
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 152

**Local Government Pension Scheme (Amendment)
Regulations (Northern Ireland) 2007**

PART 3

THE 85 YEAR RULE

Normal retirement

49. Regulation 26(3) (normal retirement) shall be deleted.

Other early leavers: deferred retirement benefits and elections for early payment

50. In regulation 33 (other early leavers: deferred retirement benefits and elections for early payment)—

(a) for paragraph (4) there shall be substituted—

“(4) His retirement pension and grant must be reduced by the amounts shown as appropriate in guidance issued by the Government Actuary (but see paragraphs (5) and (6) and regulation 39(5)) (guaranteed minimum pensions).”; and

(b) for paragraph (7) there shall be substituted—

“(7) If a member does not elect for immediate payment under this regulation, he is entitled to receive a pension and grant without reduction payable from his normal retirement date.”.

Re-employed and rejoining deferred members

51. In regulation 34(5)(a) (re-employed and rejoining deferred members) for the words “, 31 and 33(4)” there shall be substituted “and 31”.

Payments to increase total membership

52. For regulation 57(9) (payments to increase total membership) there shall be substituted—

“(9) If a member continues paying additional contributions until his last birthday before his normal retirement date (or if his normal retirement date is his birthday, that date), the whole of the additional period may be counted as part of his total membership.”.

Commencement of pensions

53. Regulation 94(2)(b) (commencement of pensions) shall be deleted.

Right to count a credited period

54. In regulation 125 (right to count a credited period)—

- (a) in paragraph (4) the words from “or, if earlier” to “years or more” shall be deleted; and
- (b) after paragraph (6) there shall be inserted—

“(6A) A credited period arising from a request to accept a transfer value under regulation 124 which is made by a person who was an active member before 1st April 2008 shall be treated as a period of membership before that date.

(6B) A credited period arising from a request to accept a transfer value under regulation 124 which is made by a person who becomes a member after 31st March 2008 shall be treated as a period of membership after that date.”.

Credited periods for transferring members with mis-sold pension rights

55. In regulation 126(3) after the words “pension period” there shall be inserted “(and regulation 125(6A) does not apply to a transfer value credited under this regulation)”.

Rights as to service not matched by credited period

56. Regulation 127(2)(b) (rights as to service not matched by credited period) shall be deleted.

Interpretation

57. In Schedule 1 (interpretation), in the definition of “normal retirement age” for the word “26(3)” there shall be substituted “26(4)”.