

STATUTORY RULES OF NORTHERN IRELAND

2013 No. 71

LOCAL GOVERNMENT

**Local Government Pension Scheme (Amendment)
Regulations (Northern Ireland) 2013**

Made - - - - *15th March 2013*

Coming into operation *8th April 2013*

^{F1}The Department of the Environment makes these Regulations in exercise of the powers conferred by Articles 9 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972 ^{M1} and now vested in it ^{M2}.

In accordance with Article 9 of that Order the Department has consulted with the Northern Ireland Local Government Association, the Northern Ireland Local Government Officers' Superannuation Committee and such representatives of other persons likely to be affected by the Regulations as appeared to it to be appropriate.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014](#) (S.R. 2014/189), regs. 1(1), 2, **Sch. 2** (with reg. 3)

Marginal Citations

M1 [S.I. 1972/1073 \(N.I. 10\)](#); Article 9 was amended by Article 34 [S.I. 2005/1968 \(N.I. 18\)](#); Article 14 was amended by Article 12 [S.I. 1990/1509 \(N.I. 13\)](#).

M2 [S.R. & O \(N.I.\) 1973 No. 504](#) Article 7(1); [S.I. 1976/424 \(N.I. 6\)](#).

Citation, commencement and retrospectio

^{F1}1.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014](#) (S.R. 2014/189), regs. 1(1), 2, **Sch. 2** (with reg. 3)

Amendment of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009

^{F1}2.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F13.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F14.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F15.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F16.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F17.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F18.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F19.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F110.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

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

F111.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F112.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F113.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F114.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F115.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F116.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F117.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F118.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F119.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F120.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

F121.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

^{F1}22.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

^{F1}23.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

^{F1}24.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

Amendment of the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2009

^{F1}25.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

^{F1}26.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

^{F1}27.

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/189\)](#), regs. 1(1), 2, **Sch. 2** (with reg. 3)

Savings

^{F1}28. The amendments made by regulations 13, 14 and 24 have effect in respect of any admission agreements made in accordance with the Local Government Pension Scheme (Administration)

Regulations (Northern Ireland) 2009^{M3} on or after the date on which these Regulations come into operation.]

F1 Regulations revoked (except for reg. 28 for specified purposes) (1.4.2015) by [The Local Government Pension Scheme \(Amendment and Transitional Provisions\) Regulations \(Northern Ireland\) 2014](#) (S.R. 2014/189), regs. 1(1), 2, **Sch. 2** (with reg. 3)

Marginal Citations

M3 S.R. 2009 No. 33; as amended by S.R. 2010 No. 410, S.R. 2011 No. 117 and S.R. 2012 No. 183.

Sealed with the Official Seal of the Department of the Environment on 15th March 2013.

L.S.

Linda MacHugh
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain amendments to the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009 (the Benefits Regulations), the Local Government Pension Scheme (Administration) Regulations (NI) 2009 (the Administration Regulations) and Local Government Pension Scheme (Amendment and Transitional Provisions) Regulation (Northern Ireland) 2009 (the Transitional Regulations) which came into operation on 1st April 2009. The Benefits Regulations, the Administration Regulations and the Transitional Regulations form part of the regulatory framework governing the Local Government Pension Scheme in Northern Ireland (the Scheme).

The Northern Ireland Local Government Officers' Superannuation Committee (the Committee) administers the Scheme.

Article 14 of the Superannuation Order (NI) 1972 confers express powers to make regulations retrospective in effect. Some of these Regulations are retrospective in effect.

Regulation 2 introduces amendments to the Benefits Regulations.

Regulation 3 makes a consequential amendment to regulation 1 (citation, commencement and interpretation) in the definition of an employing authority.

Regulation 4 makes amendments to regulation 2 (active members) to remove the restriction on membership of the Scheme which applied to a person with a contract of employment of less than 3 months. That person may now apply for membership of the Scheme under regulation 9 (joining the scheme) of the Administration Regulations or where section 3 (automatic enrolment) of the Pensions (No. 2) Act (Northern Ireland) 2008 applies, that person may be automatically enrolled in the Scheme.

Regulation 5 amends regulation 8 (final pay: general) to comply with the obligation under revisions to the tax regime introduced by the Finance Act 2011 to use earnings relating to the pension input period in calculating the Annual Tax Allowance. The amendment accordingly confirms that a period of membership with a former employer should be included in calculating "final pay".

Regulation 6 amends regulation 18 (flexible retirement) to clarify that where a member aged 55 or over has accrued benefits under the 2002 Local Government Pension Scheme as part of his or her current membership, the member shall receive payment of those benefits but also has a choice whether to request to receive payment of part, all or none of those benefits accrued under the 2009 Local Government Pension Scheme. Also to clarify that the calculation of the benefits payable under this regulation is subject to guidance issued by the Government Actuary's Department.

Regulation 7 amends regulation 24(2A) (survivor benefits: active members) to correct a drafting error by deleting the references to additional voluntary contributions (AVCs) because the accumulated value of an AVC fund is payable to the deceased member's personal representatives under regulation 22(9) of the Administration Regulations and do not form part of children's pensions. References to regulations 20A (payment of additional contributions: survivor benefits (ASBCs)) and 20B (discontinuance of ASBCs) of the Administration Regulations have been inserted at regulation 24(2A)(b) in order to clarify that the calculation of benefits should, where appropriate, include ASBCs. Similar amendments are made in regulation 9 which amends regulation 33 (survivor benefits: deferred members).

Regulation 8 amends regulation 28 (children's pensions: active members) to provide that the calculation of pension takes into account any additional contributions made by the deceased member and that in the case of a member in part-time employment, no account is taken of any reduction in the member's membership caused as a result of the condition that led to or contributed

to the member's death. Similar amendments are made in regulation 10 which amends regulation 34 (children's pensions: deferred members).

Regulation 11 introduces amendments to the Administration Regulations.

Regulation 12 substitutes regulation 3 (general eligibility for membership) to remove the restriction on membership of the Scheme which applied to a person with a contract of employment of less than 3 months. That person may now apply for membership of the Scheme under regulation 9 (joining the scheme) of the Administration Regulations or where section 3 (automatic enrolment) of the Pensions (No. 2) Act (Northern Ireland) 2008 applies, that person may be automatically enrolled in the Scheme.

Regulation 13 amends regulation 5 (employees of transferee admission bodies) by requiring a regulation 5(2)(a) transferee admission body and the Committee to enter into separate admission agreements where the admission body is performing the functions of an employing authority under more than one contract.

Regulation 14 substitutes regulation 6 (admission agreements – further provisions) with a new regulation 6 which consolidates some of the provisions formerly contained in regulation 5 relating to admission agreements for transferee admission bodies so that these now apply to all categories of admission bodies. The amendments also add new requirements to be contained in admission agreements.

Regulation 15 makes a minor consequential amendment to regulation 8 (further restrictions on eligibility) by updating a reference to regulation 6 (admission agreements – further provisions).

Regulation 16 amends regulation 9 (joining the scheme) to provide for the automatic enrolment of eligible members apart from those with employment contracts of less than 3 months. Employees with employment contracts of less than 3 months must apply for membership.

Regulation 17 amends regulation 14 (contributions during child-related leave) so that additional paternity leave is included within the provisions.

Regulation 18 amends regulation 33 (special circumstances where revised actuarial valuations and certificates must be obtained) to clarify that the Committee can seek the payment of liabilities from the guarantor of an outgoing employing authority in the event that the employing authority leaves the Scheme and fails to meet some, or all, of the liabilities. This is designed to limit the risk of the liabilities falling on the remaining employing authorities.

Regulation 19 amends regulation 33A (apportionment of liabilities) to remove the requirement to specify in the apportionment agreement, the specific amount of liabilities as calculated by an actuary.

Regulation 20 inserts a new regulation 45C (joint liability in respect of annual allowance charge) to provide that where the Committee has discharged a member's tax charge, the Committee must reduce the value of the member's accrued rights in accordance with guidance issued by the Government Actuary's Department.

Regulation 21 inserts a new regulation 64A (pensions savings statements) to enable the Committee to comply with the requirements of regulations 14A and 14B of The Registered Pension Schemes (Provision of Information) Regulations 2006. These regulations provide that the Committee issues a pensions savings statement to a member who has exceeded the annual allowance or where a member requests it.

Regulation 22 amends regulation 79 (inward transfer of pension rights) to enable the transfer of accrued rights from a European pension scheme into the Scheme.

Regulation 23 amends Schedule 1 (interpretation) to reflect a change of title within the definition of an actuary. It also makes a consequential amendment to the definition of employing authority and inserts a definition for the term payment period.

Regulation 24 amends Schedule 2 (matters to be included in admission agreements with transferee admission bodies) so that matters to be contained in an admission agreement apply to all categories of admission body.

Regulation 25 introduces amendments to the Transitional Regulations.

Regulation 26 removes regulations 125(6A) and 125(6B) from the list of provisions of the Local Government Pension Scheme Regulations (Northern Ireland) 2002 that are saved from revocation.

The combined effect of this amendment and the amendment made by regulation 27 is that a service credit from the inward transfer of pension rights to the Scheme will not count towards the total membership required to qualify for the 85 year rule and brings the Regulations into line with the Government Actuary's Department guidance.

Regulation 27 substitutes paragraph 3(2) of Schedule 2 (the 85 year rule: transitional provisions and savings) to insert a reference to regulation 79 (inward transfer of pension rights). This means that a service credit from the inward transfer of pension rights granted after the amendment made by regulation 26 comes into operation will not count towards the total membership calculation for the 85 year rule.

Regulation 28 provides that amendments made by regulations 13, 14 and 24 do not affect admission agreements entered into before the date that these Regulations come into operation. A regulatory impact assessment has not been produced for these Regulations as no impact is foreseen on the cost of businesses, charities, social economy enterprises or the voluntary sector.

Changes to legislation:

There are currently no known outstanding effects for the Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2013.