICE) REGULATIONS (NORTHERN IRELAND) 2023

PART 1

Introductory provisions

- 1. Citation and commencement
- 2. Interpretation
- 3. Delegation

PART 2

Remediable service statements

4. Requirements relating to remediable service statements

PART 3

Decisions about the treatment of remediable service

CHAPTER 1

Opted-out service elections

- 5. Application and interpretation of Chapter 1
- 6. Election in relation to relevant opted-out service

CHAPTER 2

Immediate choice decision for reformed scheme or legacy scheme benefits

7. Application and interpretation of Chapter 2

- 8. Immediate choice decision for reformed scheme or legacy scheme benefits: general
- 9. Immediate choice decision: additional requirements
- 10. Immediate choice decision: deemed section 6 election

CHAPTER 3

Deferred choice decision for reformed scheme or legacy scheme benefits

- 11. Application and interpretation of Chapter 3
- 12. Deferred choice decision for reformed scheme or legacy scheme benefits: general
- 13. Deferred choice decision to be made by M
- 14. Deferred choice decision to be made by a person other than M
- 15. Deferred choice decision: deemed section 10 election
- 16. Deferred choice decision: additional requirements

PART 4

Provision about divorce and dissolution arrangements

CHAPTER 1

Pension credit and pension debit members

SECTION 1

Application and interpretation of Chapter 1

17. Application and interpretation of Chapter 1

SECTION 2

Pension sharing orders: information provided before 1st October 2023

- 18. Application and interpretation of Section 2
- 19. Meaning of "alternative amount"
- 20. Information provided before 1st October 2023: calculating a remediable credit adjustment
- 21. Information provided before 1st October 2023: applying a remediable credit adjustment
- 22. Information provided before 1st October 2023: recalculating D's reduction of benefit

SECTION 3

Information provided on or after 1st October 2023

- 23. Application and interpretation of Section 3
- 24. Information provided on or after 1st October 2023: calculation of pension credits and debits
- 25. Information provided on or after 1st October 2023: recalculating D's reduction of benefit

CHAPTER 2

Arrangements on divorce, annulment or dissolution other than a pension sharing order

26. Arrangements other than a pension sharing order: calculating the value of pension benefits

PART 5

Voluntary contributions

CHAPTER 1

General

- 27. Interpretation of Part 5
- 28. Requirement to determine the value of flexibilities in a member's alternative scheme
- 29. Election in relation to remediable voluntary contributions
- 30. Disapplication of scheme regulations where rights are determined, varied or conferred
- 31. Variation of the period during which a buy-out election may be made

CHAPTER 2

Immediate choice members

- 32. Application of Chapter 2
- 33. Treatment of legacy scheme additional pension where reformed scheme benefits chosen
- 34. Treatment of reformed scheme flexibilities where legacy scheme benefits take effect
- 35. Treatment of scheme flexibilities in payment

CHAPTER 3

Deferred choice members

SECTION 1

Application of Chapter 3

36. Application of Chapter 3

SECTION 2

Provision about remediable voluntary contributions on the entry into force of section 2(1) of PSPJOA 2022

- 37. Application of Section 2
- 38. Treatment of rights to reformed scheme flexibilities on the entry into force of section 2(1) of PSPJOA 2022
- 39. Agreement to waive payment of a compensatable amount

SECTION 3

Provision about remediable voluntary contributions on a deferred choice decision

- 40. Variation of legacy scheme additional pension where reformed scheme benefits chosen
- 41. Reinstatement of reformed scheme flexibilities where reformed scheme benefits chosen
- 42. Treatment of waived compensatable amount where legacy scheme benefits take effect

CHAPTER 4

Remediable arrangements to pay voluntary contributions to the legacy scheme

43. Remediable arrangements to pay voluntary contributions to secure legacy scheme additional pension

PART 6

Transfers

CHAPTER 1

General

- 44. Interpretation of Part 6
- 45. Transferred out remediable service statements

CHAPTER 2

Transfers on a cash equivalent basis

SECTION 1

Transfers before 1st October 2023

- 46. Transfers out before 1st October 2023
- 47. Transfers in before 1st October 2023

SECTION 2

Transfers on or after 1st October 2023

- 48. Application of Section 2
- 49. Transfers out on or after 1st October 2023

CHAPTER 3

Transfers on a club basis

SECTION 1

Club transfers before 1st October 2023

50. Club transfers out before 1st October 2023

51. Club transfers in before 1st October 2023

SECTION 2

Club transfers on or after 1st October 2023

- 52. Application of Section 2
- 53. Club transfers out on or after 1st October 2023
- 54. Club transfers in on or after 1st October 2023

CHAPTER 4

Variation of transfer application periods

55. Variation of transfer application periods

CHAPTER 5

Treatment of rights secured by virtue of a remediable value

- 56. Application and interpretation of Chapter 5
- 57. Transferred in remediable rights treated as being in the legacy scheme
- 58. Varying the value of benefits secured by virtue of transferred in remediable rights
- 59. Benefits already paid in relation to transferred in remediable rights
- 60. Pension benefits and lump sum benefits in relation to transferred in remediable rights

PART 7

Provision about special cases

CHAPTER 1

Ill-health retirement

- 61. Interpretation of Chapter 2
- 62. Determining whether a member meets the ill-health retirement criteria in each scheme
- 63. Provisions about ill-health retirement benefits following reassessment
- 64. Ill-health retirement benefit payable in transitional cases

CHAPTER 2

Miscellaneous special cases

- 65. Protection of the amount of pension payable to an eligible child
- 66. Premature retirement
- 67. Payment of annual allowance tax charges and provision of information

PART 8

Liabilities and payment

CHAPTER 1

Application of Part 8

68. Application of Part 8

CHAPTER 2

Interest, compensation and netting off

- 69. Interest
- 70. Indirect compensation
- 71. Applications for compensation or indirect compensation
- 72. Netting off

CHAPTER 3

Reduction and waiver of liabilities

- 73. Requirement to reduce liabilities by tax relief amounts
- 74. Power to reduce or waive amounts owed by a person to the scheme manager
- 75. Agreement to waive a liability owed by the scheme manager in respect of an immediate correction

CHAPTER 4

Payment of net liabilities

- 76. Application of Chapter 4
- 77. Payment of amounts owed to the scheme manager
- 78. Payment of amounts owed to a person Signature

SCHEDULE Eligible decision-makers for deceased members

- 1. Interpretation
- 2. Sole beneficiary: an adult
- 3. Sole beneficiary: a child
- 4. Sole beneficiary: M's estate
- 5. Multiple beneficiaries: including a surviving adult
- 6. Multiple beneficiaries: including adult eligible children
- 7. Multiple beneficiaries: nominated individuals only
- 8. Multiple beneficiaries: non-adult eligible children
- 9. Multiple beneficiaries: nominated children only
- 10. Multiple beneficiaries: one or more adults and one or more children
- 11. Other cases Explanatory Note

Changes to legislation:
There are currently no known outstanding effects for the The Teachers' Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023.