
EXPLANATORY NOTE

(This note is not part of the Regulations)

The amendments in these Regulations provide survivor benefits for same sex partners of Local Government Pension Scheme members or eligible persons where the same sex partners have registered a civil partnership under the terms of the Civil Partnership Act 2004.

Article 14 of the Superannuation (Northern Ireland) Order 1972 confers express powers to make regulations retrospective in effect. These Regulations are retrospective, however, no one will be adversely affected by the retrospection.

The Regulations amend the following statutory rules—

(1) The Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001 are amended by regulation 2, which has retrospective effect from 5th December 2005 (“Discretionary Payments Regulations”);

(2) Local Government Pension Scheme Regulations (Northern Ireland) 2002 are amended by regulation 3, which has retrospective effect from 1st February 2003 (“the 2002 Regulations”);

(3) Local Government Pension Scheme (Amendment No. 2 and Transitional Provisions) Regulations (Northern Ireland) 2002 are amended by regulation 4, which has retrospective effect from 5th December 2005 (“Transitional Provisions Regulations”);

(4) The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003 are amended by regulation 5, which has retrospective effect from 5th December 2005 (“the 2003 Regulations”).

The changes to the Discretionary Payments Regulations and the 2003 Regulations provide that surviving civil partners will qualify for survivor benefits in the same way as spouses where a person ceases employment after 5th April 1988 and subsequently dies.

The changes to the 2002 Regulations and the Transitional Provisions Regulations are as follows—

- surviving civil partners of scheme members, including those who left the scheme between 6th April 1988 and 5th December 2005, will qualify for survivor benefits in the same circumstances as spouses;
- where a surviving civil partner is eligible for benefits and a person’s “membership” is relevant to the eligibility for and level of those benefits, only such “membership” after 5th April 1988 is taken into account.

In addition the changes to the Transitional Provisions Regulations, are necessary to apply the provisions to deferred or pensioner members who enter into a civil partnership having ceased employment before these Regulations come into force.

Some bodies within the business, charity and voluntary sectors are employers within the Local Government Pension Scheme. There will be costs in public service pension schemes from extending survivor benefits to include civil partners. A Regulatory Impact Assessment was published alongside the Civil Partnership Act 2004, which assesses the impact of the Act on the business, charity and voluntary sectors, and outlines the cost implications to public service pension schemes. Accordingly, a separate Regulatory Impact Assessment was not produced for these Regulations. The final Regulatory Impact Assessment for the Civil Partnership Act 2004 has been placed in the library of each House of Parliament and can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>.