

SCHEDULE 4

Regulations 2(1) and 21

MINOR AND CONSEQUENTIAL AMENDMENTS

**The Local Government (Superannuation) (Milk Marketing Board for Northern Ireland) Regulations (Northern Ireland) 1997**

1. The Local Government (Superannuation) (Milk Marketing Board for Northern Ireland) Regulations (Northern Ireland) 1997 shall be amended as provided by paragraphs 2 and 3.
2. In regulation 1(2)–
  - (a) in the definition of “admitted employee” for “regulation B6(15)” substitute “regulation 4(15)”; and
  - (b) in the definition of “the principal Regulations” for “the Local Government Pension Scheme Regulations (Northern Ireland) 2000” substitute “the Local Government Pension Scheme Regulations (Northern Ireland) 2002”.
3. In regulation 2 for “regulation B6(3)” substitute “regulation 4(3)” and for “regulation B6” substitute “regulation 4”.

**The Local Government Pension Scheme Regulations (Northern Ireland) 2000**

4. The 2000 Regulations(1) shall be amended as provided by paragraphs 5 to 22.
5. In regulation D8(4) after the words “regulation J3 (decisions as to benefits)” insert the words “or regulation 98 of the 2002 Regulations (first instance decisions)”.
6. In regulation D12–
  - (a) in paragraph (1)(a)(i) after the words “regulation C21” insert the words “or regulation 88 of the 2002 Regulations”; and
  - (b) in paragraph (1)(a)(ii) after the words “regulation K14” insert the words “or regulation 124 of the 2002 Regulations”.
7. At the end of regulation D15 insert the words “or, as the case may be, the corresponding provisions of the 2002 Regulations (in accordance with Schedule 2 to the Transitional Regulations)”.
8. In regulation D16(10)–
  - (a) after the words “these regulations” insert the words “or the 2002 Regulations or the Transitional Regulations”;
  - (b) at the end of sub-paragraph (a) insert the words “or regulation 112 or 113 of the 2002 Regulations (abatement) or any provision of the Transitional Regulations relating to those provisions”;
  - (c) in sub-paragraph (b) after the words “regulation H4” insert the words “or regulation 114 of the 2002 Regulations or regulation 117 of those Regulations (so far as it relates to regulation 114)”; and

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(1) S.R. 2000 No. 177  
; amended by  
S.R. 2001 No. 61  
,  
S.R. 2001 No. 63  
,  
S.R. 2001 No. 64  
and  
S.R. 2002 No. 115

- (d) in sub-paragraph (c) after the words “regulation H5” insert the words “or regulation 51 of the 2002 Regulations.”
9. In regulation D20–
- (a) after the words “Schedule C4 (limitations on contributions and benefits)” insert the words “or, as the case may be, the corresponding provisions of the 2002 Regulations (in accordance with Schedule 2 to the Transitional Regulations)”;
  - (b) for the words “Part H” substitute the words “regulation H2 and regulations 51, 52, 95 to 97 and 114 to 118 of the 2002 Regulations.”
10. In regulation E4(2)–
- (a) in paragraphs (1)(b) and (2), after the words “Schedule D5 (re-employed pensioners)” in both places where they occur, insert the words “or regulation 113 (abatement) of the 2002 Regulations”;
  - (b) in paragraph (2) after the words “Schedule D5” in the second place where they occur, insert the words “or regulation 113 (abatement) of the 2002 Regulations”.
11. In regulation E6 at the end add the words “or, as the case may be, the corresponding provisions of the 2002 Regulations (in accordance with Schedule 2 to the Transitional Regulations)”.
12. In regulation F1(2) after the words “Schedule D5 (re-employed pensioners)” insert the words “or, as the case may be (in accordance with Schedule 2 to the Transitional Regulations), regulation 50(4) of the 2002 Regulations”.
13. In regulation F2(2) after the words “Schedule D5 (re-employed pensioners)” insert the words “or, as the case may be (in accordance with Schedule 2 to the Transitional Regulations), regulation 50 of the 2002 Regulations”.
14. In regulation F4(1)(b) and (2)–
- (a) after the words “regulation H6” insert the words “or, as the case may be, regulation 52 of the 2002 Regulations”;
  - (b) after the words “Schedule D5 (re-employed pensioners)” insert the words “or, as the case may be, regulation 113 (abatement) of the 2002 Regulations”.
15. In regulation F5–
- (a) in paragraph (2) after the words “Schedule D5 (re-employed pensioners)” insert the words “or, as the case may be, regulation 113 (abatement) of the 2002 Regulations”;
  - (b) for paragraph (3)(c) for the words from “regulation H6 or Part I of Schedule D5” substitute “regulation H6 or as the case may be, regulation 52 of the 2002 Regulations or Part 1 of Schedule D5 or, as the case may be, regulation 113 (abatement) of the 2002 Regulations”.
16. At the end of regulation F9 add the words “or, as the case may be, regulation 50 of the 2002 Regulations (in accordance with Schedule 2 to the Transitional Regulations)”.
17. In regulation F10(3)–
- (a) after the words “these regulations” insert the words “or the 2002 Regulations or the Transitional Regulations”;
  - (b) in sub-paragraph (a) after the words “regulation H4” insert the words “or regulation 114 of the 2002 Regulations or regulation 117 of those Regulations (so far as it relates to regulation 114)”;

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(2) Regulation E4 was substituted by  
S.R. 2001 No. 63  
, regulation 5

- (c) in sub-paragraph (b) after the words “regulation H5” insert the words “or regulation 51 of the 2002 Regulations”.
18. In regulation G3(5)(b) after the words “Schedule D5 (re-employed pensioners)” insert the words “or, as the case may be, regulation 113 (abatement) of the 2002 Regulations”.
19. In regulations G6(1)(b) and (3) and G7(1)(b)–
- (a) after the words “regulation H6” insert the words “or, as the case may be, regulation 52 of the 2002 Regulations”; and
- (b) after the words “Schedule D5” insert the words “or, as the case may be, regulation 113 (abatement) of the 2002 Regulations”.
20. In regulation G12 after the words “Schedule D5 (re-employed pensioners)” insert the words “or, as the case may be, regulation 50 of the 2002 Regulations (in accordance with the Transitional Regulations)”.
21. In Schedule A1–
- (a) after the definition of “The 1992 regulations” insert–
- ““The 2002 Regulations” means the Local Government Pension Scheme Regulations (Northern Ireland) 2002;”; and
- (b) after the definition of “The Transitional Provisions Regulations” insert–
- ““The Transitional Regulations” means the Local Government Pension Scheme (Amendment No. 2 and Transitional Provisions) Regulations (Northern Ireland) 2002;”.
22. In paragraph 4 of Schedule B1 after the words “Schedule D5”, wherever they occur, insert the words “or, as the case may be, regulation 31(1) to (8) of the 2002 Regulations”.

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

23. The Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001(3) shall be amended as provided by paragraphs 24 to 43.
24. In regulation 2–
- (a) in paragraph (1)–
- (i) for the definition of “the LGPS Regulations” substitute–
- ““the LGPS Regulations” means the Local Government Pension Scheme Regulations (Northern Ireland) 2002;”;
- (ii) after the definition of “the 1992 Regulations” insert–
- ““the 2000 Regulations” means the Local Government Pension Scheme Regulations (Northern Ireland) 2000;
- “the Transitional Regulations” means the Local Government Pension Scheme (Amendment No. 2 and Transitional Provisions) Regulations (Northern Ireland) 2002;”;
- (iii) after the definition of “LGPS member” insert–
- ““pensionable remuneration” means pay within the meaning of regulation 12 of the LGPS Regulations;”;
- (b) at the end of paragraph (2) add the words “or, if the expression is not defined in those Regulations, in the 2000 Regulations”; and

- (c) in paragraph (3) after the words “1992 Regulations” in both places where they occur, insert the words “or the 2000 Regulations”.
25. In regulation 4–
- (a) in paragraph (1) in the definition of “occupational pension” after the words “LGPS Regulations”, in both places where they occur, insert the words “or the 2000 Regulations”; and
- (b) in paragraph (3) for the words “regulation B5(1)” substitute the words “regulation 129(1)”.
26. In regulation 5(1)–
- (a) in sub-paragraph (b)(i) for the words “regulation D6(2)(a)” substitute the words “regulation 28(1)(b)”;
- (b) for sub-paragraph (e) substitute–
- “(e) on that date the aggregate of–
- (i) his total period of membership, and
- (ii) any periods of superannuable membership (as defined in regulation 9 of the LGPS Regulations) and any increase in membership under regulation 11 of the Transitional Regulations,
- amounts to at least 5 years;”.
27. In regulation 6–
- (a) in paragraph (1)(c)(ii) after the words “regulation B10” insert the words “of the 2000 Regulations or regulation 6”;
- (b) in paragraph (1)(d) after the words “regulation B12” insert the words “of the 2000 Regulations or regulation 7”;
- (c) for paragraphs (2)(c) and (d) substitute–
- “(c) that any election or determination which, on the assumptions mentioned in sub-paragraphs (a) and (b), might have been made with respect to a period of special service under paragraph 2 of Schedule D1 to the 2000 Regulations (optional alternative relevant periods for calculating pensionable remuneration)–
- (i) in the circumstances mentioned in paragraph 3 of Schedule D1 to the 2000 Regulations had been made; and
- (ii) in the circumstances mentioned in paragraph 4 or 5 of Schedule D1 to the 2000 Regulations or regulation 23 or 24 of the LGPS Regulations had not been made; and
- (d) that paragraph 6(b) of Schedule D1 to the 2000 Regulations did not apply with respect to a period of special service.”.
28. In regulation 7(1), for sub-paragraph (c) substitute–
- “(c) the aggregate of his total period of membership and any periods which count as periods of superannuable membership (as defined in regulation 9 of the LGPS Regulations) and any increase in membership under regulation 11 of the Transitional Regulations apply (or, if he is an assumed member, would count or, as the case may be, apply or be awarded apart from a relevant disqualification and on the relevant assumptions); or”.
29. In regulations 8(2) and 9(2)–
- (a) in sub-paragraph (a) for the words from “regulation D6” to “satisfied” substitute the words “regulation 28 of the LGPS Regulations”; and

- (b) in sub-paragraph (b) for the words “regulation D6(2)(a)” substitute the words “regulation 28(1)(b)”.
- 30. In regulation 10–
  - (a) in paragraph (1)(c)(ii) for the words “regulation D6(1)” substitute the words “regulation 28”; and
  - (b) in paragraph (2)(a) for the words “Part D” substitute the words “Part II”.
- 31. In regulation 15–
  - (a) in paragraph (3) for sub-paragraph (a) substitute–
    - “(a) a pension under regulation 26, 28, 29 or 33 of the LPGS Regulations (including a single pension under regulation 31 of those Regulations); or”; and
  - (b) in paragraph (7) for the words from “paragraph 5 of Schedule D5” to the end substitute “no regard shall be had to regulation 113 (abatement) of the LGPS Regulations.”.
- 32. In regulation 16–
  - (a) in paragraph (3) for the words “Part D” substitute the words “Part II”; and
  - (b) in paragraph (4) for the words “paragraph 4(7) of Schedule B1 to” substitute the words “regulation 8(4) of”.
- 33. In regulation 17(4) for the words “regulation D2” substitute the words “regulations 19 and 56”.
- 34. In regulation 18–
  - (a) in paragraphs (1) and (6) for the words “regulation D14” substitute the words “regulation 36”; and
  - (b) in paragraph (3) for the words “regulation D6(2)(a)” substitute the words “regulation 28”.
- 35. In regulation 19–
  - (a) in paragraph (1)(a) for the words “Part F” substitute the words “regulations 42 to 45”; and
  - (b) in paragraph (3) for the words “regulation F6(2)” substitute the words “regulation 44”.
- 36. In regulation 20(2)(b) for the words “regulation D7(1)(b)” substitute the words “regulation 29(1)”.
- 37. In regulation 21(1)(a) and (2)(a) for the words “regulation G4 or G7” substitute the words “regulation 47”.
- 38. In regulation 23(1)(a) and (2)(a) for the words “regulation G3, G5 or G6” substitute the words “regulation 48”.
- 39. In regulation 24–
  - (a) in paragraph (3)(b) for the words “regulation D7(1)(b)” substitute the words “regulation 29(1)”; and
  - (b) in paragraph (5)(b)(i) for the words “regulation G10(1)” substitute the words “regulation 48(11)”.
- 40. In regulation 25(1) and (2) for the words “regulation G11” substitute the words “regulation 49”.
- 41. In regulations 28(2) and 31(6), omit the words “Without prejudice to any statutory provision to the contrary,”.
- 42. In regulation 35–
  - (a) in paragraph (1)(b)–

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- (i) for the words “Part D” substitute the words “Part II”; and
- (ii) for the words “paragraph 4(1) of Schedule D1 to” substitute the words “regulation 24(1) of”; and
- (b) in paragraph (1)(c) for the words “relevant period for the purposes of regulation D1 of” substitute the words “final pay period for”.

43. In paragraph 8 of Schedule 3, for the words from “Parts D” to the end of the paragraph substitute the words “the LPGS Regulations were references to the 2000 Regulations as modified by paragraphs 2 and 3 of Schedule F1 to those Regulations.”.