

## SCHEDULES

### SCHEDULE 8

#### Consequential and minor amendments

##### *Pensions (Increase) Act (Northern Ireland) 1971 (c. 35)*

#### 2. After section 8 of the Pensions (Increase) Act (Northern Ireland) 1971 insert—

##### **“8A. Section 8(2): references to “service”**

(1) In a case where—

- (a) paragraph 1 or 2 of Schedule 7 to the 2014 Act (final salary link for persons who remain in old scheme for past service) applies in relation to a person, and
- (b) the person’s final salary falls to be determined by reference to that paragraph,

references in section 8(2) above to the service in respect of which a pension is payable include the person’s new scheme service (within the meaning of Schedule 7 to the 2014 Act).

(2) In a case where—

- (a) a person is a member of a relevant old scheme by virtue of pensionable service for that scheme (“the relevant old scheme service”),
- (b) the person is also a member of a scheme under section 1 of the 2014 Act or a new public body pension scheme (“the new scheme”) by virtue of pensionable service for that scheme (“the new scheme service”),
- (c) the relevant old scheme service and the new scheme service are continuous, and
- (d) the person’s employer in relation to the relevant old scheme service is the person’s employer in relation to the new scheme service (or any other employer in relation to the new scheme),

references in section 8(2) above to the service in respect of which a pension is payable include the person’s new scheme service.

(3) In this section—

- (a) “relevant old scheme” means a career average revalued earnings scheme (within the meaning of the 2014 Act) to which section 18(1) or 32(2) of that Act applies (restriction of benefits under existing schemes);
  - (b) “employer”, “new public body pension scheme” and “pensionable service” have the same meanings as in that Act.
- (4) For the purposes of subsection (2)—
- (a) paragraphs 3 and 4 of Schedule 7 to the 2014 Act (continuity of employment, etc.) apply as they apply for the purposes of paragraphs 1(2) and 2(2) of that Schedule;
  - (b) regulations under section 1 of the 2014 Act (in the case of a new scheme under that section) or rules (in the case of a new public body pension scheme) may provide that where a pension is in payment under a relevant old scheme, references in section 8(2) above to the service in respect of which a pension is payable do not include any subsequent period of pensionable service in relation to a scheme under section 1 of the 2014 Act or a new public body pension scheme.
- (5) Provision made under subsection (4)(b) may in particular be made by amending the relevant old scheme.
- (6) In this section, “the 2014 Act” means the Public Service Pensions Act (Northern Ireland) 2014.”.
- 3.** Schedule 2 to the Pensions (Increase) Act (Northern Ireland) 1971 (official pensions) is amended as follows.
- 4.** After paragraph 2 insert—
- “**2A.** A pension payable under a scheme made by the Department of Finance and Personnel under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(a) of that Act (civil servants).”.
- 5.** After paragraph 3A insert—
- “**3B.** A pension payable by the Department of Education under a scheme made by the Department under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(d) of that Act (teachers).”.
- 6.** Before paragraph 6 insert—
- “**5A.** A pension payable by the Department of Justice under a scheme made by the Department under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(g) of that Act (members of police service).
- 5B.** A pension payable under a scheme made by the Department of Justice under section 1 of the Public Service Pensions Act (Northern

Ireland) 2014 by virtue of section 1(2)(b) of that Act (holders of judicial office).”.

7. After paragraph 7A there is inserted—

“**7B.** A pension payable by the Department of Health, Social Services and Public Safety under a scheme made by the Department under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(e) of that Act (health service workers).”.

8. After paragraph 14A insert—

“**14B.** A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act (Northern Ireland) 2014, made by the Department of the Environment under section 1 of that Act by virtue of section 1(2)(c) of that Act (local government workers).”.

9. After paragraph 16 insert—

“**16A.** A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act (Northern Ireland) 2014, made by the Department of Health, Social Services and Public Safety under section 1 of that Act by virtue of section 1(2)(f) of that Act (fire and rescue workers).”.