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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 93**

The Local Government (Early Termination of  
Employment) (Discretionary Compensation)  
Regulations (Northern Ireland) 2007

**Discretionary compensation**

5.—(1) This regulation applies where a person—

- (a) ceases to hold his employment with a Scheme employer; and
- (b) in respect of that cessation may not count [<sup>F1</sup> an award of additional pension under regulation 32 (award of additional pension) of the 2014 Regulations] of the Benefits Regulations of the Pension Regulations(1).

(2) Where this regulation applies, the Scheme employer may, not later than six months after the termination date, decide to pay compensation under this regulation, and in that event shall, as soon as reasonably practicable after the decision, notify the person in whose favour it has been made, giving details of the amount of compensation.

(3) The amount of compensation must not exceed 104 weeks' pay.

(4) Chapter IV (a week's pay) of Part I (introductory and interpretation) of the 1996 Order shall apply for the purpose of calculating a person's week's pay as it applies for the purpose of calculating redundancy payments but—

- (a) with the same substitution for references to the calculation date of references to the termination date; and
- (b) without the limit on a week's pay imposed by Article 23(1) of that Order.

(5) In calculating compensation under this regulation the Scheme employer shall exclude any years of qualifying employment which that Scheme employer or any Scheme employer has taken into account when calculating compensation already paid under these Regulations or any other regulations made under Article 19 of the Superannuation (Northern Ireland) Order 1972, other than years of concurrent qualifying employment.

(6) If the person in whose favour a determination under paragraph (2) has been made receives a redundancy payment under Part XII of the 1996 Order or compensation under regulation 4, the equivalent amount shall be deducted from the compensation otherwise payable to him under this regulation.

(7) Compensation payable under this regulation shall be paid by the Scheme employer, as soon as practicable after the decision under paragraph (2), in the form of a lump sum.

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(1) Regulation 54 was amended by S.R. 2003 No. 61 and S.R. 2005 No. 274.

**Changes to legislation:** *There are currently no known outstanding effects for the The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007, Section 5. (See end of Document for details)*

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**Textual Amendments**

- F1** Words in [reg. 5\(1\)\(b\)](#) substituted (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), [reg. 1\(1\)](#), [Sch. 4 para. 14](#)

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**Commencement Information**

- I1** Reg. 5 in operation at 12.3.2007, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007, Section 5.