STATUTORY RULES OF NORTHERN IRELAND

2011 No. 117

LOCAL GOVERNMENT

Local Government Pension Scheme (Councillors) (Amendment) Regulations (Northern Ireland) 2011

Made - - - -	*18th March 2011*
Coming into operation	*9th May 2011*

The Department of the Environment makes these Regulations in exercise of the powers conferred by Article 9 of the Superannuation (Northern Ireland) Order 1972(**1**) and now vested in it(**2**).

In accordance with Article 9 of that Order the Department has consulted with the Northern Ireland Local Government Association, the Northern Ireland Local Government Officers' Superannuation Committee and such representatives of other persons likely to be affected by the Regulations as appeared to it to be appropriate.

Citation and commencement

1. These Regulations may be cited as the Local Government Pension Scheme (Councillors) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 9th May 2011.

Amendment of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009

2.—(1) The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009(**3**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1 (citation, commencement and interpretation), after the definition of "contribution rate" insert—

> ""council" has the same meaning as defined in section 1 (district councils) of the Local Government Act (Northern Ireland) 1972(**4**);
>
> "councillor" means a member of a council as defined in section 1 of the Local Government Act (Northern Ireland) 1972;
>
> "councillor member" means a person who is a member of the Scheme by reason of being a councillor;

(**1**) S.I. 1972/1073 (N.I. 10); Art. 9 was amended by Art. 34 S.I. 2005/1968 (N.I. 18).
(**2**) S.R. & O (N.I.) 1973 No. 504 Article 7(1); S.I. 1976/424 (N.I. 6).
(**3**) S.R. 2009 No. 32 as amended by S.R. 2010 No. 164 and S.R. 2010 No. 410.
(**4**) 1972 c. 9.

"councillor membership" means any period of membership which counts in respect of service as a member of a council and not other local government employment;".

(3) After regulation 2 (active members), insert—

"**Eligibility of councillors**

2A. These Regulations apply to councillor members in respect of their councillor membership with the modifications set out in the Schedule.".

(4) The Schedule within Schedule 1 shall be inserted in the appropriate place at the end of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009.

Amendment of the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009

3.—(1) The Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009(**5**) shall be amended in accordance with paragraphs (2) to (4).

(2) After regulation 3 (general eligibility for membership), insert—

"**Eligibility of councillors**

3A. These Regulations apply to councillor members in respect of their councillor membership with the modifications set out in Schedule 4.".

(3) In Schedule 1 (interpretation), after the definition of "contribution rate" insert—

""council" has the same meaning as defined in section 1 (district councils) of the Local Government Act (Northern Ireland) 1972(**6**);

"councillor" means a member of a council as defined in section 1 of the Local Government Act (Northern Ireland) 1972;

"councillor member" means a person who is a member of the Scheme by reason of being a councillor;

"councillor membership" means any period of membership which counts in respect of service as a member of a council and not other local government employment;".

(4) Schedule 4 within Schedule 2 shall be inserted after Schedule 3 (the committee) in the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009.

Amendment of The Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001

4.—(1) The Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001(**7**) shall be amended in accordance with paragraph (2).

(2) For regulation 32(1) (interpretation of Part V), substitute—

"**32.**—(1) In this Part relevant employment is employment with an LGPS employer, otherwise than—

(a) retained or volunteer membership with a fire and rescue authority as defined in Article 3 of the Fire and Rescue Services (Northern Ireland) Order 2006(**8**);

(**5**) S.R. 2009 No. 33 as amended by S.R. 2010 No. 410.
(**6**) 1972 c. 9.
(**7**) S.R. 2001 No. 279 as amended by S.R. 2002 No. 353, S.R. 2003 No. 61, and S.R. 2009 No. 34.
(**8**) S.I. 2006/1254 (N.I. 9).

(b) as an employee pensionable under a superannuation scheme provided in regulations for the time being in force under Article 11 of the 1972 Order;

(c) as an employee of Citybus Limited or Ulsterbus Limited; or

(d) as a councillor member of the Local Government Pension Scheme under regulation 2A of the Benefits Regulations and regulation 3A of the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009.".

Sealed with the Official Seal of the Department of the Environment on 18th March 2011.

L.S.

Wesley Shannon
A senior officer of the Department of the Environment

SCHEDULE 1 Regulation 2

"SCHEDULE Regulation 2A

COUNCILLOR MEMBERS

PART 1

CONTRIBUTIONS

Pay

1. For regulation 4 (meaning of "pensionable pay") substitute—

"4.—(1) A councillor member's pensionable pay in any year is the total of all basic allowance and special responsibility allowance paid to the councillor by a council under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1999(**9**).

(2) "Basic allowance" and "special responsibility allowance" have the same meaning as in regulations 3 and 5 respectively of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1999.

(3) All references to "pay" in these Regulations and in the Administration Regulations in respect of a councillor member and the councillor membership shall be construed in accordance with paragraph (1).

(4) "Career average pay" in these Regulations shall mean an amount equal to the total of the councillor member's pay for each year or part year of his active membership divided by the number of those years or part years.

(5) All references to "final pay" in these Regulations and in the Administration Regulations shall, in respect of a councillor member and councillor membership, be taken to mean "career average pay".

(6) When calculating a councillor member's career average pay, the pay for any year other than the final year shall be increased in proportion to the increase in the Consumer Price Index from the last day of that year up to the last day of the month in which the his active membership ends.

(7) "Year" means the 12 months ending with 31st March.

(8) "Final year" means the year during which, or at the end of which, the councillor member's active membership ends.

(9) "Consumer Price Index" means the index of retail prices for the United Kingdom published by the Office of National Statistics.

(10) No sum may be taken into account in calculating pensionable pay unless income tax liability has been determined on it.".

PART 2

BENEFITS

Preliminary

2. In regulation 7 (calculation of length of periods of membership)—

(**9**) S.R. 1999 No. 449 as amended by S.R. 2007 No. 168.