
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 188

**The Local Government Pension Scheme
Regulations (Northern Ireland) 2014**

PART 1

MEMBERSHIP, CONTRIBUTIONS AND BENEFITS

ILL-HEALTH RETIREMENT

Calculation of ill-health pension amounts

39.—(1) Subject to paragraphs (4) and (5), Tier 1 benefits are calculated by adjusting the active member's pension account as follows—

- (a) An amount is added to the balance in the account for the year in which the member's employment was terminated, equivalent to the amount of earned pension the member would have accrued between the day following the date of termination and normal pension age, if that member had been treated as receiving assumed pensionable pay, calculated in accordance with regulation 23(4) (assumed pensionable pay), for each year and fraction of a year in that period and treating any election under regulation 12 (temporary reduction in contributions) as lapsed at the date of the termination of the member's employment; and
- (b) retirement pension is payable to the member as if the member had reached normal pension age on the date the member's employment was terminated.

(2) Subject to paragraphs (4) and (5), Tier 2 benefits are calculated by adjusting the active member's pension account as follows—

- (a) for the year in which the member's employment was terminated, by adding one quarter of the sum calculated in accordance with paragraph (1)(a); and
- (b) retirement pension is payable to the member as if the member had reached normal pension age on the date the member's employment was terminated.

(3) Benefits payable under regulation 37 (early payment of retirement pension on ill-health grounds: deferred members) are the retirement pension that would be payable to the member if that member had reached normal pension age on the date from which benefits are awarded.

(4) Where a member entitled to Tier 1 benefits subsequently becomes an active member of the Scheme, no addition is to be made under paragraph (1)(a) or (2)(a) to any Tier 1 or Tier 2 benefits that the member becomes entitled to after that subsequent period of membership.

(5) Where a member entitled to Tier 2 benefits ("the initial ill-health retirement") subsequently becomes an active member of the Scheme, the addition made under paragraph (1)(a) or (2)(a) to any Tier 1 or Tier 2 benefits that the member becomes entitled to after that subsequent period of membership is modified in accordance with paragraph (6).

(6) The number of years for which a member to whom paragraph (5) applies is treated as having received assumed pensionable pay for the purposes of paragraph (1)(a) or (2)(a) shall not exceed—

- (a) the number of years at the date of the initial ill-health retirement up to the member's normal pension age at that time, less
 - (b) a quarter of the number of years calculated in accordance with sub-paragraph (a), less
 - (c) the number of years during which the member has been an active member of the Scheme after the initial ill-health retirement.
- (7) For the purposes of this regulation—
- (a) in calculating assumed pensionable pay in accordance with regulation 23(4) (assumed pensionable pay), account is only taken of any reduction in the pensionable pay the member received if an IRMP has certified that the member was working reduced contractual hours as a consequence of ill-health or infirmity of mind or body; and
 - (b) no adjustment is to be made to any sum by virtue of regulation 23(6) (assumed pensionable pay, adjustments) for any period after the date of termination of employment under regulation 36 (early payment of retirement pension on ill-health grounds: active members).