
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 279

**The Local Government (Discretionary
Payments) Regulations (Northern Ireland) 2001**

Part VI

Miscellaneous and Supplementary

Decisions and Appeals

Decisions

38.—(1) Any question concerning the rights of any person or his eligibility to be considered for any award under Part V shall be decided in the first instance by the relevant LGPS employer, that is to say the LGPS employer which last employed the person in respect of whose employment the question arises; and any question arising under regulation 32(2)(c) as to the identity of the employer to which the person would have been transferred shall be determined by the Department.

(2) A decision by the relevant employer does not bind any other LGPS employer or the Department.

(3) The questions specified in paragraph (1) shall be decided as soon as is reasonably practicable after the occurrence of the last event by virtue of which the award may be payable.

(4) A body which has decided any question under this regulation shall, as soon as is reasonably practicable after doing so, send a written notification of its decision to every person affected by it.

(5) The notification shall include—

- (a) the grounds for the decision; and
- (b) a conspicuous statement directing the person's attention to his right under that paragraph to appeal to the county court under regulation 39(1).

Appeals

39.—(1) Where the relevant employer has decided or failed to decide any such question as is mentioned in regulation 38(1) that question shall be determined by the county court having jurisdiction in the division in which such person as is mentioned in regulation 38(1) is employed or was last employed or, where such person is employed or was last employed in two or more divisions, in one of those divisions.

(2) The county court shall not determine any question that fell to be decided by the relevant employer in the exercise of a discretion conferred by Part V of these Regulations.

Supplemental

Finance

40. The cost of any payment to be made under these Regulations is not to be met out of the fund.

Transitional provisions

41. Schedule 3 shall have effect for the purpose of making transitional provisions and savings.

Revocations

42.—(1) The subordinate legislation specified in Schedule 4 is revoked to the extent specified in the third column (but subject to the savings in Schedule 3).

(2) Nothing in Schedule 4 affects any savings contained in Schedule M1 to the LGPS Regulations.