
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 33

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

PART 3

CONTRIBUTIONS

Contributions during child-related leave

14.—(1) If a person who is a member, or has applied to be a member, goes on maternity, paternity or adoption leave, the person must make contributions as respects any part of his period of maternity, paternity or adoption absence for which the person is a member and entitled to receive pay (including statutory pay).

(2) But that pay does not include any amount that reduces the member's actual pay on account of possible entitlement to statutory pay.

(3) Such contributions must be made at the contribution rate on that pay.

(4) If a person who is a member or has applied to be a member—

- (a) goes on ordinary maternity leave, paternity leave or ordinary adoption leave; and
- (b) is not entitled to receive pay (including statutory pay) for all or any part of that period of leave,

the person shall be treated as if the person had paid contributions under paragraph (1) for the unpaid period of that leave and on the pay that the person would have received during that period but for the absence.

(5) If a person who is a member or has applied to be a member—

- (a) is on maternity or adoption leave (other than ordinary maternity or adoption leave); and
- (b) for all or part of that period maternity or adoption absence is not entitled to receive pay (including statutory pay) but is a member,

the person may make contributions at the contribution rate as respects the unpaid period of that absence as if the person's pay in the employment were equal to the adjusted pay.

(6) The adjusted pay shall be the pay the person was entitled to receive immediately before the unpaid period began (including statutory pay) but—

- (a) not including any amount that reduces his actual pay on account of the person's possible entitlement to statutory pay; and
- (b) disregarding any amount he receives on account of a day's work carried out under regulation 12A of the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999(1) or regulation 21A of the Paternity and Adoption Leave Regulations (Northern Ireland) 2002(2).

(1) S.R. 1999 No. 471; regulation 12A was inserted by S.R. 2006 No. 372; regulation 10.

(7) A member to whom paragraph (5) applies may continue to pay contributions under regulation 21 (additional voluntary contributions and shared cost additional voluntary contributions) which he was paying immediately before the leave began.

(8) If an active member goes on maternity, paternity or adoption leave, the member must continue to make any payments that member was making under regulation 19 (payment of additional regular contributions) or regulation 57 (payments to increase total membership) of the 2002 Regulations on the pay the member would have received during the period but for the leave.

(9) In this regulation—

“ordinary adoption leave” means leave under Article 107A of the Employment Rights (Northern Ireland) Order 1996(3);

“ordinary maternity leave” means leave under Article 103 of that Order(4);

“paternity leave” means leave under regulation 4 or 8 of the Paternity and Adoption Leave Regulations (Northern Ireland) 2002;

“period of maternity, paternity or adoption absence” means any period throughout which a member is absent from duty because he is exercising his right to take—

- (a) ordinary maternity or adoption leave;
- (b) additional maternity or adoption leave under Article 105 or 107B of the Employment Rights (Northern Ireland) Order 1996(5); or
- (c) paternity leave; and

“statutory pay” means any statutory maternity, paternity or adoption pay payable under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(6).

Contributions during reserve forces service leave

15.—(1) This regulation applies to a person who—

- (a) is a member or who has applied to be a member; and
- (b) goes on reserve forces service leave.

(2) He must pay contributions under regulation 3 (contributions payable by active members) of the Benefits Regulations and any payments under regulation 19 (payment of additional regular contributions) of these Regulations or regulation 57 (payments to increase total membership) of the 2002 Regulations that he was paying immediately before his relevant reserve forces service began if (and only if) his reserve forces pay during that service equals or exceeds the pensionable pay he would have received if he had continued to be employed in his former employment.

(3) Those contributions continue to be payable to the fund at the same rates on that pensionable pay.

(4) If he is not obliged to pay contributions under paragraph (2) he must be treated as if he had paid them and also any payments under regulation 19 of these Regulations or regulation 57 of the 2002 Regulations that he would have been liable to pay if he had continued to be employed in his former employment.

(5) If he was paying any contributions under regulation 21(1) (additional voluntary contributions and shared cost additional voluntary contributions) immediately before his leave began—

- (a) he may continue to pay, or stop paying, them; and

(2) S.R. 2002 No. 377; regulation 21A was inserted by S.R. 2006 No. 373; regulation 6.

(3) S.I. 1996/1919 (N.I. 16); Article 107A was inserted by S.I. 2002/2836 (N.I. 2).

(4) Article 103 was amended by S.I. 2002/2836 (N.I. 2).

(5) Article 105 was amended by Article 14 of S.I. 2002/2836 (N.I. 2) and Article 107B was inserted by Article 3 of S.I. 2002/2836 (N.I. 2).

(6) 1992 c. 7.

- (b) unless he has stopped paying them, the Committee must throughout the period of his relevant reserve forces service, continue to pay such contributions which were to be used to provide benefits for him on his death.
- (6) His relevant reserve forces service counts as a period of membership in his former employment.
- (7) If during that service, he—
 - (a) dies;
 - (b) attains his normal retirement age; or
 - (c) becomes incapable for health reasons of working efficiently in local government employment,he shall be treated as if he were in that employment at that time.

Contributions during trade dispute absence

- 16.—**(1) If a person—
- (a) is away from work without permission for a period of one or more days during and because of a trade dispute (“a trade dispute absence”); and
 - (b) was a member immediately before—
 - (i) that period; or
 - (ii) where two or more periods of absence have occurred because of one dispute, the first such period,he may make a contribution for the relevant contribution period at the rate of 16% on his lost pensionable pay for that period.
- (2) A person’s lost pensionable pay is the difference between—
- (a) his actual pensionable pay (if any); and
 - (b) the pensionable pay he would have received but for any trade dispute absence,
- and, in determining that difference, any guarantee payments under Part 3 of the Employment Rights (Northern Ireland) Order 1996 must be disregarded.
- (3) A period is a person’s relevant contribution period if—
- (a) it is co-extensive with one of the intervals at which he is required under regulation 3 (contributions payable by active members) of the Benefits Regulations to make contributions; and
 - (b) it includes all or part of his trade dispute absence.
- (4) The termination of a person’s contract of employment because of a trade dispute does not prevent this regulation applying to him if he again becomes an employee of the same employing authority and a member not later than the day after the dispute ends.
- (5) A member to whom paragraph (1) applies—
- (a) may continue to pay contributions under regulation 21 (additional voluntary contributions and shared cost additional voluntary contributions) which he was paying immediately before the trade dispute absence began; and
 - (b) must continue to make any payments he was making under regulation 19 (payment of additional regular contributions) of these Regulations or regulation 57 (payments to increase total membership) of the 2002 Regulations on the pensionable pay he would have received during the period but for his absence.

(6) In this regulation, “trade dispute” has the meaning given in Article 127 of the Trade Union and Labour Relations (Northern Ireland) Order 1995(7).

Contributions during absences with permission

17.—(1) If a member—

- (a) is away from his employment with permission (otherwise than because of illness or injury)
 - (i) for a continuous period of less than 31 days; or
 - (ii) on jury service for any period; and
- (b) is receiving reduced pay or no pay,

he must make the payments specified in paragraph (2) on the pensionable pay he would have received during the period but for his absence (“his deemed pay”).

(2) The payments are—

- (a) contributions at the contribution rate; and
- (b) any payments he was making under regulation 19 (payment of additional regular contributions) of these Regulations or regulation 57 (payments to increase total membership) of the 2002 Regulations.

(3) The member may continue to pay contributions under regulation 21 (additional voluntary contributions and shared cost additional voluntary contributions) which he was paying immediately before the absence began.

(4) If a member—

- (a) is away from his employment with permission (otherwise than because of illness or injury) for a continuous period of more than 30 days; and
- (b) is receiving reduced pay or no pay,

he must make payments specified in paragraph (5) on his deemed pay.

(5) The payments are—

- (a) contributions at the contribution rate for the first 30 days’ absence; and
- (b) any payments he was making under regulation 19 of these Regulations or regulation 57 of the 2002 Regulations.

(6) The member may—

- (a) make contributions at the contribution rate on his deemed pay for the remainder of the period of absence subject to a maximum of 36 months; and
- (b) continue to make any payments he was making under regulation 21 which he was paying immediately before his absence began.

Applications to make absence contributions

18.—(1) To make contributions under regulations 14(5) (contributions during child-related leave), 16 (contributions during trade dispute absence) or 17(6)(a) (contributions during absences with permission), a person must apply to his employing authority in writing before the expiry of a period of 30 days beginning with the day—

- (a) on which he returns to work, if he returns to work following the absence; or

(7) S.I. 1995/1980 (N.I. 12).

- (b) on which he ceases to be employed, if he ceases to be employed by that employing authority without returning to work.
- (2) In either case, such longer period as the Committee may allow.
- (3) A person's personal representatives may make an application under paragraph (1) if he has died without making an application.

Payment of additional regular contributions (ARCs)

19.—(1) A member who chooses to pay additional contributions under regulation 14 (election to pay additional regular contributions (ARCs)) of the Benefits Regulations must make his request in writing to the Committee.

(2) The member's request must be copied to the member's employing authority and must state the length of the period ("the ARC payment period") over which he wishes to pay the additional regular contributions ("ARCs").

(3) If—

- (a) the Committee passes a resolution requiring a member to satisfy it that he is in reasonable health by producing to it a report by a registered medical practitioner, approved by the Committee, of the results of a medical examination undertaken at the member's own expense; and
- (b) it is not so satisfied,

it may refuse his request.

(4) The length of the ARC payment period must be such that it ends before the member's normal retirement age.

(5) The member may only pay ARCs if the Committee notifies him in writing that it agrees to the request.

(6) The Government Actuary shall from time to time determine the amount of ARCs required for any given amount of increased pension and may determine different amounts of ARCs—

- (a) for—
 - (i) persons of different ages; or
 - (ii) men or women; or
- (b) depending on the length of different ARC payment periods.

(7) Where the Committee agrees to the member's request—

- (a) it must notify him and his employing authority of the amount of ARCs payable by him in accordance with the Government Actuary's determination, expressed as an amount in pounds sterling; and
- (b) the member must pay those ARCs from the next payment period (as defined in regulation 9(6) (joining the Scheme)) following the date of the Committee's notification under paragraph (5).

(8) The Government Actuary may at any time redetermine any amount determined under paragraph (6) and, if he does so, the member must, from 1st April following the redetermination, pay ARCs in accordance with the redetermination.

(9) If the member pays (or is treated under regulation 20 (discontinuance of ARCs) as having paid) ARCs for the whole of the ARC payment period, he must be credited with the additional annual pension of the amount that those ARCs purchase.

Discontinuance of ARCs

20.—(1) A member—

- (a) may stop paying his ARCs before the end of the ARC payment period if he notifies the Committee and his employing authority in writing that he wishes to do so; and
- (b) must stop doing so if he ceases to be an active member.

(2) If a member stops paying his ARCs before the end of the ARC payment period—

- (a) on leaving his employment on the grounds of ill-health and his employing authority makes a determination in respect of him under regulation 20(2) or (3) (early leavers: ill-health) of the Benefits Regulations; or
- (b) on his death,

he is treated as having paid his ARCs up to the end of that period.

(3) If a member stops paying his ARCs and paragraph (2) does not apply to him, he must be credited with additional pension of an amount determined by the Government Actuary, having regard to the ARCs he paid before he stopped.

Additional voluntary contributions and shared cost additional voluntary contributions

21.—(1) An active member may elect to pay additional voluntary contributions (“AVCs”) into a scheme established under contract between the Committee and a body approved for the purposes of the Finance Act 2004⁽⁸⁾ (“an additional voluntary contributions arrangement”).

(2) The additional voluntary contributions arrangement must be a money purchase pension scheme registered in accordance with the Finance Act 2004 and administered in accordance with that Act, the Pensions Act 2004⁽⁹⁾ and the Pensions (Northern Ireland) Order 2005⁽¹⁰⁾.

(3) Where the member’s employing authority, at its discretion, contributes to the arrangement, the additional voluntary contributions arrangement is known as a shared cost additional voluntary contributions arrangement and contributions to it as “SCAVCs”.

(4) Such AVCs and SCAVCs are in addition to any other contributions the member may pay under regulation 19 (payment of additional regular contributions).

(5) Where a member elects to pay AVCs or SCAVCs, he must first—

- (a) notify his employing authority in writing; and
- (b) in the notification specify—
 - (i) the percentage of his pensionable pay he wishes to pay or the amount he wishes to pay on his usual pay days from his pay;
 - (ii) whether he wishes any of his AVCs or SCAVCs to be used to provide benefits payable on his death (“death benefits”); and
 - (iii) if he does, the proportion so to be used.

(6) Subject to paragraph (7), a member may—

- (a) vary—
 - (i) the amount of his AVCs or SCAVCs; or
 - (ii) the proportion of them to be used to provide death benefits; or
- (b) stop paying AVCs or SCAVCs.

⁽⁸⁾ 2004 c. 12.

⁽⁹⁾ 2004 c. 35.

⁽¹⁰⁾ S.I. 2005/255 (N.I. 1).

(7) Where he wishes to take the steps in paragraph (6), he must first notify his employing authority in writing.

(8) An active member may transfer, by notifying the Committee in writing within 12 months of joining, or such longer period as the Committee may allow, into his additional voluntary contributions scheme constituted under this regulation the accumulated value of any other additional voluntary contributions scheme to which he has subscribed.

(9) An election to pay AVCs or SCAVCs may be made in respect of each employment in respect of which a person is a member.

(10) The maximum a person may specify under paragraph (5)(b)(i) or notify under paragraph (7) as the varied amount in respect of each employment for which he makes such an election is 50% of the pensionable pay of that employment or an amount equal to 50% of the pensionable pay of that employment.

Use of accumulated value of AVCs and SCAVCs

22.—(1) This regulation applies where a person who has paid AVCs or SCAVCs during his employment or made a transfer under regulation 21(8) (additional voluntary contributions)—

(a) leaves his employment with the employing authority notified under regulation 21(5)(a)—

(i) without entitlement to immediate payment of retirement benefits; or

(ii) with such entitlement under regulation 16 (normal retirement), 17 (retirement after the normal retirement age), 18 (flexible retirement), 19 (early leavers: inefficiency and redundancy), 30 (choice of early payment of pension) or 31 (early payment of pension: ill-health) of the Benefits Regulations;

(b) stops being an active member without leaving that employment; or

(c) becomes entitled to ill-health benefits under regulation 20 (early leavers: ill-health) of the Benefits Regulations.

(2) A person mentioned in paragraph (1)(a)(i) must notify his employing authority in writing that he wishes the accumulated value of the AVCs or SCAVCs (“the accumulated value”) to be used in one or more of the permissible ways specified in the notification.

(3) The permissible ways are—

(a) to subscribe to a registered pension scheme (other than the Scheme);

(b) to purchase an appropriate policy from one or more insurance companies (within the meaning of section 275 of the Finance Act 2004).

(4) A person mentioned in paragraph (1)(a)(ii) or (1)(c) may notify his employing authority in writing that he wishes the accumulated value to be used to provide additional pension for him under the Scheme, or partly to provide such pension for him.

(5) If he does so, he becomes entitled to such additional pension as is shown as appropriate in guidance issued by the Government Actuary.

(6) The employing authority must send notification under paragraph (2) or (4) to the Committee as soon as possible.

(7) In the case of a person mentioned in paragraph (1)(b)—

(a) the employing authority must, as soon as is possible, inform the Committee that the person has stopped being an active member; and

(b) the accumulated value must be used to subscribe to a registered scheme that is not an occupational pension scheme.

(8) The Committee must make such arrangements as are necessary for the use of the accumulated value in accordance with a notification under paragraph (2) or (4) or with paragraph (7)(b).

Separate treatment of AVCs and SCAVCs from other contributions

23.—(1) Regulations 41 (rights to return of contributions) and 42 (exclusion of rights to return of contributions) do not apply to—

- (a) AVCs or SCAVCs payable under these Regulations or any other agreement made for the payment of AVCs before the commencement date; or
 - (b) interest on late payments which relate to AVCs or SCAVCs.
- (2) The regulations mentioned in paragraph (3) do not apply in relation to benefits under—
- (a) such a policy as mentioned in regulation 22(3)(b); or
 - (b) any agreement made for the payment of AVCs or SCAVCs before the commencement date.
- (3) Those regulations are—
- (a) regulation 50 (first instance decisions – general);
 - (b) regulation 68 (forfeiture of pension rights after conviction of employment-related offences);
 - (c) regulation 69 (interim payments directions); and
 - (d) regulation 70 (recovery or retention where former member has misconduct obligation).

Cost of calculations of additional pension where no notification given under regulation 22(4)

24.—(1) This regulation applies where, at a member's request, the Committee gives him information concerning the amount of additional pension which would be payable if he were to give notification in regulation 22(4) (use of accumulated value of AVCs and SCAVCs).

(2) If the member does not give such notification before the expiry of the period of 3 months beginning with the date the Committee gives him the information, it may deduct the cost of calculating that amount from the accumulated value of the additional contributions mentioned in regulation 15(1) (elections to pay additional voluntary contributions) of the Benefits Regulations.