
STATUTORY RULES OF NORTHERN IRELAND

1992 No. 547

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

PART J

INTERCHANGE, ETC.

Inward transfers

J8.—(1) Subject to paragraphs (5) and (6), a transfer value offered to the Committee by the scheme managers of a persons previous non-local government scheme shall be accepted by them and shall, together with the amount of any limited revaluation premium under Article 47 of the Pensions Order repaid to the Committee by the Department of Health and Social Services, be credited to the fund if the conditions specified in paragraph (3) are satisfied.

(2) This regulation applies even if the cessation of the non-local government employment, or the commencement of the local government employment, or both the cessation and commencement, occurred before 1st March 1993.

(3) The conditions are that—

- (a) except where the transfer value is offered as mentioned in paragraph (5)(a) and is in respect of such a period as is mentioned in paragraph (5)(b), or relates only to service reckonable under the war service provisions of a public service scheme, he has made a written request to the Committee for the transfer value to be accepted; and
 - (b) subject to paragraph (4), the request was made not later than 6 months after 1st March 1993 or, if later, 6 months after the date on which he became employed in his local government employment; and
 - (c) the transfer value is not offered on conditions which are inconsistent with the provisions of these regulations; and
 - (d) except in the case of a person who became employed in his local government employment on or after 26th August 1977 and who ceased to be employed in his non-local government employment on or after 31st March 1972, the Committee have consented to the transfer value being accepted; and
 - (e) in the case of a person who became employed in his local government employment before 31st March 1972, he was employed in local government employment on that date.
- (4) The Committee may in any particular case extend the period mentioned in paragraph (3)(b).
- (5) A transfer value which—
- (a) is offered by the scheme managers of a public service scheme in relation to a person in relation to whom a transfer value was accepted and received before 1st April 1978; and
 - (b) is in respect of a period which could if he had not ceased to be employed in his non-local government employment have become reckonable under the war service provisions of the scheme,

shall not be accepted unless it is one calculated in accordance with Part V of Schedule 16.

- (6) A transfer value under paragraph (1) shall not be accepted in relation to a person if—
- (a) his non-local government employment was contracted-out employment for the purposes of the Pensions Order; and
 - (b) his non-local government scheme was not a statutory scheme or a scheme which is to be treated for the purposes of Schedule 17 as being a statutory scheme; and
 - (c) the transfer value would not secure a resultant pension at least equal to—
 - (i) the annual equivalent of his guaranteed minimum in respect of service to which the transfer value relates; and
 - (ii) where equivalent pension benefits were, but would not remain, assured by his non-local government scheme, the annual rate of those benefits.
- (7) A person's resultant pension shall be calculated in accordance with the formula:

$$R = \frac{N}{80} \times S$$

where—

R is the annual amount of the resultant pension;

N is the reckonable service (expressed in years and fractions of a year) which would, apart from paragraph (5), be credited to him under regulation J9(1)(a) if the transfer value were to be accepted by the Committee;

S is the annual rate of his remuneration on becoming employed in his local government employment (if he is paid weekly, the annual rate shall be calculated by multiplying the weekly rate by 52.18).

- (8) A person's guaranteed minimum shall be calculated in accordance with Article 37 of the Pensions Order (except that paragraphs (7) and (8) shall be ignored) by reference to the regulations applying in relation to that Article and the orders in force under Article 23 of that Order, when he becomes employed in his local government employment, and the annual equivalent shall be calculated by multiplying the guaranteed minimum by 52.18.