STATUTORY RULES OF NORTHERN IRELAND

# 2006 No. 6

# LOCAL GOVERNMENT

## Local Government Pension Scheme (Civil Partnership) (Amendment) Regulations (Northern Ireland) 2006

| | |
|---|---|
| *Made - - - -* | *13th January 2006* |
| *Coming into operation* | *10th February 2006* |

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Article 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 representatives of those whom the Department considers to be likely to be affected by the Regulations:

**Citation, commencement and retrospection**

**1.**—(1) These Regulations may be cited as the Local Government Pension Scheme (Civil Partnerships) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation in accordance with paragraphs (2) and (3).

(2) These Regulations shall come into operation on 10th February 2006 and subject to paragraph (3) shall have effect as from 5th December 2005.

(3) Regulation 3 shall have effect as from 1st February 2003.

**The Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001**

**2.**—(1) The Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001(**3**) shall be amended in accordance with paragraph (2).

(2) In regulation 36 (death benefits) for paragraph (1)(b)(i) there shall be substituted—

"(i) if the deceased leaves a surviving spouse or spouses, or a surviving civil partner, the surviving spouse or all of them, or the surviving civil partner, as the case may be, shall be entitled to an annual allowance or lump sum; and".

(**1**) S.I. 1972/1073 (N.I. 10)
(**2**) S.R. & O (N.I.) 1973 No 504 Article 7 (1); S.I. 1976/424 (N.I. 6)
(**3**) S.R. 2001 No. 279 to which there are amendments not relevant to these Regulations

**Local Government Pension Scheme Regulations (Northern Ireland) 2002**

**3.**—(1) The Local Government Pension Scheme Regulations (Northern Ireland) 2002(**4**) shall be amended in accordance with paragraphs (2) to (21).

(2) In regulation 18(2)(b) (general qualification for benefits) after the words "surviving spouse's" there shall be inserted "or civil partner's".

(3) In regulation 22(4) (final pay) after the words "surviving spouse's" there shall be inserted ", civil partner's".

(4) In regulation 36(1) (surrenders of pension) after the word "spouse" there shall be inserted ", civil partner".

(5) For regulation 42(1) to (3) (surviving spouse's short-term pension) there shall be substituted—

"Surviving spouses' or civil partner's pensions

**Surviving spouse's or civil partner's short term pension**

**42.**—(1) If an active or pensioner member dies leaving a surviving spouse or civil partner, the spouse or civil partner is entitled to a short-term pension.

(2) It is payable for three months after the member's death.

(3) But if there are eligible children in the spouse's or civil partner's care, it is payable for a further three months.".

(6) For regulation 43(1) (surviving spouse's long-term pension) there shall be substituted—

"**Surviving spouse's or civil partner's long-term pension**

**43.**—(1) If a member dies leaving a surviving spouse or civil partner, the spouse or civil partner is entitled to a spouse's or civil partner's long-term pension.".

(7) After regulation 44 (reduction of some surviving spouses' pensions) there shall be inserted—

"**Calculation of pension for surviving civil partner**

**44A.** For the purpose of calculating the pension to which a surviving civil partner is entitled under regulation 42 or 43 (surviving spouse's or civil partner's short-term or long-term pension) account shall only be taken of the deceased member's membership after 5th April 1988. This shall include relevant additional membership (as defined in regulation 44(4)).".

(8) For regulation 45(1) (surviving spouse's guaranteed minimum pension) there shall be substituted—

"**Surviving spouse's or civil partner's guaranteed minimum pension**

**45.**—(1) If the guaranteed minimum pension rule applies, the pension to which a person is entitled under regulation 42 or 43 must be not less than the surviving spouse's or civil partner's guaranteed minimum.".

(9) In regulation 47 (children's short-term pensions)—

(a) in paragraph (2) and in both places where it occurs in paragraph (7) after the words "surviving spouse" there shall be inserted "or civil partner";

(b) in paragraph (8) after the words "surviving spouse's" there shall be inserted "or civil partner's".

(**4**) S.R. 2002 No. 352 to which there are amendments not relevant to these Regulations

(10) In regulation 48 (children's long-term pensions)—

(a) in paragraph (2) after the word "spouse's" there shall be inserted "or civil partner's";

(b) in paragraph (10)(a)(i) and (b)(i) after the words "surviving spouse's" there shall be inserted "or civil partner's".

(11) In regulation 51 (commutation: small pensions)—

(a) in paragraph (2) after the words "surviving spouse" there shall be inserted "or civil partner";

(b) in paragraph (6) after the word "spouse" in both places where it occurs there shall be inserted "or civil partner";

(12) In regulation 89(2) (exclusion of rights to return of contributions) after the word "spouse" there shall be inserted ", civil partner".

(13) In regulation 95(8) (interest on late payment of certain benefits) after the words "surviving spouse" there shall be inserted ", civil partner".

(14) In regulation 102(2)(a) (right to apply for an appointed person to review a decision) after the words "or surviving" there shall be inserted "civil partner or".

(15) In regulation 117(1) (protection of GMP rights) for the words "or widower's" there shall be substituted ", widower's or surviving civil partner's".

(16) In regulation 118(5)(b) (transfer of sums from the fund to compensate for former member's misconduct) after the word "spouse" there shall be inserted ", civil partner".

(17) In regulation 121(5)(a) (contracting-out requirements affecting transfers out) after the words "surviving spouse's" there shall be inserted "or civil partner's".

(18) In regulation 127(2)(c) (rights as to service not matched by credited period) after the words "surviving spouse's" there shall be inserted "or civil partner's".

(19) In regulation 128(1) (community scheme transferees) after the words "surviving spouses" there shall be inserted ", civil partner".

(20) In Schedule 1 (interpretation) in the definition of "guaranteed minimum pension" for the words "widows and widowers" there shall be substituted "widows, widowers and surviving civil partner".

(21) In Schedule 4 (revenue restrictions)—

(a) in paragraph 2 (class A members)—

(i) in sub-paragraph (12) after the words "surviving spouse" in both places where it occurs there shall be inserted "or civil partner";

(ii) in sub-paragraph (13) after the words "surviving spouse" there shall be inserted "or civil partner";

(b) in paragraph 4—

(i) in sub-paragraph (8) after the words "surviving spouse" in both places where it occurs there shall be inserted "or civil partner";

(ii) in sub-paragraph (9) after the words "surviving spouse" there shall be inserted "or civil partner".

**Local Government Pension Scheme (Amendment No. 2 and Transitional Provisions) Regulations (Northern Ireland) 2002**

**4.**—(1) The Local Government Pension Scheme (Amendment No. 2 and Transitional Provisions) Regulations (Northern Ireland) 2002(**5**) shall be amended in accordance with paragraphs (2) and (3).

(2) After regulation 4 (deferred members and pensioners: general) there shall be inserted—

"**Deferred members and pensioners: civil partner**

**4A.**—(1) Where a person falling within regulation 4(2)(a) dies and leaves a surviving civil partner, the surviving civil partner is entitled to benefits the same as those that would, if the member had been married, have been payable to his surviving spouse, and any provisions which would have applied, if the member had been married, to his surviving spouse's benefits shall apply to the benefits payable to his civil partner.

(2) For the purpose of calculating the benefit to which a surviving civil partner is entitled under paragraph (1) account shall only be taken of the deceased member's membership after 5th April 1988. This shall include periods of relevant additional membership which are treated as membership after 5th April 1988 as defined in regulation 44(4) of the 2002 Regulations.".

(3) In regulation 18(1) (community scheme transferees) after the words "surviving spouses" there shall be inserted ", civil partner".

**The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003**

**5.**—(1) The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003(**6**) shall be amended in accordance with paragraphs (2) to (7).

(2) For the heading to Part VIII there shall be substituted—
"PART VIII

*SURRENDERS AND AWARDS TO SURVIVING SPOUSES, CIVIL PARTNER AND CHILDREN"*

(3) In regulation 19(4) after the word "spouse" there shall be inserted ", civil partner".

(4) For regulation 20 (awards to surviving spouses) there shall be substituted—

"**Awards to surviving spouses or civil partner**

**20.**—(1) This regulation applies where, on the death of a person who has been awarded a credited period, there is a surviving spouse or civil partner—

(a) who is entitled to receive a pension under regulations 42 to 45 (surviving spouses' or civil partner's pensions) of the Pension Regulations in respect of the deceased's terminated employment; or

(b) who would be so entitled apart from—

(i) a relevant disqualification with respect to the deceased (and on the relevant assumptions); or

(ii) the transfer of benefits to another pension scheme.

(2) This regulation also applies where the deceased is survived by more than one spouse if both, or all, of them are, or but for the matters mentioned in paragraph (1)(b) would be,

(**5**) S.R. 2002 No. 353
(**6**) S.R. 2003 No. 61