
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 126

**The Public Service (Civil Servants and Others) Pensions
(Amendment) (No. 2) Regulations (Northern Ireland) 2022**

Amendment of Schedule 2 (transitional provisions)

- 6.—(1) Schedule 2 is amended as follows.
- (2) In paragraph 1 (interpretation - general)—
- (a) in the definition of “closing date”, before sub-paragraph (a) insert—
- “*(za)* if the member is a full protection member of the PCSPS(NI), 31st March 2022;”;
- (b) in the definition of “transition date”, before sub-paragraph (a) insert—
- “*(za)* if the member is a full protection member of the PCSPS(NI), 1st April 2022;”.
- (3) In sub-paragraph (3) of paragraph 3 (meaning of “tapered protection closing date”), after “is a date” insert “before 1st April 2022”.
- (4) For sub-paragraph (2) of paragraph 9 (full protection members of the PCSPS(NI)) substitute—
- “(2) P ceases to be a full protection member of the PCSPS(NI) on whichever of the following days occurs first—
- (a) the day on which P ceases to be in pensionable service under the PCSPS(NI) unless sub-paragraph (3) or (4) applies; or
- (b) 31st March 2022.”.
- (5) In paragraph 16 (Fair Deal eligible persons transferred out on or before 31st March 2012)—
- (a) for sub-paragraph (1) substitute—
- “(1) This paragraph applies if—
- (a) in the case of a person who is an Article 3(3A) eligible person, sub-paragraphs (2), (3), (4) and (5) apply; or
- (b) in the case of a person who is a civil servant or a person serving in an employment or office listed in Schedule 1 to the 1972 Order, sub-paragraphs (2), (3) and (5) apply.”;
- (b) in sub-paragraph (2)—
- (i) for paragraph (b) (but not the “and” after it) substitute—
- “(b) P begins service which is pensionable under the PCSPS(NI) as—
- (i) an Article 3(3A) eligible person;
- (ii) a civil servant; or
- (iii) a person serving in an employment or office listed in Schedule 1 to the 1972 Order,
- on a date (P’s re-joining date) after 31st March 2012;”;

- (ii) in paragraph (c)(i), after “the PCSPS(NI)” insert “and was continuously employed to carry out functions or services related to P’s pensionable service under the PCSPS(NI) before P’s transfer date”;
- (c) for sub-paragraph (3) substitute—
 - “(3) This sub-paragraph applies if P is an active member of the PCSPS(NI) as—
 - (a) an Article 3(3A) eligible person;
 - (b) a civil servant; or
 - (c) a person serving in an employment or office listed in Schedule 1 to the 1972 Order,continuously after P’s re-joining date.”
- (6) In paragraph 17 (Fair Deal eligible persons transferred out after 31st March 2012)—
 - (a) for sub-paragraph (1) substitute—
 - “(1) This paragraph applies if—
 - (a) in the case of a person who is an Article 3(3A) eligible person, sub-paragraphs (2), (3), (4) and (5) apply; or
 - (b) in the case of a person who is a civil servant or a person serving in an employment or office listed in Schedule 1 to the 1972 Order, sub-paragraphs (2), (3) and (5) apply.”;
 - (b) in sub-paragraph (2)—
 - (i) for paragraph (d) (but not the “and” after it) substitute—
 - “(d) P begins service which is pensionable under the PCSPS(NI) as—
 - (i) an Article 3(3A) eligible person;
 - (ii) a civil servant; or
 - (iii) a person serving in an employment or office listed in Schedule 1 to the 1972 Order,on a date (P’s re-joining date) after P’s transfer date.”;
 - (ii) in (e)(i), after “the PCSPS(NI)” insert “and was continuously employed to carry out functions or services related to P’s pensionable service under the PCSPS(NI) before P’s transfer date”;
 - (c) for sub-paragraph (3) substitute—
 - “(3) This sub-paragraph applies if P is an active member of the PCSPS(NI) as—
 - (a) an Article 3(3A) eligible person;
 - (b) a civil servant; or
 - (c) a person serving in an employment or office listed in Schedule 1 to the 1972 Order,continuously after P’s re-joining date.”
- (7) In paragraph 25 (Fair Deal eligible persons transferred out on or before 31st March 2012)—
 - (a) for sub-paragraph (1) substitute—
 - “(1) This paragraph applies if—
 - (a) in the case of a person who is an Article 3(3A) eligible person, sub-paragraphs (2), (3), (4) and (5) apply; or

- (b) in the case of a person who is a civil servant or a person serving in an employment or office listed in Schedule 1 to the 1972 Order, sub-paragraphs (2), (3) and (5) apply.”;
 - (b) in sub-paragraph (2)—
 - (i) for paragraph (b) (but not the “and” after it) substitute—
 - “(b) P begins service which is pensionable under the PCSPS(NI) as—
 - (i) an Article 3(3A) eligible person;
 - (ii) a civil servant; or
 - (iii) a person serving in an employment or office listed in Schedule 1 to the 1972 Order,
on a date (P’s re-joining date) after 31st March 2012;”;
 - (ii) in paragraph (c)(i), after “the PCSPS(NI)” insert “and was continuously employed to carry out functions or services related to P’s pensionable service under the PCSPS(NI) before P’s transfer date”;
 - (c) for sub-paragraph (3) substitute—
 - “(3) This sub-paragraph applies if P is an active member of the PCSPS(NI) as—
 - (a) an Article 3(3A) eligible person;
 - (b) a civil servant; or
 - (c) a person serving in an employment or office listed in Schedule 1 to the 1972 Order,
continuously after P’s re-joining date.”
- (8) In paragraph 26 (Fair Deal eligible persons transferred out after 31st March 2012)—
- (a) for sub-paragraph (1) substitute—
 - “(1) This paragraph applies if—
 - (a) in the case of a person who is an Article 3(3A) eligible person, sub-paragraphs (2), (3), (4) and (5) apply; or
 - (b) in the case of a person who is a civil servant or a person serving in an employment or office listed in Schedule 1 to the 1972 Order, sub-paragraphs (2), (3) and (5) apply.”;
 - (b) in sub-paragraph (2)—
 - (i) for paragraph (d) (but not the “and” after it) substitute—
 - “(d) P begins service which is pensionable under the PCSPS(NI) as—
 - (i) an Article 3(3A) eligible person;
 - (ii) a civil servant; or
 - (iii) a person serving in an employment or office listed in Schedule 1 to the 1972 Order,
on a date (P’s re-joining date) after P’s transfer date;”;
 - (ii) in paragraph (e)(i), after “the PCSPS(NI)” insert “and was continuously employed to carry out functions or services related to P’s pensionable service under the PCSPS(NI) before P’s transfer date”;
 - (c) for sub-paragraph (3) substitute—
 - “(3) This sub-paragraph applies if P is an active member of the PCSPS(NI) as—

- (a) an Article 3(3A) eligible person;
- (b) a civil servant; or
- (c) a person serving in an employment or office listed in Schedule 1 to the 1972 Order,

continuously after P’s re-joining date.”.

(9) In paragraph 29(1) (transition member who has not reached normal pension age under the PCSPS(NI)), before paragraph (a) insert—

“(za) is not a person in relation to whom paragraph 29B applies;”.

(10) After paragraph 29A insert—

“Transition member who made an application for ill-health pension under the PCSPS(NI) on or before 31st March 2022 which is determined after that date

29B.—(1) This paragraph applies in relation to a transition member (“M”)—

- (a) with continuity of service;
- (b) who before the transition date—
 - (i) had made an application for an ill-health pension under the PCSPS(NI) (their “ill-health pension application”); and
 - (ii) had not reached normal pension age under the PCSPS(NI);
- (c) whose ill-health pension application is determined on or after the transition date; and
- (d) who would have been entitled to payment of an ill-health pension under the PCSPS(NI) if their ill-health pension application had been determined on 31st March 2022.

(2) Where this paragraph applies—

- (a) an ill-health pension and lump sum are not payable under the PCSPS(NI);
- (b) an ill-health pension is payable under this scheme in accordance with this paragraph;
- (c) M becomes a deferred member of the PCSPS(NI);
- (d) M is entitled to payment of a lump sum of the amount which would have been payable to M under the PCSPS(NI).

(3) Where M was not a member of Section II of the PCSPS(NI) immediately before the transition date and—

- (a) M would have met a payment threshold in the PCSPS(NI) and M meets the equivalent payment threshold in this scheme, the annual rate of ill-health pension payable under this scheme in respect of the payment threshold is the greater of—
 - (i) the rate calculated in accordance with paragraph 29(3) (in respect of the lower tier payment threshold) or, if it applies, (4) (in respect of the upper tier payment threshold); and
 - (ii) the rate which would have been payable to M under the PCSPS(NI) in respect of that payment threshold; or
- (b) M would have met a payment threshold in the PCSPS(NI) and M does not meet the equivalent payment threshold in this scheme, the annual rate of ill-health pension payable under this scheme in respect of the payment threshold is the rate which would have been payable to M under the PCSPS(NI) in respect of that payment threshold.

(4) Where M was a member of Section II of the PCSPS(NI) immediately before the transition date, the annual rate of ill-health pension payable under this scheme is—

- (a) where M meets a payment threshold in this scheme, the greater of—
 - (i) the rate calculated in accordance with paragraph 29(3) (in respect of the lower tier payment threshold) or, if it applies, (4) (in respect of the upper tier payment threshold); and
 - (ii) the rate which would have been payable to M under the PCSPS(NI); or
- (b) where M does not meet a payment threshold in this scheme, the rate which would have been payable to M under the PCSPS(NI).

(5) If the full retirement account specifies an amount of full retirement added pension of any description, the rate payable is the annual rate of full retirement added pension that would, if the member was entitled to payment of an ill-health pension under the PCSPS(NI), be payable to the member with that pension under the PCSPS(NI).

(6) Any rate or amount payable under this paragraph which is determined by reference to a rate or an amount that would have been payable under the PCSPS(NI) is subject to the same conditions, and ceases to be payable in the same circumstances, as the rate or amount which would have been payable under the PCSPS(NI) in accordance with the rules of that scheme.

(7) The following provisions of the PCSPS(NI) apply in relation to a transition member with continuity of service who is receiving payment of an ill-health pension in accordance with this paragraph as they apply in relation to such a member who is receiving payment of an ill-health pension in accordance with paragraph 29—

- (a) rule N.9 of Section I;
- (b) rule 18.13 of Section II;
- (c) rule M.9 of Section III.

(8) In this paragraph—

- (a) the question of whether M would have met a payment threshold in the PCSPS(NI) is the question of whether M would have met the lower tier payment threshold or the upper tier payment threshold in the PCSPS(NI) if their ill-health pension application had been determined on 31st March 2022;
- (b) M only meets a payment threshold in this scheme if, in addition to meeting the criteria for that threshold, M would be entitled to payment of an ill-health pension under this scheme (disregarding this paragraph);
- (c) a reference to an amount or a rate which would have been payable to M under the PCSPS(NI) is a reference to the amount or the rate which would have been payable to M under the PCSPS(NI) if their ill health application had been determined on 31st March 2022;
- (d) terms which are defined for the purpose of paragraph 29 have the same meaning as in that paragraph.”.