
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 67

**The Public Service (Civil Servants and Others) Pensions
(Amendment) Regulations (Northern Ireland) 2022**

Amendment of Schedule 2

58.—(1) Schedule 2 (Transitional provisions) is amended as follows.

(2) Omit paragraph 7.

(3) For paragraph 15, substitute

“**15.** This paragraph applies if—

- (a) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
- (b) P begins service which is pensionable under the PCSPS(NI) not more than 5 years after leaving pensionable service under an existing public body pension scheme; and
- (c) P would, unless P dies, reach normal pension age under the PCSPS(NI) and P’s transitional scheme on or before 1st April 2022.”.

(4) In paragraph 17, sub-paragraph (2)(d), for “a section 3(3)(a)” substitute “an Article 3(3A)”.

(5) For paragraph 24, substitute—

“**24.** This paragraph applies if—

- (a) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
- (b) P begins service which is pensionable under the PCSPS(NI) not more than 5 years after leaving pensionable service under an existing public body pension scheme; and
- (c) P would, unless P dies, reach normal pension age under—
 - (i) the PCSPS(NI) during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P’s transitional scheme on or before 1st September 2025.”.

(6) In paragraph 26, sub-paragraph (2)(d), for “Article 3(3)(a)” substitute Article 3(3A)”.

(7) In paragraph 29—

(a) in sub-paragraph (4), at the beginning insert “Subject to sub-paragraphs (4A) and (4B) and paragraph 29A,”;

(b) after sub-paragraph (4), insert—

“(4A) Where the conditions in sub-paragraph (4B) are met, the annual rate of an upper tier top up earned pension payable under this scheme is determined in accordance with paragraph 29A.

(4B) The conditions are—

- (a) In the period of 12 months beginning with the day on which M became an active member of this scheme—
 - (i) M was on a period of unpaid sick leave; or
 - (ii) M was on a period of sick leave on reduced pay in respect of which M was paid at a rate determined by M’s employer to be appropriate because it is equivalent to the annual rate of an ill-health pension;
 - (b) The latest period of leave mentioned in sub-paragraph (a) ended less than 12 months before M became entitled to an ill-health pension under this scheme.”.
- (8) After paragraph 29, insert—

“**29A.**—(1) Where this paragraph applies, the annual rate of upper tier top up earned pension payable under this scheme is the greater of the annual rates of upper tier top up earned pension calculated in accordance with—

- (a) regulation 76; and
- (b) sub-paragraph (2).

(2) The annual rate of upper tier top up earned pension calculated in accordance with this sub-paragraph is calculated in the same way as the annual rate of full retirement earned pension is calculated under regulation 61, but—

- (a) the references to the member’s full retirement earned pension are taken to be references to the enhancement fraction of the deemed pension; and
- (b) the early payment reduction is not subtracted.

(3) In this paragraph—

“deemed pension” means the amount of earned pension the member would have accrued in the member’s deemed period of pensionable service if the circumstances in paragraph 29(4B)(a) had not applied;

“the enhancement fraction” is—

$$\frac{A}{B}$$

where—

A is the member’s assumed period of pensionable service; and

B is the shorter of—

- (a) the member’s deemed period of pensionable service;
- (b) the number of scheme years in relation to which an amount of earned pension was specified in the active member’s account, or would have been if the circumstances in paragraph 29(4B)(a) had not applied;

“the member’s assumed period of pensionable service” means the period (expressed in years)—

- (a) beginning with the day after the member’s period of service ceased; and
- (b) ending with—
 - (i) for a member employed for a fixed term, the day with which that term ends; or
 - (ii) for a member otherwise employed, the day before the day on which the member will reach prospective normal pension age (assuming that the member lives until that age);

“the member’s deemed period of pensionable service” means the period (expressed in years)—

- (a) beginning with the day the member became an active member of this scheme; and
- (b) ending with the day on which the member became entitled to an ill-health pension under this scheme.”.

(9) In paragraph 36, sub-paragraph (3), omit “Early”.

(10) In paragraph 38—

- (a) in sub-paragraph (a), after “contributions” insert “paid”;
- (b) in sub-paragraph (b), after “added years” insert “paid”.

(11) In paragraph 46, sub-paragraph (1)(c), after “last day of service as referred to in paragraph” insert “(a)”.