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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 B**

**Membership**

***Eligibility***

**Restrictions by reference to working hours: “part-time” and “variable-time” employees**

**B3.**—(1) If an employee is in two or more employments under a single LGPS employer, he is eligible to be a member of the Scheme in respect of all (but not less than all) of the employments.

(2) A person who is a variable-time employee of a LGPS employer is only eligible to be a member of the Scheme in respect of that employment if—

- (a) he is a member of the Scheme also in respect of whole-time or part-time employment with a LGPS employer who is so specified; or
- (b) having been such a member at the same time as being a member in respect of his variable-time employment, he has ceased to hold the whole-time or part-time employment; or
- (c) he is not also in the whole-time or part-time employment of a LGPS employer and his employer has by a statutory resolution—
  - (i) specified him as being so eligible, or
  - (ii) specified a class of employees to which he belongs as being so eligible.

(3) For the purposes of these regulations—

- (a) an employee is a variable-time employee if in accordance with his terms of office or contract of employment he is to be treated as such for the purposes of the Scheme and either—
  - (i) his remuneration is calculated by reference to his obligations in his employment (rather than necessarily by reference to the number of hours he has worked), or
  - (ii) he holds an office or employment the functions of which are only exercisable on an occasional basis;
- (b) an employee is a whole-time employee if his contractual hours are not less than the number of hours which, in accordance with his terms of employment, is the number of contractual hours for a person employed in that employment on a whole-time basis; and
- (c) an employee is a part-time employee if he is neither a whole-time employee nor a variable-time employee.

(4) In these regulations—

“the contractual hours” means—

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (i) the number of hours the employing authority is entitled to require the employee to work in each of the contractual weeks, or
- (ii) if there is any cyclical variation in those hours, the average of those hours over the cycle; or
- (iii) if there is any variation in those hours which is not cyclical, the average of those hours over the weeks in such period (not exceeding 12 months) as the employing authority considers appropriate, being a period for which, assuming that there will be no unpaid leave of absence, a wage or salary is payable to the employee; and

“the contractual weeks” means the number of weeks in every period of 12 months for which (on that assumption) a wage or salary is payable to the employee.