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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 188**

The Local Government Pension Scheme  
Regulations (Northern Ireland) 2014

PART 1

MEMBERSHIP, CONTRIBUTIONS AND BENEFITS

ADJUSTMENTS OF BENEFITS

**Guaranteed minimum pensions**

**58.**—(1) Where a member's local government employment is contracted-out employment and that member has a guaranteed minimum, the member is entitled from the date of attaining pensionable 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 leaving that employment, unless paragraph (3) or (4) applies.

(3) If the member—

- (a) continues in local government employment for a further period of five 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 the 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 31(3) (retirement benefits, retirement after normal pension age), where paragraph (3), (4) or (5) applies, the member may consent to a postponement of the entitlement.

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

(8) Where the guaranteed minimum pension rule applies, the pension to which a person is entitled under regulations 41 (survivor benefits: partners of active members), 47 (survivor benefits: partners of deferred members) and 52 (survivor benefits: partners of pensioner members) shall be no less than the surviving spouse's, nominated co-habiting partner's or civil partner's guaranteed minimum.

(9) The guaranteed minimum pension rule applies if—

- (a) the employment in which the deceased was a member was contracted-out employment; and
  - (b) the deceased had a guaranteed minimum in relation to benefits under these Regulations.
- (10) Paragraph (8) overrides any contrary provision in these Regulations except—
- (a) regulation 35 (commutation and small pensions);
  - (b) regulation 102 (forfeiture of pension rights after conviction for employment-related offences); and
  - (c) regulation 103 (interim payments directions)

of these Regulations.

(11) In this regulation “contracted out employment” shall be construed in accordance with section 4 of the 1993 Act.