STATUTORY RULES OF NORTHERN IRELAND

2020 No. 77

LOCAL GOVERNMENT

The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2020

Made - - - -	*5th May 2020*
Coming into operation	*31st May 2020*

The Department for Communities(**1**), with the consent of the Department of Finance(**2**), makes these Regulations in exercise of the powers conferred by sections 1, 3 and 25 of, and Schedule 3 to, the Public Service Pensions Act (Northern Ireland) 2014(**3**).

In accordance with section 21 of that Act, the Department has consulted with such persons or representatives of such persons as appear to the Department likely to be affected by these Regulations.

The retrospective provisions contained in these Regulations do not appear to the Department to have significant adverse effects in relation to the pension payable to or in respect of members of the scheme established by The Local Government Pension Scheme Regulations (Northern Ireland) 2014(**4**) or the schemes preserved by the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014(**5**), nor in any other way in relation to members of those schemes. Accordingly, the procedures set out in section 23 of that Act are not applicable in respect of these Regulations.

Citation, commencement and retrospection

1.—(1) These Regulations may be cited as The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2020 and except as provided for by paragraph (2), shall come into operation on 31st May 2020.

(2) These Regulations shall come into effect as follows—

(a) regulations 2 to 4 from 1st April 2015; and

(b) regulations 5 to 7 from 18th November 2019.

(**1**) Formerly known as the Department for Social Development; *see* the Departments Act (Northern Ireland) 2016 c.5 (N.I.). Article 8 of and Schedule 5 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76) transferred functions to the Department for Communities which were previously exercisable by the Department of the Environment.
(**2**) Formerly known as the Department of Finance and Personnel; *see* the Departments Act (Northern Ireland) 2016 c.5 (N.I).
(**3**) 2014 c. 2 (N.I).
(**4**) S.R. 2014 No. 188 as amended by S.R. 2015 No. 77, S.R. 2015 No. 162, S.R. 2016 No. 128 and S.R. 2019 No. 206.
(**5**) S.R. 2014 No. 189 as amended by S.R. 2015 No. 162, S.R. 2016 No. 128, S.R. 2016 No. 329 and S.R. 2019 No. 206.

Amendment of The Local Government Pension Scheme Regulations (Northern Ireland) 2014

2. The Local Government Pension Scheme Regulations (Northern Ireland) 2014 are amended in accordance with regulations 3 and 4.

3. In regulations 52(4)(a), 54(3)(a), 54(4)(a), 55(3)(a) and 55(4)(a) (survivor benefits: partners and children of pensioner members) after "earned pension" insert "(including any amount added under regulations 39(1)(a) or 39(2)(a) (enhancement of member's tier 1 and tier 2 ill-health benefits))".

4. For regulation 57(2) (limit on total amount of benefits payable) substitute—

> "(2) In this regulation "lifetime allowance" is to be construed in accordance with section 218 of, and Schedule 36 to, the 2004 Finance Act, and section 44 of, and Schedule 6 to the Finance Act 2014(**6**) and, where applicable, is to include primary protection, enhanced protection, fixed protection or individual protection within the meaning of those provisions.".

Amendment of The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014

5. The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014 are amended in accordance with regulation 6.

6. In paragraph 1(1) of Schedule 3 (the 85 year rule: transitional provisions and savings)—

(a) in sub-paragraph (aa), omit "former"; and

(b) in sub-paragraph (c) omit ", or regulation 30(1) (choice of early payment of pension) of the Benefits Regulations".

Revocations

7. Regulations 71 and 72 are revoked in The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2019(**7**).

Sealed with the Official Seal of the Department for Communities on 5th May 2020

L.S.

Anthony Carleton
A senior officer of the Department for Communities

(**6**) 2014 c. 26.
(**7**) S.R. 2019 No. 206