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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 352**

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

**PART IV**

**ADMINISTRATION**

**CHAPTER III**

*PAYMENT OF BENEFITS ETC.*

**Pension increases and cash equivalents under the Pension Schemes (Northern Ireland) Act 1993**

**91.** Any increase in a pension required by reason of Chapter III of Part IV of the Pension Schemes (Northern Ireland) Act 1993<sup>(1)</sup> (protection of increases in guaranteed minimum pensions: anti-franking) must be paid from the fund.

**Pension increases under the Pensions (Increase) Acts**

**92.** Where a pension to which the Pensions (Increase) Act (Northern Ireland) 1971<sup>(2)</sup> applies is payable out of the fund, any increase under that Act or the Pensions (Increase) (Northern Ireland) Order 1974<sup>(3)</sup>, must be paid from the fund.

**Contributions equivalent premiums**

**93.—(1)** Where a Scheme employer pays a contributions equivalent premium under section 51 of the Pension Schemes (Northern Ireland) Act 1993 in respect of any member, it is entitled to recover, or where the employer is the Committee, retain from the fund a sum not exceeding the premium.

(2) But if the Scheme employer may recover or retain any sum under section 57 of that Act in respect of the premium, then only the balance may be recovered or retained under paragraph (1).

(3) Where a contributions equivalent premium is refunded under regulation 54(1)(c) of the Occupational Pension Schemes (Contracting out) Regulations (Northern Ireland) 1996<sup>(4)</sup>, the Committee shall credit to the fund a sum equal to the amount of the premium.

**Commencement of pensions**

**94.—(1)** The first period for which any retirement pension which is payable immediately on a member leaving any employment is payable begins with the day after the date with which his employment ends.

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(1) 1993 c. 49

(2) 1971 c. 35 (N.I.)

(3) S.I. 1974/1267 (N.I. 2)

(4) S.R. 1996 No. 493

- (2) The first period for which any retirement pension under regulation 33 is payable begins –
  - (a) in a case where he elects under paragraph (1) of that regulation, with the day on which he elects;
  - (b) in a case where he elects under paragraph (7) of that regulation for an earlier date than his normal retirement date, with that date; and
  - (c) otherwise, with his normal retirement date.
- (3) Any short-term pension payable on the death of a member is payable in respect of a period beginning with the day after the date on which he dies.
- (4) The first period for which any long-term pension is payable on the death of a member in a case where no short-term pension is payable begins with the day after the date on which he dies.

#### **Interest on late payment of certain benefits**

**95.**—(1) Where all or part of a pension or lump sum payment due under these Regulations or the 2000 Regulations is not paid within the relevant period after the due date, the Committee must pay interest on the unpaid amount to the person to whom it is payable calculated from the due date as provided in regulation 82(2).

- (2) The relevant period –
  - (a) in the case of a pension is one year;
  - (b) in the case of a payment made under regulation 41(1) or 142, is the period ending one month after the date on which the Committee receives notification of the member’s death; and
  - (c) otherwise is one month.
- (3) In the case of a pension the due date is the date on which it becomes payable.
- (4) In the case of a retirement grant, the due date is the date on which it is payable.
- (5) In the case of a death grant, the due date is the date on which the member dies.
- (6) In the case of an ill health grant, the due date is the day after the member ceased to hold his employment.
- (7) In the case of a payment of a lump sum under regulation 51, 52, 142 or 143 the due date is the day after the member would otherwise become entitled to payment of a pension.
- (8) In this regulation, references to “member” include a surviving spouse, eligible child or children or a pension credit member and the reference in paragraph (4) to the “retirement grant” includes the lump sum grant referred to in regulation 133(2)(a).

#### **Payments due in respect of deceased persons**

**96.**—(1) If when a person dies the total amount due to his personal representatives under the Scheme (including anything due to him at his death) (“the amount due”) does not exceed the small payments amount, the Committee may pay the whole or part of the amount due from the fund –

- (a) to his personal representatives; or
  - (b) to the person, or to or among any one or more of any persons, appearing to the Committee to be beneficially entitled to the estate,
- without the production of probate or letters of administration of his estate.

(2) The small payments amount is the amount specified in any order for the time being in force under section 6 of the Administration of Estates (Small Payments) (Northern Ireland) Act 1967<sup>(5)</sup> and applying in relation to his death.

(3) Such a payment discharges the Committee from accounting for the amount paid.

### **Non-assignability**

**97.**—(1) Every benefit to which a person is entitled under the Scheme is payable to or in trust for him.

(2) No such benefit is assignable or chargeable with his or any other person's debts or other liabilities.

(3) On the bankruptcy of a person entitled to a benefit under the Scheme no part of the benefit passes to any trustee or other person acting on behalf of the creditors, except in accordance with an income payments order under Article 283 of the Insolvency (Northern Ireland) Order 1989<sup>(6)</sup>.

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<sup>(5)</sup> 1967 c. 5 (N.I.)

<sup>(6)</sup> S.I. 1989/2405 (N.I. 19)