

SCHEDULES

SCHEDULE 8

Section 27.

Consequential and minor amendments

Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29)

1. In section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (terms of appointment and remuneration, etc., of members), for subsection (5A) substitute—

“(5A) Subsection (5), so far as relating to allowances and gratuities by way of superannuation, shall not have effect in relation to persons—

- (a) to whom Part 1 of the Judicial Pensions and Retirement Act 1993 applies, or
- (b) to whom a pension is 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) (holders of judicial office),

except to the extent provided by or under those Acts.”.

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).”.

Superannuation (Northern Ireland) Order 1972 (NI 10)

10. The Superannuation Order is amended as follows.

11. In Article 3 (superannuation schemes as respects civil servants, etc.), after paragraph (1A) insert—

“(1B) Paragraph (1) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

12. In Article 9 (superannuation of persons employed in local government service, etc.), after paragraph (1) insert—

“(1A) Paragraph (1) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

13. In Article 11 (superannuation of teachers), after paragraph (1) insert—

“(1A) Paragraph (1) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

14. In Article 12 (superannuation of persons engaged in health services, etc.), after paragraph (1) insert—

“(1A) Paragraph (1) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

15. In Article 19 (compensation for loss of office, etc.), after paragraph (1) insert—

“(1A) Paragraph (1) is subject to section 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

Fire Services (Northern Ireland) Order 1984 (NI 11)

16. In Article 10 of the Fire Services (Northern Ireland) Order 1984 (continued by Article 60 of the [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(2006 NI 9\)](#)), after paragraph (3) insert—

“(3A) Paragraphs (1) to (3) are subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

Judicial Pensions and Retirement Act 1993 (c. 8)

17. In section 1 of the Judicial Pensions and Retirement Act 1993, after subsection (1A) (as inserted by Schedule 8 to the Public Service Pensions Act 2013), insert—

“(1B) This Part is subject to section 18 of the Public Service Pensions Act (Northern Ireland) 2014 (Northern Ireland provision restricting benefits provided under existing schemes).”.

18. In section 11 of that Act (provision against pensions under two or more judicial pension schemes), after subsection (5) (as inserted by Schedule 8 to the Public Service Pensions Act 2013), add—

“(6) This section does not prevent a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 having effect in relation to a person.”.

Pension Schemes (Northern Ireland) Act 1993 (c. 49)

19. The Pension Schemes (Northern Ireland) Act 1993 is amended as follows.

20.—(1) Section 67 (short service benefit) is amended as follows.

(2) In subsection (3), for “subsection (4)” substitute “subsections (4) and (5A)”.

(3) After subsection (5) insert—

“(5A) Subsection (3) does not apply in relation to a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014.”.

21. In section 79 (scope of Chapter 2: revaluation of accrued benefits), after subsection (1A) insert—

“(1B) The reference in subsection (1)(a)(iii) to normal pension age is to be read, in relation to a person who is an active or deferred member of a scheme under section 1 or section 32(7) of the Public Service Pensions Act (Northern Ireland) 2014, as—

(a) the member’s normal pension age within the meaning of that Act,
or

(b) the member’s deferred pension age within the meaning of that Act,
if that is later.

In this subsection “active member” and “deferred member”, in relation to such a scheme, have the meanings given by Article 121(1) of the Pensions (Northern Ireland) Order 1995.”.

Police (Northern Ireland) Act 1998 (c. 32)

22. The Police (Northern Ireland) Act 1998 is amended as follows.

23. In section 25 (regulations for Police Service of Northern Ireland), after subsection (2) insert—

“(2A) Subsection (2)(k) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

24. In section 26 (regulations for reserve constables in Northern Ireland), after subsection (2) insert—

“(2A) Subsection (2)(g) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).”.

Social Security (Northern Ireland) Order 1998 (NI 10)

25. In Schedule 1 to the Social Security (Northern Ireland) Order 1998 (appeals tribunals: supplementary provisions), after paragraph 3 insert—

“(3A) Paragraph 2 and 3, so far as relating to pensions and allowances by way of superannuation, shall not have effect in relation to persons to whom a pension is 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) (holders of judicial office), except to the extent provided by or under that Act.”.