

2001 No. 63

LOCAL GOVERNMENT

**Local Government Pension Scheme (Amendment) Regulations
(Northern Ireland) 2001**

Made 16th February 2001

Coming into operation 2nd April 2001

The Department of the Environment, in exercise of the powers conferred by Articles 9 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(a) and now vested in it(b), and of every other power enabling it in that behalf and after consultation with the Association of Local Authorities of Northern Ireland, the Northern Ireland Local Government Officers' Superannuation Committee and such representatives of other persons likely to be affected by the regulations as appeared to it to be appropriate, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 2nd April 2001 and except as provided in paragraph (2) shall have effect from that date.

(2) Regulations 4 to 9 shall have effect as from 1st December 2000.

Amendment of Regulations

2. The Local Government Pension Scheme Regulations (Northern Ireland) 2000(c) shall be amended in accordance with regulations 3 to 9.

Age restrictions

3. In regulation B2 paragraphs (2) and (3) shall be omitted.

Death grant: pensioners with 10 years' or more membership

4. Regulation E3 shall be revoked.

(a) S.I. 1972/1073 (N.I. 10); Article 14 was amended by Article 12 of the Pensions (Miscellaneous Provisions) (Northern Ireland) Order 1990 (S.I. 1990/1509 (N.I. 13))
(b) S.R. & O. (N.I.) 1973 No. 504 Article 7(1); S.I. 1976/424 (N.I. 6)
(c) S.R. 2000 No. 177

Death grant: pensioners with less than 10 years' membership

5. For regulation E4 substitute—

“Death grant: pensioners

E4.—(1) If at the time of his death a person—

(a) was entitled to receive payments in respect of a retirement pension (excluding a pension to which he would not be entitled apart from regulation D16 or D18), or

(b) would have been so entitled but for the operation of Schedule D5 (re-employed pensioners),

there shall be paid a lump sum death grant in accordance with regulation E8.

(2) The amount of the death grant payable under paragraph (1) is an amount equal to the total amount that would (or would but for Schedule D5 (re-employed pensioners) or his death, or both) have been paid to him by way of retirement pension for the first 5 years after he became (or would but for Schedule D5 have become) entitled to receive payments in respect of the pension, reduced by the total of any payments made to him in respect of the pension.”.

Surviving spouse deductions from certain death grants

6. In regulation E5(1)(a) the word “or” shall be inserted in place of the comma between “E1, E2” and the words “or E3(2)” shall be omitted.

Part-timers' pensionable remuneration

7. In regulation E7 the words “, E3(2)(a) or (3)(b) or E4(2)(ii)” shall be omitted.

Nomination of beneficiary of death grant

8. In regulation E8—

(a) in paragraph (1) the words “E3(1)” shall be omitted;

(b) in paragraph (6)(a) the words “E3(1)” shall be omitted.

Commutation: exceptional circumstances of ill-health

9. In regulation H6(1) the words “E3 or” shall be omitted.

Sealed with the Official Seal of the Department of the Environment on 16th February 2001.

(L.S.)

Sam Foster
Minister for the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Pension Scheme Regulations (Northern Ireland) 2000 (“the principal Regulations”).

Regulation 3 removes an age restriction whereby a person aged 50 or more can be refused membership of the Scheme by his employer if he had been previously employed by that employer but despite being eligible had elected not to become or to cease being a member of the Scheme.

Regulation 4 revokes regulation E3 of the principal Regulations which specified the death grant to be paid in respect of pensioners with 10 years’ or more membership of the Scheme.

Regulation 5 substitutes a new regulation E4 in the principal Regulations which specifies that if any pensioner dies within five years of his retirement pension becoming payable a death grant equal to five years’ pension less the pension already paid is payable.

Regulations 6, 7, 8 and 9 make minor consequential amendments.

Regulations 4 to 9 will have effect from 1st December 2000. This will mean in effect that for pensioners who die on or after 1st December 2000 there is a standardised death grant regardless of whether they have 10 years’ or more membership or less than 10 years’ membership.

Article 14 of the Superannuation (Northern Ireland) Order 1972 confers express powers to make regulations retrospective in effect.

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