
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 410

**Local Government Pension Scheme (Amendment
No. 2) Regulations (Northern Ireland) 2010**

**Amendment of the Local Government Pension Scheme (Administration) Regulations
(Northern Ireland) 2009**

40. After regulation 45 (commencement of pensions) insert—

“Guaranteed minimum pensions

45A.—(1) Where a member’s local government employment is contracted-out employment and he has a guaranteed minimum, the member is entitled from the date he attains pension age to payment of a pension at a weekly rate equal to not less than that guaranteed minimum.

(2) But if the member attains pensionable age while in local government employment, the member is not so entitled until he leaves that employment unless paragraph (3) or (4) applies.

(3) If the member—

(a) continues in local government employment for a further period of 5 years after attaining pensionable age; and

(b) does not then leave that employment,

the member is entitled from the end of the period mentioned in sub-paragraph (a) to payment of so much of his retirement pension as equals that guaranteed minimum.

(4) If the member attains pensionable age while in local government employment but subsequently changes employment to employment which is not local government employment the member is entitled.

(5) If the member changes employment to employment which is not local government employment and the member attains pensionable age while in that employment, the member is entitled.

(6) Subject to regulation 17 (retirement after normal retirement age) of the Benefits Regulations, where paragraph (3), (4) or (5) applies the member may consent to a postponement of entitlement for any period during which the member remains in employment beyond pensionable age.

(7) For the purposes of this regulation, a person has a guaranteed minimum if they have such a minimum under section 10 (earner’s guaranteed minimum) of the 1993 Act⁽¹⁾ in relation to benefits under these Regulations or the Benefits Regulations and references to entitlement are to entitlement to payment of a pension in accordance with paragraph (1).

(8) In this regulation—

(1) 1993 c. 49.

- (a) “contract-out employment” shall be construed in accordance with section 4 of the 1993 Act; and
- (b) “pensionable age” shall be construed in accordance with section 176 of that Act.

Survivor benefits: guaranteed minimum pension

45B.—(1) Where the guaranteed minimum pension rule applies, the pension to which a person is entitled under regulations 24 (survivor benefits: active members), 33 (survivor benefits: deferred members) and 36 (survivor benefits: pensioner members) of the Benefits Regulations must be no less than the surviving spouse’s, nominated cohabiting partner’s or civil partner’s guaranteed minimum.

(2) The guaranteed minimum pension rule applies if—

- (a) the employment in which the deceased was a member was contracted-out employment; and
- (b) he had a guaranteed minimum in relation to benefits under these Regulations.

(3) Paragraph (1) overrides any contrary provision in the Benefits Regulations or these Regulations except—

- (a) regulation 39 (commutation of small pensions) of the Benefits Regulations;
- (b) regulation 68 (forfeiture of pension rights after conviction of employment related offences) of these Regulations; and
- (c) regulation 69 (interim payments directions) of these Regulations.”.