Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Government Pension Scheme Regulations (Northern Ireland) 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2014 No. 188

LOCAL GOVERNMENT

The Local Government Pension Scheme Regulations (Northern Ireland) 2014

Made - - - -	*27th June 2014*
Coming into operation	*1st April 2015*

The Department of the Environment makes these Regulations in exercise of the powers conferred by Article 9 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972 [F1], and now vested in it [F2].

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.

F1 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).
F2 S.R. & O (N.I.) 1973 No. 504 Article 7(1); S.I. 1976/424 (N.I. 6).

PART 1

MEMBERSHIP, CONTRIBUTIONS AND BENEFITS

PRELIMINARY PROVISIONS

Citation and commencement

1.—(1) These Regulations may be cited as the Local Government Pension Scheme Regulations (Northern Ireland) 2014 and, save as is mentioned in paragraph (2), shall come into operation on 1st April 2015.

(2) Regulation 2(3) (introduction and interpretation, actuarial guidance) shall come into operation on 1st September 2014 for the purpose of enabling the Department to issue actuarial guidance.

Introduction and interpretation

2.—(1) These Regulations establish a scheme for the payment of pensions and other benefits to or in respect of persons working in local government employment, and in these Regulations is referred to as "the Scheme".

(2) The Scheme manager responsible for the administration of pensions and other benefits payable under these Regulations, is the Northern Ireland Local Government Officers' Superannuation Committee, and in these Regulations is referred to as "the Committee".

(3) The Department may, after consultation with the Government Actuary's Department, issue actuarial guidance to the Committee.

(4) Schedule 1 (interpretation) contains definitions of expressions used in these Regulations which apply for their interpretation unless the context indicates they have a different meaning.

MEMBERSHIP

Active membership

3.—(1) Subject to regulation 6 (restriction on eligibility for active membership), a person is eligible to be an active member of the Scheme in an employment, if—

(a) employed by an employing authority; or

(b) employed by an admission body within the meaning of paragraph 116 of Part 1 (admission bodies) of Schedule 2 (admission agreements with admission bodies) and is designated in the admission agreement, or belongs to a class of employees that is designated in the admission agreement by the admission body as being eligible for membership of the Scheme.

(2) Subject to paragraph (3), a person eligible to be an active member of the Scheme in an employment becomes an active member on the day that person's employment begins or (if later) the day the person becomes eligible for membership.

(3) A person who would, apart from this paragraph, be an active member of the Scheme by virtue of paragraph (2) who is employed under a contract of employment of less than three months does not become an active member on the day specified in paragraph (2) but becomes an active member—

(a) on the member's automatic enrolment date;

[[F3](b) where regulation 7(2) (ending active membership) applies, on the person's automatic re-enrolment date or if the person applies to become a member on the first day of the first payment period following the application; or**]**

(c) on the first day of the payment period following an extension to the contract of employment which means that the contract of employment is to be for three months or more;

whichever is the earlier.

(4) A person who is eligible to be an active member of the Scheme in an employment, but who is not an active member of the Scheme in that employment—

(a) may apply in writing to the person's employing authority to join the Scheme, and becomes an active member of the Scheme in that employment on the first day of the payment period following the application; but in any event,

(b) becomes an active member of the Scheme in an employment on the automatic enrolment date or automatic re-enrolment date relating to that employment.

(5) Subject to paragraph (6) and regulation 7(5) (ending active membership, person whose membership is less than three months treated as never having been a member), an active member has qualifying service for a period of two years if—

(a) that member has spent two years as an active member of the Scheme;

(b) a transfer value payment has been received in respect of rights accrued in a different occupational pension scheme or under a European Pensions Institution and the length of service in respect of which that person accrued benefits in that scheme was two or more years;

(c) the aggregate of the period the person has spent as an active member of the Scheme and of a different occupational pension scheme or European Pensions Institution in respect of which a transfer value payment has been accepted, is two years;

(d) a transfer value payment has been received in respect of rights accrued in a scheme or arrangement that does not permit a refund of contributions to the member;

(e) the member has paid National Insurance contributions whilst an active member of the Scheme and ceases active membership after the end of the tax year preceding that in which the member attains pensionable age;

(f) the member already holds a deferred benefit or is in receipt of a pension (other than a survivor's pension or pension credit member's pension) under these Regulations;

[[F4](g) a transfer value payment has been made to a qualifying recognised overseas pension scheme;

(h) the member ceases active membership at age 75; or

(i) the member dies in service.**]**

(6) The following periods do not count as periods of qualifying service for the purposes of these Regulations—

(a) any period for which contributions have been returned to the member;

(b) any period of membership derived from a non-contributory pension scheme or arrangement from which a transfer value payment has been received and which is attached to the membership in respect of which contributions have been returned under regulation 20 (rights to return of contributions);

(c) any period in respect of which rights have been transferred to another registered pension scheme other than a qualifying recognised overseas pension scheme;

(d) any period in respect of which the member has been deprived of benefits under regulation 102 (forfeiture of pension rights after conviction for employment-related offences).

F3 Reg. 3(3)(b) substituted (with effect in accordance with reg. 1(2) of the amending Rule) by The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/128), regs. 1(1), **3**

F4 Reg. 3(5)(g)-(i) substituted for reg. 3(5)(g)(h) (1.4.2015) by The Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2015 (S.R. 2015/162), regs. 1(2), **3**

Modifications etc. (not altering text)

C1 Reg. 3(2) restricted (1.4.2015) by The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014 (S.R. 2014/189), regs. 1(1), **5(3)**

Eligibility of councillors

4. These Regulations apply to councillor members in respect of their councillor membership as they apply to active members with the modifications set out in Schedule 4.

Employees of admission bodies

5.—(1) The Committee may make an admission agreement with any admission body.

(2) Any such admission agreement with an admission body shall make provision for the relevant matters set out in Part 2 (admission agreements) of Schedule 2 (admission agreements with admission bodies).

(3) These Regulations apply to employment with an admission body in which the employee is an active member, in the same way as if the admission body were an employing authority.

Restriction on eligibility for active membership

6.—(1) If a person's employment entitles that person to belong to another public service pension scheme, or would so entitle that person were it not for the person's age, that employment does not entitle that person to be a member, unless that other scheme was made under Article 9 of the 1972 Order.

(2) An employee of an employing authority may not be a member of the Scheme if that employee is a member of another occupational pension scheme in relation to that employment.

(3) A person shall not become a member of the Scheme after the day before that person's 75th birthday.

(4) Retained or volunteer membership with a fire and rescue authority (within the meaning given to that term by Article 3 of the Fire and Rescue Services (Northern Ireland) Order 2006 [F5]) on terms under which the retained or voluntary member is or may be required to engage in fire-fighting does not entitle the retained or voluntary member to be a member of the Scheme.

(5) Any person who, as a member of staff of the University of Ulster, is eligible to participate in the Universities' Superannuation Scheme is not entitled to be a member of the Scheme.

(6) Paragraph (1) does not apply to a member on reserve forces service leave who is entitled to be a member of the Armed Forces Pension Scheme, if that member makes an election to that member's employing authority to remain a member of the Scheme.

F5 S.I. 2006/1254 (N.I. 9).

Ending active membership

7.—(1) A person ceases to be an active member in an employment if that person ceases to be eligible for membership of the Scheme through that employment, and membership in that employment ceases from the date that eligibility ceases.

(2) A person ceases to be an active member in an employment from the date specified in a written notice that the person wishes to leave the Scheme, given by that person to that person's employing authority.

(3) But an active member who gives notice under paragraph (2) specifying no date, or a date earlier than the date the notice is given, or a date prior to the end of a payment period for which the payroll has already closed, ceases to be an active member in that employment at the end of the payment period during which the notice is given.

(4) A person ceases to be an active member when that person attains the age of 75.

(5) A person who, by virtue of a written notice given under paragraph (2), ceases to be an active member of the Scheme before being an active member of the Scheme for three months is to be treated as not having been an active member, except where the employment is one in which the member is working reduced hours or is employed on a reduced grade following an election under regulation 31(6) (retirement benefits, flexible retirement pensions).

Deferred members

8.—(1) A person is a deferred member of the Scheme, in relation to an employment, if—

(a) the person has qualifying service for a period of at least two years;

(b) the person is no longer an active member of the Scheme in relation to that employment;

(c) the person has not started to receive any pension under the Scheme in relation to that employment; and

(d) the person has not reached the age of 75.

(2) A person may be a deferred member of the Scheme in relation to one period of membership notwithstanding the fact that the same person is a member, in the same or a different category of membership, in relation to a different period of membership.

Pensioner members

9.—(1) A person is a pensioner member of the Scheme if that person—

(a) was an active member of the Scheme;

(b) was a deferred member of the Scheme; or

(c) was a pension credit member of the Scheme,

and is in receipt of a benefit from the Scheme relating to that membership.

(2) A person may be a pensioner member of the Scheme in relation to one period of membership notwithstanding the fact that the same person is a member, in the same or a different category of membership, in relation to a different period of membership.

Pension credit members and survivor members

10.—(1) A person is a pension credit member of the Scheme if that person has been given a pension credit in the Scheme as a consequence of a pension debit in relation to a member of the Scheme.

(2) A person is a survivor member of the Scheme if that person is entitled to a benefit under regulations 41, 43 to 45, 47 to 50 or 52 to 55 (survivor benefits).

[F6Separate employments, etc.

10A.—(1) Where a person holds separate employments under one employing authority, these Regulations apply as if each of them were with a different employer.

(2) For the purposes of these Regulations, a clerk of a district council who performs functions under Article 9(2) (conduct of elections) of the Electoral Law (Northern Ireland) Order 1972 shall, in relation to those functions, be treated as if that person were employed by that district council and that person's pay in relation to those functions shall be treated as pensionable pay by that district council.**]**

F6 Reg. 10A inserted (with effect in accordance with reg. 1(2) of the amending Rule) by The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/128), regs. 1(1), **4**