

SCHEDULE 2

Pensionable Employees

Regulation B1(2)

PART I

SCHEDULED BODY

A scheduled body is a local authority as defined in Article 2 of the Order⁽¹⁾.
Regulation B1(3)(c)

PART II

WHOLE-TIME PENSIONABLE EMPLOYEES EMPLOYED IN A MANUAL CAPACITY

1. The requirements to be satisfied in order that a whole-time manual worker employed by a scheduled body may be a pensionable employee by virtue of regulation B1(3)(c) are that—

- (a) he became employed by that body as such a worker after ceasing to be employed in non-local government employment; and
- (b) he has, not later than 12 months after the date on which he became employed by that body as such a worker, elected to become a pensionable employee by notice in writing given to that body.

2. A notice under paragraph 1(b) must also contain a declaration by the worker that his pension rights under his non-local government scheme will be preserved or that he has applied, or will apply, for their transfer to the Committee.

3. A person electing under paragraph 1(b) need not, before becoming a pensionable employee, make a further election under regulation B2.

Regulation B1(5)

PART III

PERSONS EMPLOYED IN A QUALIFYING PART-TIME EMPLOYMENT

1.—(1) Subject to sub-paragraphs (2) to (5) and regulations B2 and B3, a person who is in a qualifying part-time employment is a pensionable employee in that employment.

(2) Subject to sub-paragraphs (3) and (4), a qualifying part-time employment is an employment under a scheduled body in which the contractual weeks are 35 or more and the contractual hours are 15 or more but fewer than 30.

(3) If a person is in two or more employments under one, or more than one, employing authority and—

- (a) in each of the employments the contractual weeks are 35 or more and the contractual hours are fewer than 30; and
- (b) the total of the contractual hours in all the employments is 15 or more,

(1) As extended by The Housing (Northern Ireland) Order 1981 (S.I. 1981/156), Part II, Article 5(3)

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then each of the employments is a qualifying part-time employment, but any election under regulations B2 or B4 or notification under regulation B3 must be made in respect of all of them.

(4) An employment is not a qualifying part-time employment if it is an employment in which the person is a manual worker, unless, subject to sub-paragraph (5), he has completed 12 months' continuous employment with the same body in which the contractual hours were 15 or more.

(5) An employment which would but for sub-paragraph (4) be a qualifying part-time employment becomes one if the employee—

- (a) became employed by the body in question as a manual worker after ceasing to be employed in non-local government employment; and
- (b) provides that body with a declaration in writing that his pension rights under his non-local government scheme will be preserved or that he has applied, or will apply, for their transfer to the Committee.

(6) If the contractual hours in the employment, or as the case may be the total of the contractual hours in all the qualifying part-time employments, of a person in relation to which an election under regulations B2 or B4 (or under paragraph 1(1) of Part II of Schedule 2 to the 1981 regulations before its amendment by the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1991(2)) has effect fall below 15, the person shall continue to be a pensionable employee unless he gives a notification under regulation B3; but having given such a notification, a subsequent election to become a pensionable employee under regulation B4 shall not come into effect unless he is in respect of it in a qualifying part-time employment (or falls within some other description of pensionable employee in regulation B1).

2. If a person who is in a part-time employment under a body mentioned in paragraph 1(2) was, immediately before the commencement of that employment, a pensionable employee in a whole-time employment under that body, he remains a pensionable employee in the part-time employment unless he gives a notification under regulation B3; but having given such a notification, a subsequent election to become a pensionable employee under regulation B4 shall not come into effect unless he is in respect of it in a qualifying part-time employment (or falls within some other description of pensionable employee in regulation B1).

3. Where—

- (a) at any time after 31st March 1974 a scheduled body decided that a person in a part-time employment under them was in that employment a pensionable employee; and
- (b) he was not at that time a pensionable employee by virtue of the former regulations; and
- (c) if Part II of Schedule 2 to the 1981 regulations had then been in force he could have made an election under paragraph 1(1), before its amendment by the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1991,

he is to be treated as if that Part had then been in force and he had made such an election.