STATUTORY RULES OF NORTHERN IRELAND

2019 No. 206

LOCAL GOVERNMENT

The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*23rd October 2019*
Coming into operation	*18th November 2019*

The Department for Communities [F1], with the consent of the Department of Finance [F2], 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 [F3].

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 [F4] or the schemes preserved by the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014 [F5], 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.

F1 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.

F2 Formerly known as the Department of Finance and Personnel; *see* the Departments Act (Northern Ireland) 2016 c.5 (N.I).

F3 2014 c. 2 (N.I).

F4 S.R. 2014 No. 188 as amended by S.R. 2015 No. 77, S.R. 2015 No. 162 and S.R. 2016 No. 128.

F5 S.R. 2014 No. 189 as amended by S.R. 2015 No. 162, S.R. 2016 No. 128 and S.R. 2016 No. 329.

Citation, commencement, interpretation and retrospection

1.—(1) These Regulations may be cited as The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2019 and except as provided for by paragraph (2), shall come into operation on 18th November 2019.

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

(a) regulations 2, 3, 5 to 20, 53 and 54 from 1st April 2009;

(b) regulation 4 from 31st December 2009;

(c) regulations 21 to 34, 69(b), 82(a) and 87 from 1st April 2015;

(d) regulations 35 and 36 from 19th February 1990;

(e) regulations 37 and 38 from 1st March 1993;

(f) regulations 39 and 40(a) from 1st August 2000;

(g) regulation 40(b) from 2nd April 2001;

(h) regulations 44 and 45(a) from 1st February 2003;

(i) regulation 45(b) from 1st May 2005;

(j) regulation 62 from 1st January 2020;

(k) regulation 65 from 10th February 2016; and

(l) regulation 77 from 17th August 2018.

(3) In these Regulations—

"the 1981 Regulations" means the Local Government (Superannuation) Regulations (Northern Ireland) 1981 [F6];

"the 1992 Regulations" means the Local Government (Superannuation) Regulations (Northern Ireland) 1992 [F7];

"the 2000 Regulations" means the Local Government Pension Scheme Regulations (Northern Ireland) 2000 [F8];

"the 2002 Regulations" means the Local Government Pension Scheme Regulations (Northern Ireland) 2002 [F9];

"the Benefits Regulations" means the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009 [F10];

"the Administration Regulations" means the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009 [F11];

"the 2009 Transitional Regulations" means the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2009 [F12];

"the Principal Regulations" means The Local Government Pension Scheme Regulations (Northern Ireland) 2014; and

"the 2014 Transitional Regulations" means The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014.

F6 S.R. 1981 No. 96 as amended by S.R. 1982 No. 58, S.R. 1984 No. 175, S.R. 1984 No. 355, S.R. 1985 No. 315, S.R. 1986 No. 294, S.R. 1989 No. 345, S.R. 1991 No. 19, S.R. 1991 No. 418 and S.R. 1991 No. 492.

F7 S.R. 1992 No. 547 as amended by S.R. 1998 No. 41, S.R. 1998 No. 133, S.R. 1998 No. 337, S.R. 1999 No. 218 and S.R. 2000 No. 23.

F8 S.R. 2000 No. 177 as amended by S.R. 2001 No. 61, S.R. 2001 No. 63, S.R. 2001 No. 64, S.R. 2002 No. 115, S.R. 2002 No. 353, S.R. 2009 No. 34, S.R. 2014 No. 189 and S.R. 2016 No. 128.

F9 S.R. 2002 No. 352 as amended by S.R. 2002 No. 353, S.R. 2004 No. 139, S.R. 2005 No. 206, S.R. 2005 No. 274, S.R. 2006 No. 6, S.R. 2006 No. 112, S.R. 2007 No. 152, S.R. 2007 No. 448, S.R. 2007 No. 479, S.R. 2009 No. 34, S.R. 2016 No. 128 and S.R. 2016 No. 329.

F10 S.R. 2009 No. 32 as amended by S.R. 2010 No. 164, **S.I**. 2010/234, S.R. 2010 No. 410, S.R. 2011 No. 117, S.R. 2012 No. 85, S.R. 2012 No. 183, S.R. 2013 No. 71, S.R. 2014 No. 189, S.R. 2016 No. 128 and S.R. 2016 No. 329.

F11 S.R. 2009 No. 33 as amended by S.R. 2010 No. 164, S.R. 2010 No. 410, S.R. 2011 No. 117, S.R. 2012 No. 183, S.R. 2014 No. 189, S.R. 2016 No. 128 and S.R. 2016 No. 329.

F12 S.R. 2009 No. 34 as amended by S.R. 2010 No. 410, S.R. 2013 No. 71 and S.R. 2014 No. 189.

PART 1

Survivor Benefits Amendments

Amendment of the Benefits Regulations

2.—(1) Regulations 3 to 8 have effect in relation to the Benefits Regulations to the extent that they continue in operation by virtue of the 2014 Transitional Regulations.

(2) The Benefits Regulations are amended in accordance with regulations 3 to 8.

3. In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of "admission agreement fund" insert—

""cohabiting partner" means a person whom the Committee is satisfied fulfils the following condition—

(a) the person (P) has fulfilled the condition in paragraph (b) for a continuous period of at least two years on the date the member (M) died;

(b) the condition is that—

(i) M is able to marry, or form a civil partnership with, P;

(ii) M and P are living together as if they were a married couple or as if they were civil partners;

(iii) neither M nor P is living with a third person as if they were a married couple or as if they were civil partners; and

(iv) either P is financially dependent on M, or M and P are financially interdependent; and

(c) in this definition "member" means an active member or a former active member who has become a deferred or pensioner member in accordance with these Regulations or the Administration Regulations."; and

(b) omit the definition of "nominated cohabiting partner".

4. In regulation 14A [F13] (election to pay additional contributions: survivor benefits)—

(a) in paragraph (1) for "nominated cohabiting partner (within the meaning of regulation 25)" substitute " cohabiting partner ";

(b) omit paragraph (2);

(c) in paragraph (3) for "ASBCs" substitute " Additional survivor benefits contributions "ASBCs" "; and

(d) in paragraph (5) omit "nominated".

F13 This regulation was inserted into S.R. 2009 No. 32 by regulation 15 of S.R. 2010 No. 410.

5. In regulation 24(1) (survivor benefits: active members) omit "nominated".

6. Omit regulation 25 (meaning of nominated cohabiting partner).

7. In regulation 33(1) (survivor benefits: deferred members) omit "nominated".

8. In regulation 36(1) (survivor benefits: pensioner members) omit "nominated".

Amendment of the Administration Regulations

9.—(1) Regulations 10 to 16 have effect in relation to the Administration Regulations to the extent that they continue in operation by virtue of the 2014 Transitional Regulations.

(2) The Administration Regulations are amended in accordance with regulations 10 to 16.

10. In regulation 42(2) (exclusion of rights to return of contributions) omit "nominated".

11. In regulation 45B(1) [F14] (survivor benefits: guaranteed minimum pension) omit "nominated".

F14 This regulation was inserted into S.R. 2009 No. 32 by regulation 40 of S.R. 2010 No. 410.

12. In regulation 54(2)(a) (right to apply for an appointed person to review a decision) omit "nominated".

13. In regulation 72(5)(b) (transfer of sums from the fund to compensate for former member's misconduct) omit "nominated".

14. In regulation 76(5)(a) (contracting-out requirements affecting transfers out) for "nominated co-habiting" substitute " cohabiting ".

15. In regulation 81(2)(b) (community scheme transferees) omit "nominated".

16. In Schedule 1 (interpretation)—

(a) after the definition of "cancelling notice" insert—

""cohabiting partner" has the meaning given in regulation 1 (citation, commencement and interpretation) of the Benefits Regulations;"; and

(b) omit the definition of "nominated cohabiting partner".

Amendment of the 2009 Transitional Regulations

17.—(1) Regulations 18 to 20 have effect in relation to the 2009 Transitional Regulations to the extent that they continue in operation by virtue of the 2014 Transitional Regulations.

(2) The 2009 Transitional Regulations are amended in accordance with regulations 18 to 20.

18. In regulation 1(3) (citation, commencement, interpretation and retrospection)—

(a) after the definition of "the Benefits Regulations" insert—

""cohabiting partner" has the meaning given in regulation 1 (citation, commencement and interpretation) of the Benefits Regulations;"; and

(b) omit the definition of "nominated cohabiting partner".

19. In regulation 3(4) (membership accrued before 1st April 2009: active members) omit "nominated".

20. In Schedule 5 (transitional and transitory provisions and savings) in paragraph 4(3), in the definition of "benefit" omit "nominated".

Amendment of the Principal Regulations

21. The Principal Regulations are amended in accordance with regulations 22 to 31.

22. In regulation 21(2) (exclusion of rights to return of contributions) omit "nominated".

23. In regulation 41(1) (survivor benefits: partners of active members) omit "nominated".

24. Omit regulation 42 (meaning of "nominated co-habiting partner").

25. In regulation 47(1) (survivor benefits: partners of deferred members) omit "nominated".

26. In regulation 52(1) (survivor benefits: partners of pensioner members) omit "nominated".

27. In regulation 58(8) (guaranteed minimum pensions) omit "nominated".

28. In regulation 84(2)(a) (right to apply for an appointed person to review a decision) omit "nominated".

29. In regulation 109(4)(a) (contracting-out requirements affecting transfers out) omit "nominated".

30. In regulation 114(2)(b) (EU scheme transfers) omit "nominated".