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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 177**

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

**Part M**

Miscellaneous and General Provisions

*Modification in special cases*

**Modifications of regulations in special cases**

**M1.** Schedule M1 has effect for the purposes of modifying these regulations in their application in the cases there mentioned.

*Information and records*

**Information to be supplied by certain employees**

**M2.**—(1) Subject to paragraph (4)—

- (a) within 3 months after a person becomes a member of the Scheme, and
- (b) within 6 months after any change which is material for the purposes of these regulations occurs in or in relation to a person's employment under a LGPS employer in relation to which he is a member of the Scheme,

the LGPS employer shall request the person in writing to provide it with the documents specified in paragraph (2).

(2) The documents mentioned in paragraph (1) are—

- (a) a statement in writing of all the person's previous periods of employment whether by a LGPS employer or by any other employer; and
- (b) copies of all notifications previously given to him under these regulations, or the former regulations.

(3) A request under paragraph (1) shall include a conspicuous statement—

- (a) directing the member's attention to the importance of his providing full and accurate information, and
- (b) warning him that any omission or inaccuracy may prejudice the ascertainment of his rights under these regulations.

(4) Paragraph (1) does not apply if the LGPS employer is satisfied that it, or the Committee, already has a complete and accurate record of any previous service or employment which is material for the purposes of these regulations.

### **Records to be kept by employing authorities and the Committee**

- M3.**—(1) A LGPS employer is to keep, in such form as it thinks fit, a record of—
- (a) the name of, and
  - (b) all its decisions under regulation J2(1) in relation to,
- each of its employees who is a member, or a prospective member.
- (2) The Committee is to keep, in such form as it thinks fit, a record of—
- (a) the name of, and
  - (b) all its decisions under regulation J2(2) in relation to,
- every member.
- (3) In this Part, “prospective member” has the same meaning as in regulation J11.

### **Transmission of documents and information**

- M4.**—(1) A LGPS employer other than the Committee is to send to the Committee, as soon as is reasonably practicable—
- (a) copies of all documents provided under regulation M2,
  - (b) copies of all notifications of decisions made under regulation J2(1), and
  - (c) such other documents and information as the Committee may reasonably require for the purpose of discharging its functions under these regulations.
- (2) A LGPS employer other than the Committee—
- (a) on receiving from a member or former member notice of his intended retirement, or
  - (b) on giving an employee who is a member or former member notice to terminate his employment in circumstances in which he may become entitled to a return of contributions or to a benefit payable out of the fund, or
  - (c) on becoming aware of any other circumstances which may necessitate any payment out of the fund,
- shall, as soon as is reasonably practicable—
- (i) inform the Committee of the notice or, as the case may be, other circumstances,
  - (ii) send it particulars of the member’s or former member’s remuneration during the period that is relevant to a decision on the amount of the benefit that may become payable to or in respect of him, and
  - (iii) send it a copy of any relevant medical or death certificate and of any certificate issued by the body under paragraph 4 of Schedule D1 (reduction in remuneration).
- (3) When the Committee notifies a person who is not in its employment of a decision under regulation J2(2), it shall send a copy of the notification to the body, if any, which is the employing authority in relation to that person.

### ***Supplementary provisions***

#### **Right to opt out**

- M5.**—(1) Where—
- (a) apart from this regulation, any provision of these regulations, which re-enacts with any modification any provision revoked by these regulations, would place any person to whom

a relevant benefit is or may become payable in a worse position in relation to that benefit than that he would have been in if that modification had not been made, and

- (b) that person so elects, by notice in writing given to the Committee within the period of six months beginning with the commencement date,

then, subject to paragraph (3), these regulations shall have effect, in relation to him and to that benefit, as if these regulations had re-enacted the revoked provision without modification.

- (2) In this regulation—

“relevant benefit” means a benefit payable to, or in respect of, a person who before the commencement date—

- (a) ceased to hold an employment in respect of which he was a member (whether or not he has subsequently become a member again); or
- (b) died while in such employment; and

“benefit” includes a return of contributions and any pension payable to a widow, widower or any dependant by virtue of a surrender.

- (3) If an election under paragraph (1) is made in relation to a benefit in respect of a person who is a member, or subsequently becomes a member again—

- (a) the election shall have effect in relation to the benefit only to the extent that it accrues or has accrued by virtue—

- (i) of periods of membership before the cessation referred to in paragraph (2)(a) (or, if there has been more than one such cessation, the last of them before the commencement date); or

- (ii) of contributions paid in respect of such periods of membership; and

- (b) in determining entitlement to, or the amount of, the benefit to that extent, he shall be treated as if he had never become a member again at any time after the cessation referred to in paragraph (2)(a) (but without prejudice to the application of this paragraph);

and these regulations shall have effect accordingly.

### **Transitional and transitory provisions**

**M6.** Schedule M2 has effect for the purpose of making transitional provision and savings consequential on the making of these regulations.

### **Revocations**

**M7.** The subordinate legislation specified in Schedule M3 is revoked to the extent specified in the third column (but subject to the provisions in Schedule C5 and the savings in Schedule M2).

### **Consequential amendments**

**M8.** The subordinate legislation specified in Schedule M4 has effect subject to the amendments there specified (which are consequential on the making of these regulations).