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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**

**BENEFITS**

**Retirement benefits**

**31.**—(1) Subject to paragraph (3) a member who attains normal pension age and is not an employee in local government employment is entitled to, and shall take, immediate payment of a retirement pension without reduction.

(2) A member to whom paragraph (1) applies and who has concurrent employments may draw a pension in relation to an employment so long as the member is not an employee in local government employment.

(3) A member to whom paragraph (1) applies may elect to defer payment of a retirement pension to a date after that member's normal pension age up to the date when that member attains the age of 75.

[<sup>F1</sup>(3A) A member who is an employee in local government employment on the day before attaining age 75 must have their retirement pension paid from age 75 even if the member remains in local government employment beyond that age.]

(4) A member who starts to receive payment of a retirement pension from a date after that member's normal pension age is entitled to enhancement of the pension by the amount shown as appropriate in actuarial guidance issued by the Department.

(5) A member who has not attained normal pension age but who has attained the age of 55 or over, may elect to receive immediate payment of a retirement pension in relation to an employment if that member is not an employee in local government employment in that employment, reduced by the amount shown as appropriate in actuarial guidance issued by the Department.

(6) An active member who has attained the age of 55 or over who reduces working hours or grade of an employment may, with the employing authority's consent, elect to receive immediate payment of all or part of the retirement pension to which that member would be entitled in respect of that employment if that member were not an employee in local government employment on the date of the reduction in hours or grade, adjusted by the amount shown as appropriate in actuarial guidance issued by the Department.

(7) Where an active member who has attained the age of 55 or over is dismissed from an employment by reason of redundancy or business efficiency, or whose employment is terminated by mutual consent on grounds of business efficiency, that member is entitled to, and shall take immediate payment of—

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- (a) retirement pension relating to that employment payable under regulation 18 (additional pension contributions), adjusted by the amount shown as appropriate in actuarial guidance issued by the Department; and
- (b) any other retirement pension relating to [F2that active member's pension account in respect of that employment] payable under these Regulations, without reduction.

(8) An employing authority, former employer which is an employing authority or, where a member's employer or former employer has ceased to be an employing authority, the Committee, may agree to waive in whole or in part any reduction that would, apart from this paragraph, be required by paragraphs (5) or (6).

(9) In paragraphs (1) to (7) of this regulation the expression “member” means a member with qualifying service for a period of two years and does not include a pension credit member.

(10) Subject to paragraph (11), a pension credit member who attains normal pension age is entitled to, and shall take, immediate payment of a retirement pension deriving from the pension credit, without reduction, irrespective of whether that pension credit member is also an employee in local government employment.

(11) A pension credit member may elect to defer payment of a retirement pension deriving from a pension credit to a date after that member's normal pension age and, if the member does so, is entitled to immediate payment of a retirement pension from any date up to the date when that member attains the age of 75, enhanced by the amount shown as appropriate in actuarial guidance issued by the Department, irrespective of whether the pension credit member is also an employee in local government employment.

(12) A pension credit member who has attained the age of 55 or over may elect to receive immediate payment of a retirement pension deriving from the pension credit, reduced by the amount shown as appropriate in actuarial guidance issued by the Department, irrespective of whether the pension credit member is also an employee in local government employment.

(13) In this regulation references to the amount—

- (a) “reduced” at paragraphs (5) and (12) and “adjusted” at paragraph (6), refer to the “early payment reduction”; and
- (b) “enhancement” at paragraph (4) and “enhanced” at paragraph (11), refer to the “deferred payment enhancement”.

#### Textual Amendments

- F1** Reg. 31(3A) inserted (18.11.2019) by [The Local Government Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/206\)](#), regs. 1(1), **66(a)**
- F2** Words in reg. 31(7)(b) substituted (18.11.2019) by [The Local Government Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/206\)](#), regs. 1(1), **66(b)**

#### Award of additional pension

32.—(1) An employing authority may resolve to award—

- (a) an active member; or
- (b) a member who was an active member who was dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency,

additional annual pension of, in total (including any additional pension purchased by the employing authority under regulation 18 (additional pension contributions)), not more than the additional pension limit payable under other provisions of these Regulations from the pension

account to which the additional pension is attached, provided that, in the case of a member falling within sub-paragraph (b), the resolution to award additional pension is made within six months of the date the member's employment ended.

(2) The additional pension limit is £6,500 from 1st April 2015 and that figure is increased on 1st April 2016, and each subsequent 1st April, by the amount (where it is greater than zero) by which it would be increased if it were a pension beginning on 1st April 2014 to which the 1971 Act applied.

(3) An award of addition pension under—

- (a) paragraph (1)(a) is to be credited to the relevant active member's pension account in the Scheme year in which the resolution to award the additional pension is made; and
- (b) paragraph (1)(b) is to be treated as credited to the relevant active member's pension account on the day before the date of termination of employment.

### Commencement of pensions

**33.**—(1) The first period for which any retirement pension which is payable immediately on a member leaving any employment is payable, begins with the day after the date on which the employment ends.

(2) Subject to paragraphs (3) and (4), in the case of a deferred member, the first period for which payment begins is the member's normal pension age unless that member gives written notice to the Committee to defer payment (but any such deferral shall not extend beyond the day before the member's 75th birthday).

(3) Where a member elects under regulation 31(3), (5), (11) or (12) (retirement benefits) to have a pension paid from a date other than normal pension age, the first period for which retirement pension is payable begins on the date the member specifies in a written notice to the Committee.

(4) When, in a written notice to the Committee, a member elects under regulation 31(6) (retirement benefits, flexible retirement pensions) to receive immediate payment of all or part of that member's benefits, if the member's employing authority consents to the payment, the first period for which retirement pension is payable begins on the date of the reduction in hours or grade.

(5) A notice given under paragraph (3) shall be given not less than three months before the beginning of the period specified, and a notice given under paragraph (4) shall be given within three months of the reduction in hours or grade.

[<sup>F3</sup>(5A) A notice may be given under paragraph (3) before the date the member fulfils any qualifying criteria for an election so long as that member fulfils the qualifying criteria on the date specified in the notice.]

(6) A member may give a further notice under paragraph (3) altering the date specified in an earlier notice, but any such further notice shall be given not less than three months before the beginning of the period specified in the further notice.

(7) The Committee may agree to accept different time limits to those specified in paragraphs (5) and (6).

(8) Where a member is entitled to early payment of pension due to ill-health under regulation 36 (early payment of retirement pension on ill-health grounds: active members), the first period for which retirement pension is payable is the day after the date on which the member's employment is terminated.

(9) Where a member is entitled to early payment of pension due to ill-health under regulation 37 (early payment of retirement pension on ill-health grounds: deferred members), the first period for which the retirement pension is payable begins on the date of the determination that the member is permanently incapable under that regulation.

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### Textual Amendments

- F3** Reg. 33(5A) inserted (with effect in accordance with reg. 1(2) of the amending Rule) by [The Local Government Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/128\)](#), regs. 1(1), **10**

### Election for lump sum instead of pension

**34.**—(1) Subject to paragraph (5), a member entitled to a retirement pension under the Scheme may by written notice given to the Committee before any benefits in relation to the benefit crystallisation event become payable, commute the retirement pension payable, or part thereof, at a rate of £12 for every £1 of annual pension commuted.

(2) But the total amount of the member's commuted sum shall not exceed 25% of the capital value of the member's accrued rights under all local government pension provision in relation to that benefit crystallisation event, [<sup>F4</sup>including any retirement grant, standard retirement grant, retiring allowance and] any sum received as benefits provided in the form of a lump sum from any AVC arrangement <sup>F5</sup>....

<sup>F6</sup>(3) .....

(4) The capital value of a member's accrued rights shall be calculated in accordance with actuarial guidance issued by the Department.

(5) Paragraph (1) does not apply to—

- [<sup>F7</sup>(a) a pension credit where, on the date upon which the pension credit member becomes entitled to the pension credit, the member of the Scheme subject to the corresponding pension debit has an actual (rather than a prospective) right to payment of the retirement pension under the Scheme; or]
- (b) any additional pension purchased by the member under regulation 19(7)(b)(i) (additional voluntary contributions).

### Textual Amendments

- F4** Words in [reg. 34\(2\)](#) substituted (with effect in accordance with reg. 1(2) of the amending Rule) by [The Local Government Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/128\)](#), regs. 1(1), **11(a)(i)**
- F5** Words in [reg. 34\(2\)](#) deleted (with effect in accordance with reg. 1(2) of the amending Rule) by [The Local Government Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/128\)](#), regs. 1(1), **11(a)(ii)**
- F6** [Reg. 34\(3\)](#) repealed (with effect in accordance with reg. 1(2) of the amending Rule) by [The Local Government Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/128\)](#), regs. 1(1), **11(b)**
- F7** [Reg. 34\(5\)\(a\)](#) substituted (18.11.2019) by [The Local Government Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/206\)](#), regs. 1(1), **67**

### Commutation and small pensions

**35.**—(1) Any authorised payments within the meaning of section 164 (authorised member payments) of the 2004 Finance Act listed in sub-paragraphs (a) to (c) may be paid in accordance with the rules relating to the payment of such benefits under that Act or relevant regulations under that Act—

- (a) a lump sum which is a trivial commutation lump sum within the meaning of section 166 (lump sum rule) of that Act;
  - (b) a trivial commutation lump sum death benefit within the meaning of section 168 (lump sum death benefit rule) of that Act; or
  - (c) a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 <sup>M1</sup>.
- (2) Any payment under paragraph (1) shall be calculated in accordance with actuarial guidance issued by the Department.
- (3) If a member receives a payment under this regulation, any pension account relating to that payment shall be closed and the member is entitled to no further benefits in relation to that pension account and no survivor benefits are subsequently payable upon the death of the member.

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**Marginal Citations**

**M1** [S.I. 2009/1171](#); regulations 11 and 12 were amended by [S.I. 2011/1751](#)

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**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 1(d) word omitted by [S.R. 2023/157 reg. 19\(4\)\(a\)](#)
- Sch. 1(f) word inserted by [S.R. 2023/157 reg. 19\(4\)\(b\)](#)
- Sch. 1(g) inserted by [S.R. 2023/157 reg. 19\(4\)\(c\)](#)
- reg. 31(14) inserted by [S.R. 2023/149 reg. 3\(2\)](#)
- reg. 35(2A) inserted by [S.R. 2023/149 reg. 3\(3\)\(a\)](#)
- reg. 35(4) inserted by [S.R. 2023/149 reg. 3\(3\)\(b\)](#)
- reg. 46(3)(c) inserted by [S.R. 2023/149 reg. 3\(6\)\(a\)\(iv\)](#)
- reg. 46(3B) inserted by [S.R. 2023/149 reg. 3\(6\)\(b\)](#)
- reg. 52(8) inserted by [S.R. 2023/149 reg. 3\(9\)](#)
- reg. 53(5B) inserted by [S.R. 2023/149 reg. 3\(10\)](#)
- reg. 68(6A) inserted by [S.R. 2023/149 reg. 3\(11\)](#)
- reg. 70(2ZA) inserted by [S.R. 2023/149 reg. 3\(12\)](#)
- reg. 91(A1) inserted by [S.R. 2023/149 reg. 3\(13\)](#)
- reg. 108(1B) inserted by [S.R. 2023/149 reg. 3\(14\)\(a\)](#)
- reg. 110(8) inserted by [S.R. 2023/149 reg. 3\(15\)](#)
- reg. 111(2A) inserted by [S.R. 2023/149 reg. 3\(16\)](#)