STATUTORY RULES OF NORTHERN IRELAND

2016 No. 329

LOCAL GOVERNMENT

The Local Government Pension Scheme (Nursery Assistants) (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*16th September 2016*
Coming into operation	*16th October 2016*

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

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Local Government Pension Scheme (Nursery Assistants) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 16 October 2016.

(2) In these Regulations—

"the 2002 Regulations" means the Local Government Pension Scheme Regulations (Northern Ireland) 2002(**3**);

"the Administration Regulations" means the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009(**4**);

"the Benefits Regulations" means the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009(**5**); and

(**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; S.R. & O. (N.I) 1973 No.504 Article 7(1); S.I. 1976/424 (N.I. 6) Article 3(1).

(**2**) 2014 c. 2 (N.I).

(**3**) 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. 2010 No. 164 and S.R. 2014 No. 189.

(**4**) 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 and S.R. 2013 No.71.

(**5**) 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 and S.R. 2014 No. 189.

"the 2014 Transitional Regulations" means The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014(**6**).

Retrospection

2. The amendments in—

(a) regulations 3 to 10 shall have effect from 27th March 2015; and

(b) regulations 11 to 13 shall have effect from 1st April 2015.

Amendment of the 2002 Regulations

3.—(1) Regulations 4 to 6 have effect in relation to the 2002 Regulations to the extent that the 2002 Regulations continue in operation by virtue of the 2014 Transitional Regulations.

(2) The 2002 Regulations shall be amended in accordance with regulations 4 to 6.

4. In regulation 10 (length of period of membership: calculation of benefit)—

(a) in paragraph (4) for "paragraphs (4A) and (4B)" substitute "paragraphs (4A), (4B) and (4C)";

(b) after paragraph (4B) insert—

"(4C) In the case of the Agreement No. 2 qualifying member, the denominator is—

(a) for the calculation of any benefits for the period between 1st January 1995 and 27th March 2015, 32.5 hours; and

(b) for the calculation of any benefits for the period thereafter, the number of contractual hours of that employment if it were on a whole-time basis."; and

(c) in paragraph (6) after the definition of "the Agreement" insert—

""the Agreement No. 2" means the Collective Agreement for the Joint Negotiating Council of the Education and Library Boards reached on 27th March 2015;

"the Agreement No. 2 qualifying member" means a member who was party to the Agreement No. 2;".

5. After regulation 19(14) (calculations), insert—

"(15) In the case of the Agreement No. 2 qualifying member, paragraphs (10) to (13) apply as if for each reference to "30th November 2007" there was substituted "27th March 2015"".

6. For regulation 22(3) (final pay) substitute—

"(3) For part-time employment—

(a) in the case of a qualifying member subject to regulation 19(10) to (13);

(b) in the case of a newly qualifying member subject to regulation 19(10) to (14); and

(c) in the case of the Agreement No. 2 qualifying member subject to regulation 19(10) to 19(13) and 19(15);

the final pay is the pay which would have been paid for a single comparable whole-time employment.".

(**6**) S.R. 2014 No.189 as amended by S.R. 2015 No. 162 and S.R. 2016 No.128.

Amendment of the Benefits Regulations

7.—(1) Regulation 8 has effect in relation to the Benefits Regulations to the extent that the Benefits Regulations continue in operation by virtue of the 2014 Transitional Regulations.

(2) The Benefits Regulations shall be amended in accordance with regulation 8.

8. In regulation 8 (final pay: general) of the Benefits Regulations—

(a) for paragraph (3) substitute—

"(3) For part-time employment—

(a) in the case of a qualifying member subject to regulation 19(10) to (13) of the 2002 Regulations;

(b) in the case of a newly qualifying member subject to regulation 19(10) to (14) of the 2002 Regulations; and

(c) in the case of the Agreement No. 2 qualifying member subject to regulation 19(10) to 19(13) and 19(15) of the 2002 Regulations;

the final pay is the pay which would have been paid for a single comparable whole-time employment."; and

(b) after paragraph (4) insert—

"(5) In this Regulation—

"qualifying member" means a member who was party to the Agreement;

"newly qualifying member" means a member who is employed as a classroom assistant by a voluntary grammar school or a grant maintained integrated school within the meaning of the Education Reform (Northern Ireland) Order 1989;

"the Agreement" means the Collective Agreement for the Joint Negotiating Council of the Education and Library Boards dated 30th November 2007;

"the Agreement No. 2" means the Collective Agreement for the Joint Negotiating Council of the Education and Library Boards reached on 27th March 2015; and

"the Agreement No. 2 qualifying member" means a member who was party to the Agreement No. 2.".

Amendment of the Administration Regulations

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

(2) The Administration Regulations shall be amended in accordance with regulation 10.

10. In regulation 11 (periods of membership) of the Administration Regulations—

(a) in paragraph (6)—

(i) at the end of sub-paragraph (a) delete "and";

(ii) at the end of sub-paragraph (b) insert "; and"; and

(iii) after sub-paragraph (b), insert—

"(c) Agreement No.2 qualifying member between 1st January 1995 and 27th March 2015,"

(b) in paragraph (7) after the definition of "the Agreement", insert—

""the Agreement No. 2" means the Collective Agreement for the Joint Negotiating Council of the Education and Library Boards reached on 27th March 2015;