
STATUTORY RULES OF NORTHERN IRELAND

1992 No. 547

**Local Government (Superannuation)
Regulations (Northern Ireland) 1992**

**PART D
SERVICE**

Reckonable service

D1.—(1) Subject to paragraphs (2) and (3) and regulations D3 and D8, a pensionable employee is entitled to reckon as reckonable service, in relation to an employment in which he is a pensionable employee—

- (a) any period for which he has paid contributions under regulations C1 or C2;
- (b) any period which was reckonable as contributing service by virtue of regulations 39 or 40(1)(a) of the 1981 regulations;
- (c) any period which he is entitled to reckon as reckonable service by virtue of regulations D4 to D7 or Part F (war service); or
- (d) any period which he is entitled to reckon by virtue of regulation 4 of the Local Government (Superannuation) (Reserve Forces) Regulations (Northern Ireland) 1991(1).

(2) A period of absence from duty without remuneration, otherwise than on leave of absence, may not be reckoned as reckonable service unless—

- (a) that period was a relevant absence; and
- (b) the amount specified in regulation C3(7) has been paid in respect of every relevant contribution period, all or part of which was included in that relevant absence.

(3) Where the amount specified in regulation C3(7) has been paid in respect of a relevant contribution period, so much of any relevant absence as was included in that period may be reckoned as reckonable service whether or not a contract of employment continued to subsist during the relevant absence or any part of it.

Qualifying service

D2. Subject to regulation D3, a pensionable employee's qualifying service is—

- (a) any period which he is entitled to reckon as qualifying service by virtue of regulations D10, D11, D12 or J9(1)(b); and
- (b) any period which was reckonable at its full length by virtue of regulation 40(1)(a) of the 1981 regulations.

Exclusion from reckonable service and qualifying service

D3.—(1) Subject to regulation E14 (combined benefits), a pensionable employee who—

- (a) has entered the employment of a scheduled body or former local authority after becoming entitled to receive payment in respect of any superannuation benefit other than a superannuation benefit under the Insurance Act; or
- (b) has entered such employment after becoming entitled to a benefit under regulation E2(1)(c) and has given notice under regulation E2(8)(c) (retention of entitlement to preserved benefits),

is not entitled to reckon as reckonable service any period of which account has been taken for the purpose of determining whether he was entitled to that benefit or of which account has been or is to be taken for the purpose of calculating its amount.

(2) Subject to regulation E14, a pensionable employee who—

- (a) ceased on or after 6th April 1975 and before 9th February 1979 to hold a local government employment (“the first employment”); and
- (b) within one month and one day after ceasing to hold the first employment—
 - (i) entered the employment in which he is a pensionable employee; and
 - (ii) became in that employment a pensionable employee; and
- (c) in respect of his ceasing to hold the first employment received a return of contributions under the 1981 regulations,

is not entitled to reckon as reckonable service any period in respect of which the return of contributions was made.

(3) Subject to regulation E14, a pensionable employee who—

- (a) on ceasing to hold a local government employment became entitled to a benefit under regulation E2(1)(c); and
- (b) in respect of his ceasing to hold that employment received a return of the whole of the aggregate amount of his contributions to the fund within the meaning of regulation C15,

is not entitled to reckon as reckonable service any period in respect of which the return of contributions was made.

(4) Subject to regulation E14, a pensionable employee who—

- (a) on ceasing to hold a local government employment became entitled to a benefit under regulation E2(1)(c); and
- (b) in respect of his ceasing to hold that employment received a return of part of the aggregate amount mentioned in paragraph (3)(b); and
- (c) did not enter the employment in which he is a pensionable employee after becoming entitled to receive payment in respect of any superannuation benefit other than a superannuation benefit under the Insurance Act; and
- (d) has not given notice under regulation E2(8)(c),

is not entitled to reckon as reckonable service any period in respect of which the return of contributions was made.

(5) Subject to paragraph (6), a pensionable employee who—

- (a) before entering the employment in which he is a pensionable employee was in another local government employment (“the first employment”); and
- (b) in respect of his ceasing to hold the first employment received a return of contributions under the 1981 regulations or under these regulations,

is not entitled to reckon either as reckonable service or as qualifying service any period in respect of which the return of contributions was made.

(6) Paragraph (5) does not apply where paragraph (2), (3)(a) or (4)(a), (c) and (d) applies.

(7) Where—

(a) before entering the employment in which he is a pensionable employee he was in another local government employment (“the first employment”); and

(b) on his ceasing to hold the first employment a transfer value was paid by the Committee, a pensionable employee is not entitled to reckon either as reckonable service or as qualifying service any period in respect of which the transfer value was paid.

(8) A woman who exercises, in accordance with Article 29 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(2) a right to return to work after being absent from work wholly or partly because of pregnancy or confinement is, unless she has given notice under regulation E2(8) (c), to be treated as not having entered a local government employment in any of the circumstances mentioned in this regulation.

Increase of reckonable service on lump sum payment

D4. A pensionable employee who has made a payment in accordance with regulation C4 is entitled to reckon as reckonable service in relation to the relevant employment the period in respect of which the payment was made.

Increase of reckonable service on making periodical payments

D5. A pensionable employee is entitled to reckon as reckonable service in relation to the relevant employment—

(a) if he completes payment of additional contributions in accordance with regulation C5(3), the additional period in respect of which payment was made; or

(b) if he begins such payment but does not complete it, an additional period calculated in accordance with Schedule 8.

Increase of reckonable service on completion or cessation of payments under former regulations

D6.—(1) Where regulation C10(1) applies, on the making or, as the case may be, the completion or discontinuance of any payments deemed to be due under regulations C4, C5 or C6 a pensionable employee is entitled to reckon additional service in accordance, respectively, with regulations D4, D5 or D9.

(2) Where regulation C10(2) applies, on the making or, as the case may be, the completion or discontinuance of any payments of a kind there mentioned (“the relevant event”) a pensionable employee is entitled to reckon additional service to the same extent as if the relevant event had occurred before 1st March 1993.

Increase of reckonable service at discretion of employing authority

D7.—(1) Subject to paragraphs (2) and (3), if the employing authority are satisfied that, having regard to the interests of the efficient exercise of their functions, there are exceptional reasons for doing so they may resolve to add an additional period to a pensionable employee’s reckonable service.

(2) [S.I. 1976/2147 \(N.I. 28\)](#) as amended by The Industrial Relations (Northern Ireland) Order 1982 ([S.I. 1982/528 \(N.I. 8\)](#)), Article 13(3)

(2) A resolution under paragraph (1) may be passed before or within 6 months after the person becomes a pensionable employee in the authority's employment, but not after he has attained the age of 59 years unless he did so after becoming such an employee.

(3) The additional period is to be specified in the resolution and is not to exceed the maximum determined in accordance with Schedule 3.

(4) Where the employing authority have passed a resolution under paragraph (1) and the employee—

- (a) remains in his employment under that authority until he attains pensionable age; or
- (b) on ceasing to hold that employment before attaining that age is incapable of discharging efficiently the duties of the employment by reason of permanent ill-health or infirmity of mind or body; or
- (c) dies while in that employment, he is entitled to reckon as reckonable service the additional period specified in the resolution.

(5) In any other case where the employing authority have passed such a resolution, the employee is entitled to reckon as reckonable service an additional period of

$$\frac{A \times T}{R}$$

where—

A is the additional period specified in the resolution;

T is the period during which the employee has been in the employment of the authority who passed the resolution; and

R is the period during which the employee would have been in that employment if paragraph (4) (a) had applied.

Reduction of added years reckonable on payment as reckonable service

D8.—(1) This regulation applies where—

- (a) a consent was given under regulation 43 of the 1981 regulations or the corresponding provision of the former regulations;
- (b) the person in respect of whom the consent was given is a person in relation to whom regulation F3 applies;
- (c) the notice of election under regulation 98 of the 1981 regulations was given within the period of 6 months beginning on the relevant date, or in the case of a deceased employee (within the meaning of Part F) who died during that period, within the period of 12 months beginning on the date of his death; and
- (d) apart from this regulation some of the person's reckonable service would, or would if payments under regulation C10(2) were to continue up to the age specified in regulation 43(3)(a) or (b) of the 1981 regulations, be left out of account in accordance with regulation E26(1)(a) or (4).

(2) For the purposes of paragraph (1)(c) the relevant date—

- (a) where regulation F3(2)(d) applies, is 12th December 1985; and
- (b) in any other case, is 1st December 1984.

(3) Where this regulation applies, the consent shall be deemed always to have related not to the original number of added years but instead to the longest additional period that would not entail any such leaving out of account of reckonable service as is mentioned in paragraph (1)(d), and payments made and any remaining to be made are to be adjusted accordingly.

Previous service of certain pensionable employees

D9.—(1) A pensionable employee who has made payment under regulation C6(1) is entitled to reckon as reckonable service in relation to the employment in which he became a pensionable employee the period during which he was in that employment before becoming a pensionable employee.

(2) A pensionable employee who has made a payment under regulation C6(2) is entitled to reckon as reckonable service in relation to his local government employment the period in respect of which the payment was made.

Previous service of certain variable-time employees

D10.—(1) This regulation applies to a person who—

- (a) while a pensionable employee in the whole-time employment of a scheduled body becomes a variable-time employee of any scheduled body; and
- (b) while remaining a pensionable employee in the whole-time employment becomes a pensionable employee in the variable-time employment.

(2) A person to whom this regulation applies is entitled to reckon as qualifying service in relation to the variable-time employment any period which, when he became a pensionable employee in the variable-time employment, he was entitled to reckon as reckonable service or qualifying service in relation to the whole-time employment.

Previous service of certain re-employed pensioners

D11.—(1) A person who—

- (a) has become entitled to a retirement pension, otherwise than by virtue of regulation E2(2); and
- (b) enters further employment with any scheduled body in which he becomes a pensionable employee,

is entitled to reckon as qualifying service the period in respect of which he became entitled to the retirement pension.

(2) A person—

- (a) who is in receipt of a pension payable out of public funds;
- (b) who enters employment with any scheduled body in which he becomes a pensionable employee; and
- (c) whose pension is on that account liable to be reduced or suspended, is entitled to reckon as qualifying service the period in respect of which the pension was granted.

(3) A person who—

- (a) after becoming entitled on ceasing to hold an employment (“the first employment”) to a retirement pension by virtue of regulation E2(1)(c) enters further employment with any scheduled body in which he becomes a pensionable employee; and
- (b) in respect of his ceasing to hold the first employment has received a return of the whole or a part of the aggregate amount of his contributions to the fund within the meaning of regulation C15,

is entitled to reckon as qualifying service the period in respect of which the return of contributions was made.

(4) In paragraph (1), “retirement pension” includes an ill-health grant under regulation E4 and an annual pension under the former regulations.

Previous service of part-time employees

D12.—(1) A person who—

- (a) has become a pensionable employee by virtue of an election under paragraph 1(1) of Part III of Schedule 2 made before 1st October 1990 or by virtue of paragraph 4 of that Part; or
- (b) has become a pensionable employee in a whole-time employment at any time after 31st March 1974 and before 1st October 1990 and had previously been in a part-time employment under a scheduled body, is entitled to reckon as qualifying service in relation to the employment in which he is a pensionable employee any previous period of employment under a scheduled body after the material date, except a period which was followed by one of 12 months or more during which he was not employed by a scheduled body.

(2) The material date is the earliest date from which, if Part III of Schedule 2 had come into force on 1st April 1974, an election or, as the case may be, a deemed election by him could have had effect.

Increase of reckonable service of part-time employees

D13.—(1) A person who has made, or whose widow or widower has made one or more payments under regulation C7 (15) or (19) is entitled to reckon as whole-time reckonable service an additional period calculated in accordance with Part II of Schedule 10.

(2) In respect of a person who is entitled to reckon service after 5th April 1988 as reckonable service under regulation D1, the additional period shall be treated as reckonable service after that date. In any other case it shall be treated as reckonable service before 6th April 1988.

Intervals in service due to illness or injury

D14.—(1) Notwithstanding anything in these regulations, a pensionable employee whose remuneration is suspended owing to leave of absence from duty on account of illness or injury shall be deemed to have ceased his employment as a pensionable employee from the date on which his remuneration was so suspended except for the purposes of regulations E2, E5(1)(c), E6(2)(b), E7, E8, E10, E11(1)(a) and (d), E12 and E17.

(2) Where a person ceases or is deemed by virtue of paragraph (1) to have ceased his employment as a pensionable employee on account of illness or injury, no account shall be taken of any period during which he is incapable of resuming employment as a pensionable employee or a period of 2 years, whichever is the less, in determining whether—

- (a) he has entered employment as a pensionable employee within 12 months after leaving that previous employment; or
- (b) for the purposes of regulation E28(1) and Part I of Schedule 15 he has had such break in employment as is referred to therein:

Provided that—

- (i) the said period of 2 years may be extended to such longer period as the Committee may in any particular case allow; and
- (ii) in the case of a person mentioned in paragraph (1) who ceases to be employed whilst his remuneration is suspended and whilst he is incapable of resuming his employment, the period during which his remuneration is suspended and any further consecutive period during which he is incapable of resuming employment as a pensionable employee shall be aggregated for the purposes of this paragraph.