

SCHEDULE 1

Regulation 2

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Regulation 2A

COUNCILLOR MEMBERS

PART 1

CONTRIBUTIONS

Pay

1. For regulation 4 (meaning of “pensionable pay”) substitute—

“4.—(1) A councillor member’s pensionable pay in any year is the total of all basic allowance and special responsibility allowance paid to the councillor by a council under the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1999⁽¹⁾.

(2) “Basic allowance” and “special responsibility allowance” have the same meaning as in regulations 3 and 5 respectively of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1999.

(3) All references to “pay” in these Regulations and in the Administration Regulations in respect of a councillor member and the councillor membership shall be construed in accordance with paragraph (1).

(4) “Career average pay” in these Regulations shall mean an amount equal to the total of the councillor member’s pay for each year or part year of his active membership divided by the number of those years or part years.

(5) All references to “final pay” in these Regulations and in the Administration Regulations shall, in respect of a councillor member and councillor membership, be taken to mean “career average pay”.

(6) When calculating a councillor member’s career average pay, the pay for any year other than the final year shall be increased in proportion to the increase in the Consumer Price Index from the last day of that year up to the last day of the month in which the his active membership ends.

(7) “Year” means the 12 months ending with 31st March.

(8) “Final year” means the year during which, or at the end of which, the councillor member’s active membership ends.

(9) “Consumer Price Index” means the index of retail prices for the United Kingdom published by the Office of National Statistics.

(10) No sum may be taken into account in calculating pensionable pay unless income tax liability has been determined on it.”.

PART 2

BENEFITS

Preliminary

2. In regulation 7 (calculation of length of periods of membership)—

(1) S.R. 1999 No. 449 as amended by S.R. 2007 No. 168.

Status: This is the original version (as it was originally made).

- (a) delete paragraphs (3) and (4); and
- (b) for paragraph (5) substitute—

“(5) The amount of any annual pension payable to a councillor as a result of his membership is calculated by multiplying his total councillor membership by his career average pay and divided by 60.”.

- 3. Delete regulations 8 (final pay: general), 10 (final pay: reductions) and 11 (final pay: fluctuating emoluments).

Retirement Benefits

- 4. Delete regulation 18 (flexible retirement).
- 5. Delete regulation 19 (early leavers: inefficiency and redundancy).
- 6. For paragraphs (1) to (4) of regulation 20, (early leavers: ill-health) substitute—

“20.—(1) Where a councillor member, who has a total membership of at least one year, ceases to be a member of his council on grounds that—

- (a) his ill-health or infirmity of mind or body renders him permanently incapable of discharging efficiently the duties of that office; and
- (b) he has a reduced likelihood of being capable of undertaking gainful employment (whether in local government or otherwise) before his normal retirement,

the Committee may, at the request of the employing authority, determine that his retirement pension comes into payment before his normal retirement age in accordance with this regulation in the circumstances set out in paragraph (2), or (3), as the case may be.

(2) If the Committee determines that there is no reasonable prospect of him being capable of undertaking the duties of that office because of his ill-health before his normal retirement age his benefits are increased—

- (a) as if the date on which he leaves that office were his normal retirement age; and
- (b) by adding to his total membership at that date the whole of the period between that date and the date on which he would have retired at normal retirement age.

(3) If the Committee determines that he has a reasonable prospect of being capable of undertaking any gainful employment before his normal retirement age, his benefits are increased—

- (a) as if the date on which he leaves that office were his normal retirement age; and
- (b) by adding to his total membership at that date 25% of the period between that date and the date on which he would have retired at normal retirement age.

(4) Where the Committee, at the request of the employing authority, is considering whether a person who has ceased to be a member of his district council is entitled to benefit under this regulation, it shall refer for decision to an independent registered medical practitioner qualified in occupational health medicine, appointed by the Committee, as to whether in his opinion, expressed as a certificate, the member is suffering from a condition that renders him permanently incapable of discharging efficiently the duties of that office because of ill-health or infirmity of mind or body and, if so, whether as a result of that condition he—

- (a) has no prospect of being capable of undertaking any gainful employment before his normal retirement age; or
- (b) has a reasonable prospect of being capable of undertaking any gainful employment before his normal retirement age.”.

7. Delete paragraphs (5), (6) and (7) of regulation 20.
8. For paragraphs (1) and (2) of regulation 31 (early payment of pension: ill-health) substitute—

“31.—(1) Subject to paragraph (2), if a councillor member who has ceased to be a member of a council before he is entitled to the immediate payment of retirement benefits (apart from under this regulation) becomes permanently incapable of discharging efficiently the duties of that office because of ill-health or infirmity of mind or body he may make a written request to the Committee to receive payment of retirement benefits immediately, whatever his age, provided he has total membership of at least one year.

(2) Before determining whether to agree to a request under paragraph (1), the Committee must obtain a certificate from the independent registered medical practitioner, appointed under regulation 20(4), as to whether in his opinion the member is permanently incapable of discharging efficiently the duties of that office because of ill-health or infirmity of mind or body and, if so, whether he has a reduced likelihood of being capable of undertaking any gainful employment (whether in local government or otherwise) before reaching his normal retirement age.”.

Death grants

9. In regulation 23 (death grants: active members)—
 - (a) for paragraph (3) substitute—

“(3) The death grant of a councillor member is his career average pay multiplied by 3.”; and
 - (b) delete paragraph (4).
10. For regulation 32(3) (death grants: deferred members) substitute—

“(3) The death grant for a councillor deferred member is 5 times the pension that would have been payable if the councillor member had retired at the date of death.”.
11. For regulation 35(3) (death grants: pensioner members) substitute—

“(3) The death grant for a councillor pensioner member is 10 times his pension less the amount of any pension paid to the councillor member.”.

PART 3

OPTIONAL ADDITIONAL BENEFITS

Increases of membership and pensions

12. Delete regulations 12 (power of employing authority to increase total membership of members) and 13 (power of employing authority to award additional pension).”

Status: This is the original version (as it was originally made).

SCHEDULE 2

Regulation 3

“SCHEDULE 4

Regulation 3A

COUNCILLOR MEMBERS

Membership

1. Regulation 12(1) (re-employed and rejoining deferred members) shall only apply to a councillor member in respect of any councillor membership where both the former membership and the membership as an active member referred to in that paragraph are councillor membership.

2. Delete regulation 13 (concurrent employments).

Additional voluntary contributions and shared cost AVC schemes

3. Delete regulation 21(3) (additional voluntary contributions and shared cost additional voluntary contributions).

4. In regulations 21 to 23 delete “and SCAVCs” and “or SCAVCs” where it occurs.

Members’ contributions

5. In regulation 22(1)(a)(ii) (use of accumulated value of AVCs and SCAVCs) delete “18 (flexible retirement), 19 (early leavers: inefficiency and redundancy),”.

Transfers

6. In regulation 41 (rights to return of contributions) delete paragraphs (4) and (5).

7. Delete regulations 77 to 81 (bulk transfers (transfers of undertaking), etc., calculation of amount of transfer payment under regulation 77, inward transfers of pension rights, right to count a credited period and community scheme transferees).”