
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 352

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

PART IV

ADMINISTRATION

CHAPTER IV

DETERMINATIONS, INFORMATION AND RECORDS

Initial determinations of questions

Decisions as to status of employees and decisions as to benefits

99.—(1) The employing authority shall decide in relation to each of its employees who is a member –

- (a) whether he is an officer or a manual worker;
 - (b) whether he is whole-time, a variable-time or a part-time employee, or whether his employment is of a casual nature;
 - (c) which of his emoluments are remuneration on which contributions are payable; and
 - (d) if he is a part-time employee the proportion which his contractual minimum hours of employment in each week bear to those of a comparable whole-time employment.
- (2) In relation to any employment in which a person is a member, the Committee is to decide –
- (a) what previous service or employment (if any) he is entitled to count as a period of membership;
 - (b) whether any, and if so what, periods of service as a part-time employee are included in such a period;
 - (c) what proportion of whole-time service his service during any such period represents;
 - (d) whether a payment in lieu of contributions has been made or equivalent pension benefits have been assured under Part III of the Insurance Act in respect of any period of non-participating employment;
 - (e) what rate of contribution the employee is liable to pay to the fund;
 - (f) whether he is entitled to count as a period of membership –
 - (i) any, and if so how many, added years, or
 - (ii) any, and if so what, additional period; and
 - (g) whether for the purposes of Schedule 4 he is a Class A member, a Class B member or a Class C member (within the meaning of that Schedule).

(3) The questions specified in paragraph (1) shall be decided as soon as is reasonably practicable after –

- (a) the person becomes a member; or
- (b) any change occurs in the number of the member’s regular or usual hours of employment; or
- (c) any other material change occurs in or in relation to the employment.

(4) The questions specified in paragraph (2) shall be decided as soon as is reasonably practicable after the person becomes a member of the Scheme in respect of the relevant employment.

(5) Any question as to whether a person is entitled to a benefit under these Regulations is to be decided by the Committee.

(6) Where a person is or may become entitled to a benefit payable out of the fund, the Committee shall decide the amount of the benefit.

(7) The decision under paragraph (5) shall be made as soon as is reasonably practicable after the cessation of the employment or, as the case may be, the death of the employee and that under paragraph (6) as soon as is reasonably practicable after the occurrence of the event by virtue of which the entitlement arises or may arise.

(8) In this regulation “benefit” includes a return of contributions and a benefit specified in regulation F6(11) or (14) of the 1992 Regulations and Part N of the 2000 Regulations.