



# Superannuation Act (Northern Ireland) 2013

## 2013 CHAPTER 1

An Act to make provision for and in connection with limiting the value of the benefits which may be provided under so much of any scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 as provides by virtue of Article 4(2) of that Order for benefits to be provided by way of compensation to or in respect of persons who suffer loss of office or employment; and to make provision about the procedure for modifying such a scheme. [9th January 2013]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

### **Consents required for civil service compensation scheme modifications**

1.—(1) Article 4 of the 1972 Order shall be amended as follows.

(2) In paragraph (3), at the beginning there shall be inserted the words “Subject to paragraph (3A),”.

(3) After paragraph (3) there shall be inserted the following paragraphs—

“(3A) Paragraph (3) does not apply to a provision which would have the effect of reducing the amount of a compensation benefit except in so far as the compensation benefit is one provided in respect of a loss of office or employment which is the consequence of—

- (a) a notice of dismissal given before the coming into operation of the scheme which would have that effect, or
- (b) an agreement made before the coming into operation of that scheme.

(3B) In this Article—

“compensation benefit” means so much of any pension, allowance or gratuity as is provided under the civil service compensation scheme by way of compensation to or in respect of a person by reason only of the person’s having suffered a loss of office or employment;

“the civil service compensation scheme” means so much of any scheme under Article 3 (whenever made) as provides by virtue of paragraph (2) for benefits to be provided by way of compensation to or in respect of persons who suffer loss of office or employment.

(3C) In paragraph (3B) a reference to suffering loss of office or employment includes a reference to suffering loss or diminution of emoluments as a consequence of suffering loss of office or employment.”.

(4) The amendments made by this section apply in relation to reductions to which effect is given by a scheme made under Article 3 of the 1972 Order after the commencement of this section.

(5) Subsection (6) applies if—

- (a) a scheme under Article 3 of the 1972 Order is made after the commencement of this section, and
- (b) consultation on the proposed scheme took place to any extent before the commencement of this section.

(6) The fact that the amendments made by this section were not in force when the consultation took place does not affect the question whether the consultation satisfied the requirements of Article 3 of the 1972 Order.

### **Consultation in relation to civil service compensation scheme modifications**

2.—(1) Article 4 of the 1972 Order shall be amended as follows.

(2) After paragraph (3C) (inserted by section 1) there shall be inserted the following paragraph—

“(3D) So far as it relates to a provision of a scheme under Article 3 which would have the effect of reducing the amount of a compensation benefit, the duty to consult in paragraph (2) of that Article is a duty to consult with a view to reaching agreement with the persons consulted.”.

(3) After paragraph (8) there shall be inserted the following paragraphs—

“(8A) Paragraph (8B) applies if a scheme made under Article 3 makes any provision which would have the effect of reducing the amount of a compensation benefit.

(8B) The scheme shall be subject to negative resolution and before the scheme comes into operation, the Department must have laid before the Assembly a report providing information about—

- (a) the consultation that took place for the purposes of Article 3(2), so far as relating to the provision,
- (b) the steps taken in connection with that consultation with a view to reaching agreement in relation to the provision with the persons consulted, and
- (c) whether such agreement has been reached.”.

(4) The amendments made by this section apply in relation to reductions to which effect is given by a scheme made under Article 3 of the 1972 Order after the commencement of this section.

### **Interpretation**

**3.** In this Act “the 1972 Order” means the Superannuation (Northern Ireland) Order 1972.

### **Short title and commencement**

**4.—(1)** This Act may be cited as the Superannuation Act (Northern Ireland) 2013.

(2) Section 2 comes into operation one month after the day on which this Act receives Royal Assent.

(3) Except as provided by subsection (2), this Act comes into operation on Royal Assent.