
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 177

**Local Government Pension Scheme
Regulations (Northern Ireland) 2000**

Part C

Members' Contributions

Effect of absences on contributions

Absence on reserve forces service

C8.—(1) Subject to the following provisions, this regulation applies where a person—

- (a) ceases to be employed in the employment in which he is a member; or
- (b) is granted leave of absence from duty in such an employment,

in order to perform relevant service; and, in relation to such a person, references to his former employment and employer are to that employment and his employer in that employment.

(2) Subject to paragraph (3), where this regulation applies—

- (a) if the person is entitled under any provision of these regulations to pay additional contributions, make payment by instalments or make any other payment (except by lump sum) to the fund, he shall be treated for the purposes of these regulations as if he has paid them throughout the period of his relevant service;
- (b) if (and only if) during any period of the person's relevant service the total of—
 - (i) his pay for performing relevant service (including marriage, family and similar allowances), and
 - (ii) any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1953(1), equals or exceeds the remuneration he would have received if he had continued to be employed in his former employment, he shall pay to the fund all such contributions and payments as would have been payable under these regulations if he had so continued; and
- (c) subject to regulation C25, all contributions and payments so made shall be treated for the purposes of these regulations as if made under the provision under which they would have been made if he had so continued.

(3) Paragraph (2) does not apply to contributions payable under regulation C24 (additional voluntary contributions), but if—

- (a) before the commencement of his relevant service the person was paying such contributions which were not to be used to provide benefits payable in the event of death, and
- (b) he has not elected to discontinue making those contributions,

he may continue to make those contributions during the period of his relevant service.

- (4) Where this regulation applies to a person then, subject to paragraph (6)—
- (a) the period of relevant service shall be counted as a period of membership in relation to his former employment;
 - (b) if during that period he dies or attains his normal retirement age, he shall be deemed to have been serving in that employment at that time; and
 - (c) if during that period he becomes permanently incapable of efficiently discharging the duties of that employment by reason of ill-health, injury or infirmity of mind or body, he shall be deemed to have been so serving at the time when he ceased to perform relevant service.
- (5) Where—
- (a) a person to whom this regulation would otherwise apply is not a member when he ceases his employment or begins his leave of absence from it, but
 - (b) before doing so he has duly made an application under regulation B9 or B12 to become a member, then—
 - (i) that application shall continue to have effect despite his so ceasing or his leave of absence so beginning and this regulation shall apply to him as if he were a member at that time, but
 - (ii) the period before the date on which his application takes effect shall be excluded from his relevant service.
- (6) This regulation does not apply to any person in respect of any period of relevant service—
- (a) after the date on which he elects to receive a return of contributions under regulation C21; or
 - (b) if he elects that it is not to do so by giving notice in writing to the Committee not later than 12 months after the end of the period of relevant service to which the notice relates (or within such longer period as it may allow).
- (7) Subject to paragraph (6), in this regulation “relevant service” means service (other than for the purposes of training only)—
- (a) in pursuance of any notice or directions given under any enactment which provides for the calling out on permanent service, or the calling into actual service, or the embodiment of, any reserve or auxiliary force, or members of such a force, or the recall of service pensioners;
 - (b) in pursuance of any obligation or undertaking to serve when called upon as a commissioned officer; or
 - (c) rendered by virtue of section 28 or 65 of the Reserve Forces Act 1996⁽²⁾;
- and paragraph (b) applies whether or not the obligation or undertaking is legally enforceable, but not in the case of an obligation or undertaking—
- (i) to accept a permanent commission or a commission for a fixed term, or
 - (ii) to serve for the purposes of periodical training.
- (8) In paragraph (7)—
- “reserve or auxiliary force” means the whole or part of the Royal Navy Reserve (including the Royal Fleet Reserve), the Royal Marines Reserve, the Territorial Army, the Army Reserve, the Air Force Reserve, the Royal Air Force Volunteer Reserve or the Royal Auxiliary Air Force;

“service pensioner” means a person in receipt of a pension (other than a pension awarded in respect of disablement) granted—

- (a) in respect of service in the Royal Navy, the Royal Marines, the regular army and the regular air force or any reserve or auxiliary force which has been called out on permanent service or which has been embodied, or
- (b) in respect of that and other service.