STATUTORY RULES OF NORTHERN IRELAND

2010 No. 164

LOCAL GOVERNMENT

Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*22nd April 2010*
Coming into operation	*31st May 2010*

The Department of the Environment makes these Regulations in exercise of the powers conferred by Articles 9 and 14 of, and Schedule 3 to, 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 be appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 31st May 2010.

(2) In these Regulations—

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

"the 2009 Regulations" means the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009(**4**).

Retrospection

2. The amendments in—

(a) regulations 4 to 6 shall have effect from 30th November 2007; and

(b) regulation 7 shall have effect from 1st April 2009.

(**1**) S.I. 1972/1073 (N.I. 10); Art. 9 was amended by Art. 34 S.I. 2005/1968 (N.I. 18); Art. 14 was amended by Art. 12 S.I. 1990/1509 (N.I. 13).
(**2**) S.R. & O (N.I.) 1973 No. 504 Article 7(1); S.I. 1976/424 (N.I. 6).
(**3**) S.R. 2002 No. 352; relevant amending Regulations are S.R. 2004 No. 139, S.R. 2005 No. 274, S.R. 2006 No. 6, S.R. 2007 No. 152, S.R. 2007 No. 448 and S.R. 2009 No. 34.
(**4**) S.R. 2009 No. 32.

Amendment of the 2002 Regulations

3. Regulations 4 to 6 have effect in relation to the 2002 Regulations to the extent that the 2002 Regulations continue in force by virtue of the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2009(**5**).

Amendment of regulation 10 of the 2002 Regulations

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

(a) for paragraph (4) substitute—

"(4) The numerator of that fraction is the number of contractual hours during the part-time service and, subject to paragraphs (4A) and (4B), its denominator is the number of contractual hours of that employment if it were a whole-time basis.

(4A) In the case of a qualifying member, the denominator is—

(a) for the calculation of any benefits for any period between 1 January 1995 and 30th November 2007, 32.5 hours; and

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

(4B) In the case of a newly qualifying member paragraph (4A) applies as if for "30th November 2007" there was substituted "6th February 2009".."; and

(b) after paragraph (5) insert—

"(6) In this regulation and regulation 19—

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

"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;

"qualifying member" means a member who was party to the agreement;".

Amendment of regulation 19 of the 2002 Regulations

5. In regulation 19 (calculations)—

(a) in paragraph (1) at the beginning insert "Subject to paragraphs (10) to (13)"; and

(b) after paragraph (9) insert—

"(10) In the case of a qualifying member, the amount of benefit payable in respect of any period between 1st January 1995 and 30th November 2007 is calculated by multiplying his interim pay by the appropriate multiplier.

(11) The appropriate multiplier is



where "x" represents the qualifying member's membership between 1st January 1995 and 30th November 2007 calculated in accordance with regulation 10.

(12) In the case of a qualifying member, the amount of benefit payable for any period between 1st January 1995 and 30th November 2007 is calculated in accordance with paragraph (1) and (2) but as if for the words "the member's total membership" in

(**5**) S.R. 2009 No. 34.