



PUBLIC SECTOR PENSIONS ACT 2011

ISLE OF MAN GOVERNMENT UNIFIED (AMENDMENT) SCHEME 2013

Made:

Coming into Operation:

1 April 2013

The Public Sector Pensions Authority makes the following Regulations under section 6 (1) (c) of the Public Sector Pensions Act 2011.

1 Title

These Regulations are the Isle Of Man Government Unified (Amendment) Scheme 2013.

2 Commencement

These Regulations come into operation on 1 April 2013.

3. Interpretation

In this Scheme —

“the rules of the Isle of Man Government Unified Scheme” means the rules set out in the Schedule of the Isle of Man Government Unified Scheme 2011.

4. Amendments to the Rules of the Isle of Man Government Unified Scheme 2011

The rules of the Isle of Man Government Unified Scheme are amended by the modifications set out in the Schedule.

MADE

2013

Chairman of the Public Sector Pensions Authority

SCHEDULE

(Paragraph 4)

MODIFICATIONS TO ISLE OF MAN GOVERNMENT UNIFIED SCHEME 2011

The modifications to the Rules of Isle of Man Government Unified Scheme 2011 are as follows:

1 Definitions and Interpretation

In Rule 1.1 of the Isle of Man Government Unified Scheme

After the definition of "2006 Act" insert ""**2011 Act**" means the Public Sector Pensions Act 2011 (An Act of Tynwald)."

After the definition of "2 years' Qualifying Service" insert ""**40 Years Member**" means a Civil Servant, who:

- (i) has been notified by their Employing Authority and the Public Sector Pensions Authority that he or she is a 40 Year Member; and
- (ii) is a Former 1.5% Contributions Member, who by age 55 and before age 60 can accrue 40 Years Pensionable Service (Pensionable Service for this purpose disregarding any service enhancement previously granted on joining this Scheme) before 31 March 2023."

In the definition of "Child" delete sub-paragraph (b) and replace it with – "(b) who is

- (i) below age 18;
- (ii) below age 23 and undergoing full-time education or vocational training (and for these purposes a person is deemed to leave full-time education on the fixed date at the end of the school or university term in which they leave, with the fixed date being the last day of December, March or August depending upon the term the person left, or on the date on which the person voluntarily leaves education or is expelled from education if they leave before the end of term); or
- (iii) satisfies either (b)(i) or (b)(ii) at the date of the Member's death and is in the opinion of the Public Sector Pensions Authority, having regard to the advice

of a Registered Medical Practitioner, suffering and, after any review that may be carried out by the Public Sector Pensions Authority every 3 years, is continuing to suffer, from some mental or physical disability rendering the child unable to support himself or herself financially, irrespective of age, and is not financially supported by and dependent on any individual other than the Member or, following the Member's death, the benefits payable in respect of the Member."

After the definition of "Civil Partner" insert "**Civil Servant**" means a public servant appointed under the Civil Service Act 1990.

After the definition of "Civil Servant" insert –

""**Clinical Officer of Hospice Care**" means a person who –

- (a) is employed by Hospice Care, and
- (b) is either –
 - (i) employed in a position, and a member of a profession, to which section 40 (1) of the National Health Service Act 2001 for the time being applies; or
 - (ii) employed in a position, and a member of a profession, to which section 60 (2) of the Health Act (an Act of Parliament) for the time being applies. "

In the definition of "Pre-Fresh Start Prison Officer Member" for the word "Member" substitute "Section 2 Member of this Scheme".

In the definition of "Final Pensionable Pay" after the words "in Rules 12" and before the words "and 13" insert ", 12A"

After the definition of "Projected Yield from Member Contributions" insert ""**Protected Hospital Doctor Member**" means a Member who has received written notification from the Public Sector Pensions Authority that he or she is a Protected Hospital Doctor Member."

In the definition of "Public Sector Employee" for the word "1 (1) or 2 (1) of the Superannuation Act 1984" substitute "6(1)(c) of the Public Sector Pensions Act 2011".

In the definition of "Public Sector Pensions Authority" after "established by the" and before "Pensions Act" insert "Public Sector"

2 Overriding Provisions

In Rule 2.13 for the words “Superannuation Act 1984” substitute “2011 Act”

3 Admission of Employing Authorities

In Rule 5.2 for the words “Superannuation Act 1984” substitute “2011 Act”

4 Pensionable Service

In Rule 6.3 for sub paragraph (a) substitute “subject to Rule 27.17, after the Member has served 20 or more actual years of Service any additional Pensionable Service thereafter accrues at double the rate of actual Pensionable Service undertaken;”

5 Adjustments to Pensionable Service for Part-Time Employees

In Rule 7.2 in the definition of “C” before “years and part years” insert “calendar”

6 Final Pensionable Pay for Members apart from CARE Members

In Rule 12.1 after the words “other than CARE Members” and before “, means the highest annual average” insert “and Protected Hospital Doctor Members”

After Rule 12 and before Rule 13 insert

“12A Final Pensionable Pay for Protected Hospital Doctor Members

12A.1 In respect of each period of Active Membership during which the Member was a Protected Hospital Doctor and subject to Rule[s 12A.2 to 12A.5 and Rule] 19, “Final Pensionable Pay” for Protected Hospital Doctor Members means Pensionable Pay in respect of the Member’s last year of Pensionable Service, ending in the date the Member ceases to be in such employment, or dies, whichever occurs first, except-

- (a) if Pensionable Pay was greater in either or both of the 2 consecutive years immediately preceding the last year, “Final Pensionable Pay” means Pensionable Pay in respect of the year immediately preceding the last year or, if greater, Pensionable Pay in respect of the first of those 2 consecutive years; and

(b) if the member was in Pensionable Service for less than 12 months, "Final Pensionable Pay" means

$$\frac{\text{Pensionable Pay/Number of days Pensionable Service}}{365}$$

(1) In the table in Rule 26.1 after the final row insert the following row –

Protected Hospital Doctor Member	9.6%
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7 Final Pensionable Pay for CARE Members

In Rule 13.1 in the definition of "Z" after the words "number of years" and before " of Pensionable Service" insert "and days"

8 Eligibility

In Rule 14 at the end of sub-clause 14.1(d) replace "; and" with ";".

In Rule 14 at the end of sub-clause 14.1(e) replace "." with "; and".

In Rule 14 after the end of sub-clause 14.1(e) insert the following new sub-rule-

"(f) in the case of an Employee of Hospice Care, the Employee is employed as a Clinical Officer of Hospice Care."

9 Absence

In Rule 17 after sub-clause 17.12 insert "17.13 Any period while an Active Member is absent from work for his or her Employing Authority due to participation in a strike or other industrial action is not Pensionable Service."

10 Calculation

After Rule 22.2 insert "22.2A Subject to Rule 22.3 a deferred pension under Rule 22.1 may not be paid before age 55 except in the circumstances and on the terms set out in Rule 38."

(1) Delete Rule 22.5.

11 Member Contributions

In Rule 26.2 for the words " 6(1) of the Superannuation Act 1984"
substitute "9(3)(a) of the 2011 Act"

12 Contractual Additional Pension Contribution membership and Contractual Pension Contributions

- (1) Replace Rule 27.4 with the following-

"27.4 If a Contractual Additional Pension Contributions Member-

- (a) dies; or
- (b) the Public Sector Pensions Authority is satisfied that he or she meets the Upper Tier Ill-Health Criteria,

before the end of the period of 12 months beginning with the Contractual Additional Pension Contributions Start Date and the Public Sector Pensions Authority is satisfied that the Member became a Contractual Additional Pensions Member in good faith, any benefits payable are to be calculated as if all contributions that would have fallen due after the date of death or after the date of retirement had been made."

- (2) Replace Rule 27.6 with the following-

"27.6 If the Public Sector Pensions Authority is satisfied that a Contractual Additional Pensions Member meets the Lower Tier Ill-Health Criteria under Rule 37.1 and has begun to draw a pension under Rule 37.1, his or her Additional Pension Benefits are to be awarded by calculating Service on a pro-rata basis but using the accrual rate applicable for the age at which the member had contracted to take his or her benefits."

- (3) In Rule 27.18 for the words "Rule 2.4" substitute "Rules 2.5 and 2.6"

13 Retirement Pension for Active Members

In Rule 31.7 after the word " in complete years" and before "at the date of" insert "and months"

- (1) In the table in Rule 31.7 after the row entitled " Percentage" and before the row labelled "55" insert the following row –

50 to 54y 11m	N/A	N/A	N/A	N/A	N/A	N/A	2.23%
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In Rule 31.8 for the word “An MHO Status Member” at the beginning of the Rule substitute “A 40 Year Member, MHO Status Member”

In Rule 31.9 for the word “If an MHO Status Member” at the beginning of the Rule substitute “If a 40 Year Member, MHO Status Member”

14 Pension Credit Members’ Benefits

In Rule 33.5 after the words “paid under this Scheme” and before “to the relevant Pension Debit Member” insert “(or, where the relevant Pension Debit Member was immediately before the Implementation Date an active member of a pension scheme in respect of his service with an Employing Authority (and, where the Public Sector Pensions Authority so determines, by reference to pensionable service in the public sector in the Isle of Man) and was on the Implementation Date transferred into the Scheme, under the relevant Pension Debit Member’s former pension scheme)”

15 Incapacity Pension for Active Members

- (1) In Rule 37.2(a)(i) delete the word “and” from the end of sub-clause (i).
- (2) For Rule 37.2 (a) (ii) substitute-
 - “(ii) in all other cases, the greater of-
 - (A) the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to a Section 1 (Standard) Member at age 65; or
 - (B) the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to the Member’s actual section and age; and”
- (3) In Rule 37.2 (a) after sub paragraph (ii) insert-

“(iii) subject to Rules 2.5, 31.8 and 37.3, calculated by reference to his or her Ill-Health Pensionable Service;”
- (4) For Rule 37.2 (b)(i)(B) substitute

“(B) in all other cases, the greater of-

- 1) the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to a Section 1 (Standard) Member at age 65; or
- 2) the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to the Member's actual section and age."

(5) In Rule 37.2 (b) renumber "(iii)" as "(c)"

16 Lump Sum on Retirement

(1) At the beginning of Rule 41.4 insert –

“Subject to Rule 41.4A, ”

(2) After Rule 41.4 insert –

“41.4A The lump sum payable under Rule 41.1 in respect of a Section 7 Member who-

(a) was over age 48 on 1 April 2012; and

(b) is over age 50 when he or she retires

is the amount in pounds shown in the following table of lump sum for every £1 of pension commuted.

YEARS	Age in years and completed months on day pension commences											
	0	1	2	3	4	5	6	7	8	9	10	11
50	22.4	22.3	22.3	22.3	22.3	22.2	22.2	22.2	22.2	22.1	22.1	22.1
51	22.1	22.0	22.0	22.0	22.0	21.9	21.9	21.9	21.9	21.8	21.8	21.8
52	21.8	21.7	21.7	21.7	21.7	21.6	21.6	21.6	21.6	21.5	21.5	21.5
53	21.5	21.4	21.4	21.4	21.3	21.3	21.3	21.3	21.2	21.2	21.2	21.1
54	21.1	21.1	21.1	21.0	21.0	21.0	21.0	20.9	20.9	20.9	20.9	20.8
55	20.8	20.8	20.8	20.7	20.7	20.7	20.6	20.6	20.6	20.5	20.5	20.5
56	20.4	20.4	20.4	20.4	20.3	20.3	20.3	20.2	20.2	20.02	20.1	20.1
57	20.1	20.0	20.0	20.0	19.9	19.9	19.9	19.8	19.8	19.8	19.7	19.7
58	19.7	19.6	19.6	19.6	19.5	19.5	19.5	19.4	19.4	19.4	19.3	19.3
59	19.3	19.2	19.2	19.2	19.1	19.1	19.1	19.0	19.0	19.0	18.9	18.9
60	18.9	18.8	18.8	18.7	18.7	18.7	18.6	18.6	18.6	18.5	18.5	18.5
61	18.4	18.4	18.4	18.3	18.3	18.2	18.2	18.2	18.1	18.1	18.1	18.0
62	18.0	18.0	17.9	17.9	17.8	17.8	17.8	17.7	17.7	17.7	17.6	17.6
63	17.5	17.5	17.5	17.4	17.4	17.4	17.3	17.3	17.2	17.2	17.2	17.1
64	17.1	17.1	17.0	17.0	16.9	16.9	16.9	16.8	16.8	16.8	16.7	16.7

17 Death of an Active Member

[In Rule 50.4 after the words “and is payable” insert the word “pro-rata” and after the words “in which the Member’s death occurs and” insert the words “in full for”.]

For Rule 50.6 substitute “Subject to Rule 50.7 the Surviving Adult Dependant’s pension payable under Rule 50.5 is 0.625% of the Member’s Final Pensionable Pay multiplied by the greater of:

- (i) The number of years and days of the Dependent’s Pensionable Service the Member would have accrued had the Member remained in Service to age 65; or
- (ii) The number of years and days of the Dependent’s Pensionable Service.”

- (1) In Rule 50.7 in sub-paragraph (a) after the words “number of years” insert —

“and days”

- (2) In Rule 50.7 after sub-paragraph (a) insert —

“(aa) If the Member was over age 55 at the date of death, the number of years and days of Pensionable Service accrued by the Member up to the date of death; or”

18 Cost Sharing

In Rule 83.4 for the words “6(1) of the Superannuation Act 1984” substitute —

“9(3)(a) of the 2011 Act”

19 Scheme Reviews and Accounts

In Rule 84.2 for the words “6(1) of the Superannuation Act 1984” substitute —

“9(3)(a) of the 2011 Act”