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Our reference: SUB-0147-2026
Date: 30 March 2026

Dear Peter,

SL1 – The Public Service (Civil Servants and Others) Pensions (Remediable Service) (Amendment) Regulations (Northern Ireland) 2026

The Department of Finance proposes to make the above Statutory Rule under powers conferred by sections 1 to 4 (together with paragraph 1 of Schedule 2) of the Public Service Pensions Act (Northern Ireland) 2014; and sections 5,7,10,11 and 19 to 22 of the Public Service Pensions and Judicial Offices Act 2022 (PSPJOA 2022). The Statutory Rule is subject to the negative resolution procedure before the Assembly.

Purpose of the Statutory Rule

The Statutory Rule will make minor, technical and clarificatory changes to the rules of the Civil Service Pension Scheme to supplement the provisions already made in the 'Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023', which enable the implementation of the remedy for the McCloud judgement for affected scheme members.

As the implementation of the McCloud remedy has progressed it has proven to be exceptionally complex. Issues have subsequently emerged that were either not fully addressed in the original 2023 Regulations or which require clarification. These amendment regulations will address those additional points. The changes will enable the remedy to be administered more efficiently and as intended for affected scheme members in the following areas:

- scheme transfers;
- pension sharing on divorce;
- ill-health retirement;
- offsetting related civil service injury and compensation benefits;
- tax;
- nominated decision makers.

Additional measures will:

- enable the scheme to reissue a remediable Service Statement (RSS) to an eligible scheme member in prescribed circumstances;

- enable scheme members who previously partially retired to apply to revise their benefit choices in light of the remedy, and
- require the scheme to consider an application from a scheme member that they may have taken different decisions about their pension, if the discrimination had not occurred – e.g. a previous decision taken to opt out of the scheme, or concerning an application for ill-health retirement.

This Statutory Rule is being made in response to the legal imperative to implement a remedy for age discrimination in response to the McCloud ruling and in line with the statutory requirements set out in the PSPJOA 2022. In November 2021 the Assembly agreed a legislative consent motion that the provisions specified in the PSPJOA 2022 which provide a remedy for public service pension schemes in Britain should also extend for NI schemes, including the Civil Service Scheme.

The Civil Service Pension Scheme operates rules analogous to those for the equivalent Civil Service Scheme in Britain. The changes in this Statutory Rule reflect those already made for the equivalent scheme in Britain to fully implement the remedy. To fail to implement these changes risks some scheme members here being disadvantaged by not receiving their full remedy entitlements in comparison to their counterparts in the Civil Service Scheme in Britain, and may result in further legal challenges.

Previous Engagement with the Committee

There has been no prior engagement in relation to this piece of legislation, however there has been considerable previous engagement with the Committee on the *McCloud* remedy including on the previous 2023 remedy regulations and the overarching policy. These regulations make no changes to the underlying policy intent.

Financial Implications

There are no financial implications for the Department of Finance. Public Service Pensions are paid from AME and adjustments to pensions as a consequence of the remedy are classified in the same way. Failure to make the Statutory Rule would mean some Civil Service Pension Scheme members may not receive their full entitlements under the remedy.

Consultation

In line with Section 21(1) of the Public Service Pensions Act (Northern Ireland) 2014 the Department undertook a targeted consultation over an agreed period with employee representative groups for the NICS.

On 15 December 2025 a consultation letter issued directly to NICS Trade Unions. The Department also wrote to the Civil Service Pensioners Alliance. The consultation ran until 30 January 2026. Officials also met with Trade Unions on 18 December 2025 where member representatives had the opportunity to seek any further clarifications and raise questions.

Three formal responses were received to the consultation. NIPSA and FDA raised some points concerning the administration and implementation of the changes, but did not oppose the amendments and were content they proceed. The POA raised an issue concerning formal retirement rights for pre-1990 Prison Officers, which was outside the scope of the consultation. None of the TUS responses necessitated a change to the draft regulations. The Department responded to TUS in writing on 22 January 2026 addressing the issues raised.

Compliance with section 24 of the Northern Ireland Act 1998

In the view of the Department of Finance, Convention Rights and rights under Article 2(1) of the Windsor Framework are not engaged and the provisions of this Order are compatible with Section 24 of the Northern Ireland Act 1998.

Consideration by the Executive

Not required.

Equality Impact

The Department has undertaken an equality screening exercise on this Statutory Rule which identifies no adverse differential impacts for s75 groups and a full EQIA is not required. The equality screening is published at:

[DoF Equality Screening template - Remediable Service \(Amendment\) Regulations - November 2025 | Department of Finance](#)

Regulatory Impact

The Rule imposes no costs on business, charities, social economy enterprises or the voluntary sector. A Regulatory Impact Assessment is not considered necessary.

Rural Needs Impact

The Department has undertaken a rural needs impact assessment, and no rural needs were identified. The Rule has no specific rural/urban impact or consequence. The changes will have no unique impact on those living in rural areas as opposed to those living in urban areas.

Data Protection Impact

The Department has undertaken a Data Protection Impact Assessment Screening Exercise. The making of these amendment regulations do not involve accessing, processing or sharing any personal member data. The amendments to the regulations will have no bearing on how member's personal data is processed or stored.

Child Rights Impact

The Statutory Rule introduces minor technical, statutory and tax related amendments to the 2014 and 2023 Civil Service pension regulations to clarify policy and support

operation of the McCloud Remedy. The making of these amendments do not have any Child Rights impacts and a Child Rights Impact Assessment is not required.

Position in Britain

Cabinet Office has made similar amendments for the Civil Service Pension Scheme arrangements in Britain by way of The Public Service (Civil Servants and Others) Pensions (Remediable Service) (Amendment) Regulations 2025 (S.I. 2025/1115).

Proposed timing of consideration of SL1

This SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe, and the Department of Finance proposes that the Committee consider the SL1 following the Assembly's Easter recess at its meeting on 13 May 2026.

Proposed Operational Date

The provisions of the Statutory Rule are retrospective, in that they require and enable the scheme to treat remedy-eligible members' relevant past pensionable service in a way that remedies the McCloud discrimination. It is proposed that the regulations will come into operation on 1 June 2026.

Submission of Statutory Rule and Explanatory Memorandum

The Order together with an Explanatory Memorandum will be submitted to the Committee at the same time it is sent to the Assembly Business Office for laying.

Yours sincerely,

GERARD WILLIS
DEPARTMENTAL ASSEMBLY LIAISON OFFICER