
STATUTORY RULES OF NORTHERN IRELAND

1992 No. 547

**Local Government (Superannuation)
Regulations (Northern Ireland) 1992**

PART B

PENSIONABLE EMPLOYMENT

Pensionable employees

B1.—(1) Paragraphs (2) to (4) have effect subject to paragraphs (5) to (8) and regulations B2 to B4.

(2) A whole-time officer of a body described in Part I of Schedule 2 (“a scheduled body”) is a pensionable employee.

(3) A whole-time manual worker employed by a scheduled body is a pensionable employee if he—

- (a) has completed 12 months' continuous employment with that body in which the contractual hours were 15 or more; or
- (b) without having received a return of the whole of his contributions, entered or re-entered employment with that body after having been in other local government employment; or
- (c) satisfies the requirements of Part II of Schedule 2.

(4) A variable-time employee of a scheduled body who is also a pensionable employee in a whole-time or part-time employment with any such body—

- (a) is a pensionable employee in the variable-time employment; and
- (b) if he ceases to hold the whole-time or part-time employment, remains a pensionable employee while he continues in the variable-time employment.

(5) Part III of Schedule 2 has effect for determining whether in a part-time employment in which he is not already a pensionable employee by virtue of paragraphs (2) to (4) an employee of a scheduled body is for the time being a pensionable employee.

(6) A scheduled body may resolve that a person who falls within paragraph (2), (3), (4) or (5) shall not become a pensionable employee by virtue of an election under regulations B2 or B4 unless he has undergone a medical examination to their satisfaction; and a resolution under this paragraph may apply to any specified person or to any specified class of persons.

(7) A scheduled body may resolve that a variable-time employee who is not also in their whole-time employment may become a pensionable employee.

(8) Notwithstanding anything in paragraphs (2) to (5), the following are not pensionable employees:

- (a) an existing officer, unless he exercised the option conferred by regulation 23 of the 1950 regulations or the corresponding provision of the Belfast Corporation Superannuation Scheme;

- (b) any member of the fire brigade as defined in Article 2(2) of the Fire Services (Northern Ireland) Order 1984(1);
- (c) any officer in the employment of the Fire Authority of Northern Ireland who was employed by the Northern Ireland Fire Authority immediately before 1st May 1954, and who did not exercise the option available to him under the relevant proviso to regulation 3(1) of the 1950 regulations to avail himself of the benefits of those regulations;
- (d) a person who has not attained the age of 18 years;
- (e) a person who has attained the age of 65 years and has completed not less than 45 years' reckonable service;
- (f) any other person who has attained the age of 65 years, unless—
 - (i) there has become payable to him a pension which is liable to be reduced or suspended under regulation E13 or an ill-health retirement grant under regulation E4; or
 - (ii) under any enactment he has received or is entitled to receive compensation for loss of employment or loss or diminution of emoluments attributable to the provisions of an enactment, and the compensation is liable to be reduced or suspended, in consequence of his taking up employment with a scheduled body, in the like manner and to the like extent as it would have been if he had remained subject to the pension scheme to which he was subject immediately before suffering the loss;
- (g) a person who has attained the age of 70 years;
- (h) any person in contributory service within the meaning of the Teachers (Superannuation) Act (Northern Ireland) 1950(2); and
- (i) any person who as a member of staff of the University of Ulster is eligible to participate in a superannuation scheme operated under the Federated Superannuation System for Universities.

Opting into pensionable employment

B2.—(1) Notwithstanding anything in regulation B1 or Part III of Schedule 2, a person who was not a pensionable employee on 5th April 1988 shall not after that date become a pensionable employee unless he makes an election to become such.

(2) An election under paragraph (1) shall be made by notice given in writing to the body which is to become the person's employing authority.

(3) Subject to paragraph (4), if a person gives notice of election at least one month before the date on which he commences his employment with the employing authority or such lesser period before that date as the authority allows, the election shall have effect from that date unless the notice specifies otherwise and in any other case (whether the notice is given before or after the commencement of employment) it shall have effect from the day following the end of the relevant period, or such later date as may be specified in the notice.

(4) In an exempt case, the body to which notice of election is given may give notice to the person electing that he is not to become a pensionable employee; and a case is an exempt case for these purposes if that person—

- (a) has attained or would, on or by the date on which he would otherwise become a pensionable employee pursuant to the election, have attained the age of 50 years; and
- (b) was first employed by that body before he attained that age.

(5) A notice of election shall have effect—

(1) S.I. 1984/1821 (N.I. 11)
 (2) 1950 c. 33 (N.I.)

- (a) subject to any subsequent notification under regulation B3; and
- (b) both in relation to the employment with the body which is to become the person's employing authority and in relation to any subsequent employment under which the person may become a pensionable employee.

(6) In paragraph (3), "the relevant period" means the period of service to which the person's payment of wages or salary due from the employing authority next after the day on which the notice of election is given relates.

Opting out of pensionable employment

B3.—(1) A pensionable employee may at any time notify his employing authority in writing that he does not wish to be such for the purposes of these regulations.

(2) Subject to paragraph (3), a person giving a notification under paragraph (1) shall cease to be a pensionable employee from the day following the end of the relevant period, or such later date as may be specified in the notification.

(3) In a case where the person was a pensionable employee on 5th April 1988 and the notification is given before 6th July 1988, he shall be treated as having ceased to be a pensionable employee on 6th April 1988 or such later date as may be specified in the notification.

(4) A person giving a notification under paragraph (1) shall not again become a pensionable employee in that or another employment unless he makes an election in accordance with regulation B4.

(5) Any contributions paid with respect to a period during which a person is to be treated by virtue of a notification under paragraph (1) as not having been a pensionable employee shall be returned to him.

(6) In paragraph (2), "the relevant period" means the period of service to which the person's payment of wages or salary due from the employing authority next after the day on which the notification under paragraph (1) is given relates, or the period of 2 months beginning on that day, whichever ends the sooner.

Rejoining pensionable employment

B4.—(1) A person who would be or become a pensionable employee in accordance with these regulations but for a notification under regulation B3 may, notwithstanding the giving of that notification but subject to paragraphs (3) and (4), subsequently elect so to become a pensionable employee.

(2) An election under paragraph (1) shall be made by notice given in writing to the body which is to become the person's employing authority.

(3) A person who has made an election under paragraph (1) and who subsequently gives another notification under regulation B3(1) may, subject to paragraph (4), make no further election under paragraph (1).

(4) Notwithstanding paragraph (3), a person may elect under paragraph (1) whenever he begins employment which might fall within regulation B1 with a different employing authority, provided the notice of election is given to that employing authority before or within the period of 3 months beginning with the day on which he begins that employment.

(5) Regulation B2(3) to (6) shall apply to an election under paragraph (1) as it applies to an election under regulation B2(1).

Power to admit employees of other bodies

B5.—(1) Subject to paragraphs (3) to (8), the Committee may make an agreement (“an admission agreement”) with any body specified in paragraph (10) providing for employees of that body (“the admitted body”) to participate in the benefits of the fund.

(2) In relation to an employee participating in the benefits of the fund by virtue of an admission agreement (“an admitted employee”) these regulations have effect as if he were a pensionable employee and the admitted body were a scheduled body.

(3) The terms and conditions of any agreement made under this regulation shall include provision that any question which may arise between the Committee and the body concerned relating to the construction of the agreement or to the rights and obligations thereunder of either party shall be determined by the Department and such determination shall be final.

(4) Subject to paragraph (5), an admission agreement may provide for members of a specified class or classes of employees of the admitted body to become admitted employees.

(5) An admission agreement may not provide for any person who—

(a) has not attained the age of 18 years; or

(b) has attained the age of 65 years and does not fall within regulation B1(8)(f),

to become an admitted employee, or for any part-time employee to become an admitted employee otherwise than as provided in Part III of Schedule 2 which shall, in relation to a part-time employee to whom the agreement applies, be taken to apply as if the admitted body were a scheduled body described in Part I of Schedule 2.

(6) Without prejudice to paragraph (2), regulations B2 to B4 shall, without further provision, be taken to apply to any employee to whom an admission agreement relates and in particular as if references to a pensionable employee included references to a person contributing to the fund by virtue of the agreement and references to regulation B1 included references to the agreement.

(7) Except as provided in paragraph (8), an admission agreement may not modify the application of these regulations to any admitted employee so that he has any greater or lesser rights or liabilities than those he would have had if he had become a pensionable employee by virtue of regulation B1.

(8) An admission agreement may provide that any previous period of employment of an admitted employee by the admitted body is to be reckonable as reckonable service to such extent as may be specified in the agreement.

(9) On making an admission agreement the Committee shall forthwith inform the Department of the name of the admitted body and the date from which the agreement takes effect.

(10) The bodies mentioned in paragraph (1) are—

(a) a body representative of local authorities or of local authorities and officers of local authorities or a body representative of officers of local authorities formed for the purpose of consultation as to the common interest of those authorities and the discussion of matters relating to local government;

(b) statutory undertakers;

(c) non-statutory undertakers;

(d) a body which provides a public service in Northern Ireland otherwise than for the purposes of gain or to whose funds any district council contribute or to whom any monies are payable from monies appropriated by Measure; and

(e) the managers of a voluntary school within the meaning of Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(3).

(11) In this regulation—

“statutory undertakers” means a body authorised by any statutory provision to carry on—

- (a) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier, lighthouse or airport undertaking; or
- (b) any undertaking for the supply of electricity, gas or hydraulic power; or
- (c) any undertaking for the promotion of industrial development or the promotion of the development of tourist traffic;

“non-statutory undertakers” means a body who, though not authorised by any statutory provision to do so, are primarily engaged in carrying on—

- (a) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier, lighthouse or airport undertaking; or
- (b) any undertaking for the supply of electricity, gas or hydraulic power; or
- (c) any undertaking for the promotion of industrial development or the promotion of the development of tourist traffic.

(12) Any agreement made under, or continued in force by, regulation 13 of the 1981 regulations shall continue in force as if it were an agreement made under this regulation, notwithstanding the revocation of those regulations by regulation S3.

Treatment of certain additional duties

B6. For the purposes of these regulations, a clerk of a district council who performs functions under Article 9(2) (conduct of elections) of the Electoral Law (Northern Ireland) Order 1972⁽⁴⁾ shall, in relation to those functions, be treated as if he were employed by that council and any fees paid to him in connection with those functions shall be treated as remuneration paid to him by that council.

Treatment of certain separate employments

B7. Where a person holds two or more separate employments under one scheduled body, these regulations apply in relation to each of those employments as if the other or others were held by him under another scheduled body.

Deemed employments

B8. In these regulations, references to employees of a scheduled body shall be construed as including references to persons who are deemed for the purposes of these regulations to be in the employment of a scheduled body and other provisions relating to employment by or under a scheduled body shall be construed accordingly.

(4) [S.I. 1972/1264 \(N.I. 13\)](#) as amended by the Local Government (Postponement of Elections and Reorganisation) (Northern Ireland) Order 1972 ([S.I. 1972/1998 \(N.I. 21\)](#))