
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 188

The Local Government Pension Scheme
Regulations (Northern Ireland) 2014

PART 1

MEMBERSHIP, CONTRIBUTIONS AND BENEFITS

ILL-HEALTH RETIREMENT

Early payment of retirement pension on ill-health grounds: active members

36.—(1) Where an active member who has qualifying service for a period of two years or more ceases local government employment on the grounds that—

- (a) the member's ill-health or infirmity of mind or body renders the member permanently incapable of discharging efficiently the duties of the employment the member was engaged in; and
- (b) the member, as a result of ill-health or infirmity of mind or body, has a reduced likelihood of being capable of undertaking any gainful employment before reaching normal pension age,

the Committee may, at the request of the employing authority, determine that the member's retirement pension comes into payment before the member's normal pension age in accordance with this regulation.

(2) If a member satisfies the conditions in paragraphs (1)(a) and (1)(b) then the member shall take early payment of a retirement pension.

(3) The amount of the retirement pension that a member who satisfies the conditions mentioned in paragraphs (1)(a) and (1)(b) receives is determined by which of the benefit tiers specified in paragraphs (4) and (5) that member qualifies for, calculated in accordance with regulation 39 (calculation of ill-health pension amounts).

(4) A member is entitled to Tier 1 benefits if that member is unlikely to be capable of undertaking any gainful employment before normal pension age.

(5) A member is entitled to Tier 2 benefits if that member—

- (a) is not entitled to Tier 1 benefits; and
- (b) is likely to become capable of undertaking any gainful employment before reaching normal pension age.

(6) Before determining whether a member who has ceased to hold a local government employment is entitled to a benefit under this regulation, the Committee shall obtain a certificate, in accordance with regulation 38 (role of the IRMP), from an IRMP qualified in occupational health medicine who is appointed by the Committee.

Early payment of retirement pension on ill-health grounds: deferred members

37.—(1) Where a deferred member who has qualifying service for a period of two years or more, because of ill-health or infirmity of mind or body—

- (a) becomes permanently incapable of discharging efficiently the duties of the employment that the member was engaged in at the date the member became a deferred member; and
- (b) has a reduced likelihood of being capable of undertaking any gainful employment before reaching normal pension age,

may make a written request to the Committee to receive payment of a retirement pension immediately, whatever the member's age.

(2) In order to consider a request under paragraph (1), the Committee shall obtain a certificate, in accordance with regulation 38 (role of the IRMP), from an IRMP qualified in occupational health medicine who is appointed by the Committee.

Role of the IRMP

38.—(1) A decision as to whether a member is entitled to early payment of retirement pension under regulation 36 (early payment of retirement pension on ill-health grounds: active members) or 37 (early payment of retirement pension on ill-health grounds: deferred members), shall be made by the Committee after it has obtained a certificate from an IRMP as to—

- (a) whether or not the member is suffering from a condition that renders the member permanently incapable of discharging efficiently the duties of the employment the member was engaged in, because of ill-health or infirmity of mind or body;
- (b) whether as a result of that condition the member has a reduced likelihood of being capable of undertaking any gainful employment before reaching normal pension age, and how long the member is unlikely to be capable of undertaking gainful employment; and
- (c) where a member had reduced working hours and had reduced pay as a consequence, whether that reduction in working hours was wholly or partly as a consequence of the ill-health or infirmity of mind or body.

(2) Where the IRMP is considering an application under regulation 36 (early payment of retirement pension on ill-health grounds: active members), the IRMP shall further determine whether, as a result of that condition, the member—

- (a) is unlikely to be capable of undertaking any gainful employment before reaching normal pension age; or
- (b) is likely to become capable of undertaking any gainful employment before reaching normal pension age.

(3) A certificate from an IRMP, obtained under paragraphs (1) and (2), shall include a statement that—

- (a) that IRMP has not previously advised, or given an opinion on or otherwise been involved in the particular case for which the certificate has been requested; and
- (b) that IRMP is not acting, and has not at any time acted, as the representative of the member, the employing authority or any other party in relation to the same case.

(4) The Committee and the IRMP shall have regard to guidance given by the Department when carrying out their function under this regulation, when making an ill-health determination.

Calculation of ill-health pension amounts

39.—(1) Subject to paragraphs (4) and (5), Tier 1 benefits are calculated by adjusting the active member's pension account as follows—

- (a) An amount is added to the balance in the account for the year in which the member's employment was terminated, equivalent to the amount of earned pension the member would have accrued between the day following the date of termination and normal pension age, if that member had been treated as receiving assumed pensionable pay, calculated in accordance with regulation 23(4) (assumed pensionable pay), for each year and fraction of a year in that period and treating any election under regulation 12 (temporary reduction in contributions) as lapsed at the date of the termination of the member's employment; and
 - (b) retirement pension is payable to the member as if the member had reached normal pension age on the date the member's employment was terminated.
- (2) Subject to paragraphs (4) and (5), Tier 2 benefits are calculated by adjusting the active member's pension account as follows—
- (a) for the year in which the member's employment was terminated, by adding one quarter of the sum calculated in accordance with paragraph (1)(a); and
 - (b) retirement pension is payable to the member as if the member had reached normal pension age on the date the member's employment was terminated.
- (3) Benefits payable under regulation 37 (early payment of retirement pension on ill-health grounds: deferred members) are the retirement pension that would be payable to the member if that member had reached normal pension age on the date from which benefits are awarded.
- (4) Where a member entitled to Tier 1 benefits subsequently becomes an active member of the Scheme, no addition is to be made under paragraph (1)(a) or (2)(a) to any Tier 1 or Tier 2 benefits that the member becomes entitled to after that subsequent period of membership.
- (5) Where a member entitled to Tier 2 benefits ("the initial ill-health retirement") subsequently becomes an active member of the Scheme, the addition made under paragraph (1)(a) or (2)(a) to any Tier 1 or Tier 2 benefits that the member becomes entitled to after that subsequent period of membership is modified in accordance with paragraph (6).
- (6) The number of years for which a member to whom paragraph (5) applies is treated as having received assumed pensionable pay for the purposes of paragraph (1)(a) or (2)(a) shall not exceed—
- (a) the number of years at the date of the initial ill-health retirement up to the member's normal pension age at that time, less
 - (b) a quarter of the number of years calculated in accordance with sub-paragraph (a), less
 - (c) the number of years during which the member has been an active member of the Scheme after the initial ill-health retirement.
- (7) For the purposes of this regulation—
- (a) in calculating assumed pensionable pay in accordance with regulation 23(4) (assumed pensionable pay), account is only taken of any reduction in the pensionable pay the member received if an IRMP has certified that the member was working reduced contractual hours as a consequence of ill-health or infirmity of mind or body; and
 - (b) no adjustment is to be made to any sum by virtue of regulation 23(6) (assumed pensionable pay, adjustments) for any period after the date of termination of employment under regulation 36 (early payment of retirement pension on ill-health grounds: active members).