
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 177

**Local Government Pension Scheme
Regulations (Northern Ireland) 2000**

Part D

Retirement Benefits

Entitlement to deferred benefits: (“preserved benefits”)

Entitlement to deferred retirement benefits (“preserved benefits”)

D11.—(1) If a member who ceases to hold a local government employment, is not entitled under regulation D5, D6, D7 or D9 to retirement benefits which are payable immediately on his ceasing to hold that employment, has a statutory pension entitlement, then, subject to regulation D13, he becomes entitled in relation to that employment to a standard retirement pension and a standard retirement grant payable from the appropriate date; and in these regulations benefits to which a person becomes entitled under this paragraph and which have not yet become payable are called “preserved benefits”.

(2) For the purposes of paragraph (1) “the appropriate date”, in relation to any person, is his 65th birthday or, if earlier, the earliest of the following—

- (a) his NRD;
- (b) any date on which he becomes permanently incapable, by reason of ill-health or infirmity of mind or body, of discharging efficiently the duties of the employment he has ceased to hold;
- (c) any date after he has attained the age of 50 years from which the employing authority, with the agreement of the Committee, determines on compassionate grounds that the benefits are to become payable;
- (d) in the case of a person who has attained the age of 60 years and has completed 10 years' membership provided that he was a contributory employee before 1st April 1972, that birthday; and
- (e) in the case of a person who has attained the age of 60 years, has ceased to be employed in local government employment and has duly elected to receive payment from the relevant date, that date.

(3) An election under paragraph (2)(e) shall be made by notice in writing to the Committee given within the period of three months beginning with the relevant date.

(4) In this regulation “relevant date”, in relation to any person, means—

- (a) the date on which he attains the age of 60; or
- (b) if later, the date of his ceasing to be employed in local government employment.

Further provisions about preserved benefits

D12.—(1) A person who is entitled to preserved benefits under regulation D11(1) ceases to be entitled to them—

- (a) if—
 - (i) the whole of the aggregate amount of his contributions to the fund has been returned to him (with or without interest) under regulation C21 or regulation C15 of the 1992 regulations or regulation 16 of the 1981 regulations, and
 - (ii) after receiving the return of contributions, he has no further right to count any period of membership to which a transfer value accepted under regulation K14 or regulation J8 of the 1992 regulations or regulation 69 of the 1981 regulations relates,
- (b) if rights in respect of the period of membership he was entitled to count in relation to the employment he ceased to hold have been transferred to a non-local government scheme, a personal pension scheme, a self-employed pension arrangement, a retirement annuity contract or an appropriate policy by virtue of the payment of a transfer value,
- (c) if he re-enters local government employment (unless he elects to remain entitled to those benefits), or
- (d) if the body which employed him in the employment which he ceased to hold certifies under paragraph 4 of Schedule D1 that on ceasing to hold it he suffered a material reduction in remuneration.

(2) An election by a person for the purposes of paragraph (1)(c) shall be made by giving notice in writing to the Committee—

- (a) before the expiry of the period of three months beginning with the date on which he re-enters local government employment, or
- (b) such longer period as the Committee may allow.