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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 352**

**Local Government Pension Scheme  
Regulations (Northern Ireland) 2002**

**PART V**

**SPECIAL CASES**

**CHAPTER II**

*CONVERSION OF DISCRETIONARY PAYMENTS  
REGULATIONS PERIODS INTO MEMBERSHIP*

**Conversion of periods credited under Discretionary Payments Regulations etc. into membership**

**130.**—(1) Where, apart from paragraph (9) of regulation 54, an employing authority could pass a resolution under that regulation to increase a person's total membership, it may resolve that his total membership be increased by the whole or part of the period credited to him as mentioned in that paragraph.

(2) Where –

- (a) any person has been credited by an employer (“the transferor employer”) under any scheme, the terms of which correspond to Part III of the Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001<sup>(1)</sup> with a period of service in respect of a former employment;
- (b) the transferor employer's liability in respect of payments falling due to that person as respects that credited period has been transferred to an employing authority;
- (c) apart from paragraph (9) of regulation 54, if –
  - (i) the person's employment with the transferor employer had been employment with the employing authority, and
  - (ii) any actions taken by the transferor employer under the scheme mentioned in subparagraph (a) had been taken by that authority,

that authority could pass a resolution under regulation 54 to increase his total membership, it may resolve that his total membership be increased by the whole or part of the period credited to him.

(3) The additional period must not exceed the period which would be the maximum additional period under regulation 54 if –

- (a) a resolution under that regulation could be passed in relation to him; and
- (b) the period of 10 years were substituted for the period of 6 243/365 years in paragraph (2) (d) of that regulation.

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(1) S.R. 2001 No. 279

- (4) The additional period may only be counted as a period of membership if –
- (a) the employing authority and the Committee agree that the employing authority will pay increased contributions under regulation 79 to meet the cost of the increase in membership; or
  - (b) the employing authority makes the payment which is required by regulation 80(2) within the period specified in that regulation,

but it may be so counted as from the date from which the resolution has effect.

(5) If the employing authority fails to pay those increased contributions or make that payment, the resolution shall cease to have effect.

(6) Where the resolution has effect, the period credited as mentioned in regulation 54(9) is reduced or extinguished accordingly (but without prejudice to any payments which have fallen due or have been made before that date).

(7) No resolution may be passed under this regulation, the result of which would be to place any individual in a worse position than he would otherwise be.

(8) If the person was credited as mentioned in regulation 54(9) on or after the commencement date, this regulation only applies if –

- (a) the employing authority is an authority which has reasonable grounds to believe that it will cease to exist as a result of a provision made by or under an enactment; or
- (b) the employing authority has ceased to exist as a result of any such provision;

and where sub-paragraph (b) applies “employing authority” includes the body to which the former employing authority’s functions as respects the former employee in question have been transferred in connection with its cessation.