
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 33

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

PART 4

PENSION FUND AND EMPLOYERS' PAYMENTS

Deduction and recovery of a member's contributions

40.—(1) An employing authority may deduct from a person's pay any contributions payable by him under the Scheme.

(2) Sums payable under regulation 15(2) or 15(5)(b) (contributions during reserve forces service leave) may be deducted by the member's former employer from any payment made to him under Part 5 of the Reserve and Auxiliary Forces (Protection Civil of Interests) (Northern Ireland) Order 1953(1), to the extent that they are payable in respect of the same period.

(3) The Committee may recover any contributions or sum remaining due and not deducted under paragraph (1) or (2)—

- (a) as a simple contract debt in an court of competent jurisdiction; or
- (b) by deducting it from any payment by way of benefits to or in respect of the person in question under the Scheme.

(4) But the sums mentioned in paragraph (2) are only recoverable under paragraph (3) if unpaid for 12 months after the person ceases to perform relevant reserve forces service.

(5) If—

- (a) an employing authority deducts any amount in error from a person's pay or any other sum due to him; and
- (b) the amount has not been repaid to him before the expiry of the period of one month beginning with the date of deduction,

the appropriate body must pay him interest on that amount; and the due date for the calculation of interest under regulation 39(4) (interest) is the date of deduction.

(6) Where the employee's contributions have been paid into the fund or an admission agreement fund, the repayment and interest must be made out of that fund or the admission agreement fund.

(7) The "appropriate body" for the purpose of paragraph (5) is—

- (a) the Committee where the employee's contributions have been paid into the fund or an admission agreement fund; and
- (b) the person's employing authority where the employee's contributions have not yet been paid into the fund or an admission agreement fund.

Status: *This is the original version (as it was originally made).*
