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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 33**

**Local Government Pension Scheme (Administration)  
Regulations (Northern Ireland) 2009**

**PART 10**

**PENSION SHARING**

**PENSION CREDIT MEMBERS AND PENSION CREDIT**

**Application of the Regulations to pension credit members**

**89.** Part 1 (preliminary), regulations 46 (interest on late payment of certain benefits), 47 (payments due in respect of deceased persons) and 48 (non-assignability) and Parts 6 (determination of questions and disputes) and 7 (policy statements and information) apply to a pension credit member.

**Calculation**

**90.**—(1) The annual rate of the pension at normal benefit age shall be the pension calculated as referred to in regulation 84(4) (discharge of liability for pension credit rights), increased in accordance with the Pensions (Increase) Act (Northern Ireland) 1971(1) and, if applicable, the Pensions Increase (Northern Ireland) Order 1974(2) from the day on which the pension sharing order takes effect.

(2) Where applicable, the lump sum grant shall be equal to 3 times the annual rate of pension.

**Payment of benefits**

**91.**—(1) A pension credit member who attains normal benefit age is entitled to the immediate payment of a pension and, if applicable, a lump sum grant.

(2) The pension and if applicable the lump sum grant are payable from the fund or admission agreement fund.

(3) The pension is payable for life.

**Death grants: pension credit members**

**92.**—(1) Regulations 23 (death grants: active members), 32 (death grants: deferred members) and 35 (death grants: pensioner members) of the Benefits Regulations shall apply in relation to a pension credit member.

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(1) 1971 c. 35 (N.I.) sections 3, 8 and 15 were amended by Article 36 of the Welfare Reform and Pensions (Northern Ireland) Order 1999.

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

(2) The Committee at its absolute discretion may make payments of a death grant to or for the benefit of the pension credit member's nominee or personal representatives, or any person appearing to the Committee to have been his relative or dependant at any time.

(3) If the Committee has not made payments under paragraph (2) equalling in aggregate the pension credit member's death grant before the expiry of the period of 2 years—

(a) beginning with his death; or

(b) beginning with the date on which the Committee could reasonably be expected to have become aware of his death,

it must pay an amount equal to the shortfall to the pension credit member's personal representatives.

**Commutation: small pensions**

**93.**—(1) Regulation 39 (commutation: small pensions) of the Benefits Regulations shall apply if as a result of a pension sharing order the annual rate of the retirement pension which a member who has attained normal benefit age is entitled to be paid falls below the sum mentioned in that regulation.

(2) Regulation 39 of those Regulations shall apply in respect of the retirement pension payable to a pension credit member in respect of a pension credit and the amount of that pension shall for the purpose of this regulation be aggregated with any other pension payable to that member under the Scheme.