STATUTORY RULES OF NORTHERN IRELAND

2009 No. 33

LOCAL GOVERNMENT

Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009

> Made - - - -Coming into operation

25th February 2009 1st April 2009

LOCAL GOVERNMENT PENSION SCHEME (ADMINISTRATION) REGULATIONS (NORTHERN IRELAND) 2009

PART 1

PRELIMINARY

- 1. Citation and commencement
- 2. Interpretation

PART 2

MEMBERSHIP OF SCHEME

- 3. General eligibility for membership
- 4. Employees of community admission bodies
- 5. Employees of transferee admission bodies
- 6. Admission agreements further provisions
- 7. Separate employments, etc.
- 8. Further restrictions on eligibility
- 9. Joining the Scheme
- 10. Ending of membership
- 11. Periods of membership
- 12. Re-employed and rejoining deferred members
- 13. Concurrent employments

PART 3

CONTRIBUTIONS

- 14. Contributions during child-related leave
- 15. Contributions during reserve forces service leave
- 16. Contributions during trade dispute absence

- 17. Contributions during absences with permission
- 18. Applications to make absence contributions
- 19. Payment of additional regular contributions (ARCs)
- 20. Discontinuance of ARCs
- 21. Additional voluntary contributions and shared cost additional voluntary contributions
- 22. Use of accumulated value of AVCs and SCAVCs
- 23. Separate treatment of AVCs and SCAVCs from other contributions
- 24. Cost of calculations of additional pension where no notification given under regulation 22(4)

PART 4

PENSION FUND AND EMPLOYERS' PAYMENTS

- 25. Administration and management
- 26. The fund
- 27. Governance policy statement
- 28. Admission agreement funds
- 29. Accounts and audit
- 30. Funding strategy statement
- 31. Actuarial valuations and certificates
- 32. Supply of copies of valuations, certificates, etc.
- 33. Special circumstances where revised actuarial valuations and certificates must be obtained
- 34. Employer's contributions
- 35. Employer's payment following resolution to increase membership or award additional pension
- 36. Employer's further payments
- 37. Payments by employing authorities to the Committee
- 38. Additional costs arising from employing authority's level of performance
- 39. Interest
- 40. Deduction and recovery of a member's contributions
- 41. Rights to return of contributions
- 42. Exclusion of rights to return of contributions

PART 5

PAYMENT OF BENEFITS, ETC.

- 43. Pension increases under the Pension Schemes (Northern Ireland) Act 1993
- 44. Contributions equivalent premiums
- 45. Commencement of pensions
- 46. Interest on late payment of certain benefits
- 47. Payments due in respect of deceased persons
- 48. Non-assignability

PART 6

DETERMINATION OF QUESTIONS AND DISPUTES

- 49. Interpretation of Part
- 50. First instance decisions general
- 51. First instance determinations: ill-health

- 52. Notification of first instance decisions
- 53. Appointment of persons to resolve disputes
- 54. Right to apply for an appointed person to review a decision
- 55. Notice of decisions by the appointed person under regulation 54
- 56. Reference of disagreement to the Committee
- 57. Notice of decisions by the Committee under regulation 56
- 58. Rights of representation
- 59. Referral of decisions under regulation 50(1) to the county court

PART 7

POLICY STATEMENTS AND INFORMATION

- 60. Exchange of information by authorities
- 61. Pension administration strategy
- 62. Exercise of discretionary functions: policy statements
- 63. Communication policy statements
- 64. Annual benefit statements
- 65. Information to be supplied by employees

PART 8

SPECIAL ADJUSTMENTS

- 66. Statements of policy concerning abatement of retirement pensions in new employment
- 67. Application of abatement policy in individual cases
- 68. Forfeiture of pension rights after conviction of employment-related offences
- 69. Interim payments directions
- 70. Recovery or retention where former member has misconduct obligation
- 71. Protection of guaranteed minimum pension rights
- 72. Transfer of sums from the fund to compensate for former member's misconduct

PART 9

TRANSFERS

- 73. Interpretation of Part
- 74. Application of Chapter 4, etc.
- 75. Rights to payment out of the fund
- 76. Contracting-out requirements affecting transfers out
- 77. Bulk transfers (transfer of undertakings), etc.
- 78. Calculation of amount of transfer payment under regulation 77
- 79. Inward transfers of pension rights
- 80. Right to count credited period
- 81. Community scheme transferees

PART 10

PENSION SHARING

PRELIMINARY PROVISIONS

82. Pension debit member

SHARING OF RIGHTS UNDER THE SCHEME

- 83. Interpretation
- 84. Discharge of liability for pension credit rights
- 85. Aggregation
- 86. Death of a person entitled to a pension credit before discharge
- 87. Safeguarded rights
- 88. Valuation date

PENSION CREDIT MEMBERS AND PENSION CREDIT

- 89. Application of the Regulations to pension credit members
- 90. Calculation
- 91. Payment of benefits
- 92. Death grants: pension credit members
- 93. Commutation: small pensions

TRANSFERS

- 94. Transfers out
- 95. Transfers in
 - Signature

SCHEDULE INTERPRETATION

1 SCHEDULE

LE MATTERS TO BE INCLUDED IN ADMISSION AGREEMENTS 2 WITH TRANSFEREE ADMISSION BODIES

- 1. A requirement for the transferee admission body to pay to...
- 2. If required by regulation 5(5), a reference to the indemnity...
- 3. A provision requiring the transferee admission body to adopt the...
- 4. An undertaking from the transferee admission body to the Committee...
- 5. A representation and warranty from the transferee admission body to...
- 6. An undertaking from the transferee admission body that it will...
- 7. A requirement that the transferee admission body notifies the Committee...
- 8. A requirement that a transferee admission body—

- 9. A provision—(a) for automatic termination of the admission agreement,...
- 10. A right for the Committee to terminate the agreement in...
- 11. A requirement that the admission agreement in its final form...
- In relation to a transferee admission body under regulation 5(2)(a) 12

SCHEDULE

THE COMMITTEE

3 PART 1 — CONSTITUTION OF THE COMMITTEE

- The Committee appointed by the Minister shall consist of-
- 1. 2. (1) Subject to the provisions of sub-paragraph (2) and paragraph...
- 3. The quorum of the Committee shall be 6, or such...
- 4. The Committee may act notwithstanding any vacancy in its numbers...
- 5. A casual vacancy occurring in the membership of the Committee...
- A member of the Committee may resign his membership by... 6.
- Where any member of the Committee is absent from the... 7.
- A member of the Committee on vacating his office at... 8.
- 9. No defect in the appointment of any person acting as...
 - PART 2 POWERS OF THE COMMITTEE
- 10. The Committee, which shall be a body corporate with perpetual...
- 11. The Committee may appoint a sub-committee or an officer employed...
- 12. The number of members of a sub-committee appointed under paragraph...
- 13 A sub-committee appointed under paragraph 11 shall consist of members...
- 14 A sub-committee or an officer appointed under paragraph 11 shall...
- 15. The Committee may revoke any appointment made under paragraph 11....
- 16. Any arrangements made by the Committee for the discharge of...
- 17. The seal of the Committee shall be authenticated by the...
- 18. Every document purporting to be an instrument issued by the...
- 19. Subject to the provisions of these Regulations, the Benefits Regulations...
- 20. The Committee may with the approval of the Department appoint...
- 21. In addition to the appointments mentioned in paragraph 20, the...
- 22. (1) The Committee may make arrangements with any employing authority,...
- 23. Section 18(2) of the Interpretation Act (Northern Ireland) 1954 shall...

PART 3 — EXPENSES AND ALLOWANCES PAYABLE BY THE COMMITTEE

- 24. The expenses of the Committee, including payments in respect of...
- The Committee may, with the approval of the Department, in... 25.
- 26 (1) The Committee may, with the approval of the Department,...
- 27. A claim for an allowance shall be submitted to the...
- 28. In this Part, "approved duty" means attendance at a meeting... Explanatory Note