STATUTORY RULES OF NORTHERN IRELAND

2007 No. 448

LOCAL GOVERNMENT

Local Government Pension Scheme (Amendment No. 3) Regulations (Northern Ireland) 2007

Made - - - -	*25th October 2007*
Coming into operation	*1st December 2007*

The Department of the Environment, 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 it to be appropriate:

Citation, commencement and retrospection

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Amendment No. 3) Regulations (Northern Ireland) 2007 and except as provided for in paragraph (2), shall come into operation on 1st December 2007.

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

(a) regulations 4 to 8, 14 and 15 on 6th April 2006;

(b) regulation 11 on 1st April 2007;

(c) regulations 3, 9 and 10 on 6th April 2007; and

(d) regulations 12 and 13 on 6th April 2008.

Amendment of Regulations

2. The Local Government Pension Scheme Regulations (Northern Ireland) 2002(**3**) shall be amended in accordance with regulations 3 to 15.

(**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. 2005 No. 274 and S.R. 2007 No. 152.

Limit on total amount of benefits

3. In regulation 18A(1) (limit on total amount of benefits)(**4**) after "under any provision" insert "except as provided in regulation 52(1) (commutation: exceptional ill-health)".

Calculations

4. In regulation 19(3A) (calculations)(**5**) after "surrendered" insert "but the entitlement to the benefit shall not arise until the date on which the Committee receives the information it requires to calculate the increase".

Retirement after the normal retirement date

5. For regulation 27 (retirement after the normal retirement date)(**6**) substitute—

"**Retirement after the normal retirement date**

27.—(1) A member who remains in service after his 65th birthday is entitled to the immediate payment of a pension and retirement grant when he retires from service or, if earlier, on the day before his 75th birthday.

(2) A member is not entitled to count any period of service as a period of membership on or after the day before his 75th birthday and is not an active member after that day.".

Amounts of ill-health pension and grant

6. In regulation 30(3) (amounts of ill-health pension and grant)(**7**)—

(a) delete "40 years or"; and

(b) delete "whichever is the shorter".

Re-employed pensioners

7. For regulation 31 (re-employed pensioners)(**8**) substitute—

"**Re-employed pensioners**

31.—(1) Where a pensioner member becomes an active member again, his former membership shall be taken into account only for the purpose of calculating whether he has the necessary total membership referred to in—

(a) regulation 18(1)(a) to be entitled to benefits under this Chapter; and

(b) regulation 30(1) to be entitled to calculate his ill-health pension and grant by reference to the enhanced membership period.

(2) Where a member to whom benefits are paid in accordance with regulation 38(1A) continues to accrue membership after the date on which payment of such benefits takes effect ("the payment date"), his membership prior to the payment date shall only be taken into account after the payment date for the purpose of making the calculations referred to in paragraph (1).".

(**4**) Regulation 18A was inserted by S.R. 2007 No. 152.
(**5**) Regulation 19(3A) was added by S.R. 2007 No. 152
(**6**) Regulation 27 was amended by S.R. 2007 No. 152.
(**7**) Regulation 30 was amended by S.R. 2005 No.274.
(**8**) Regulation 31 was substituted by S.R. 2005 No. 274.