

## SCHEDULE 1

Regulation 2

### INTERPRETATION

- “the 1993 Act” means the Pension Schemes Act (Northern Ireland) 1993**(1)**;
- “the 1999 Act” means the Welfare Reform and Pensions Act 1999**(2)**;
- “the 1999 Order” means the Welfare Reform and Pensions (Northern Ireland) Order 1999**(3)**;
- “the 2002 Regulations” means the Local Government Pension Scheme Regulations (Northern Ireland) 2002**(4)**;
- “active member” has the same meaning as in Article 121(1) of the Pensions Order**(5)**;
- “actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries;
- “admission agreement”, in relation to an admission body, means an agreement that all, or any designated class, of the body’s employees may be members;
- “admission agreement fund” means a pension fund established under regulation 28 (admission agreement funds);
- “admission body” means a body mentioned in regulation 4**(2)** (employees of community admission bodies) or regulation 5**(2)** (employees of transferee admission bodies);
- “appropriate policy” means a policy of insurance or an annuity contract which provides an annuity which satisfies requirements prescribed under section 91(2)(c) of the 1993 Act;
- “ARCs” means additional regular contributions as referred to in regulation 19 (payment of additional regular contributions);
- “AVCs” means additional voluntary contributions as referred to in regulation 21 (additional voluntary contributions and shared cost additional voluntary contributions);
- “base rate” means the base rate for the time being quoted by the reference banks or, where there is for the time being more than one such base rate, the rate which, when the base rate quoted by each bank is ranked in a descending sequence of seven, is fourth in the sequence;
- “Belfast Corporation Superannuation Scheme” means the superannuation scheme made by Belfast Corporation under section 5A of the Local Government (Superannuation) Act (Northern Ireland) 1950**(6)**, on 4th August 1964 or 20th April 1951 (both as amended) as the circumstances require;
- “benefit crystallisation event” shall be construed in accordance with section 216 of the Finance Act 2004**(7)**;
- “the Benefits Regulations” means the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009**(8)**;
- “cancelling notice”, in relation to person’s relevant reserve forces service, means—
- (a) an agreement, by a member who has not waived his right to receive a return of contributions under regulation 41 (rights to return of contributions) to receive a return of contributions; or

---

(1) 1993 c. 49.

(2) 1999 c. 30.

(3) S.I. 1999/3147 (N.I. 11).

(4) S.R. 2002 No. 352; as amended by S.R. 2002 No. 353, S.R. 2004 No.139, S.R. 2005 No. 206, S.R. 2005 No. 274, S.R. 2006 No. 6, S.R. 2006 No. 112, S.R. 2007 No. 152, S.R. 2007 No. 372 and S.R. 2007 No. 479.

(5) S.I. 1995/3213 (N.I. 22).

(6) 1950 c. 10 (N.I.); section 5A was inserted by 1951 c. 9, section 2.

(7) 2004 c. 12;

(8) S.R. 2009 No. 32.

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

- (b) a notice in writing given by the person to the Committee not later than 12 months after the end of the period of service to which the notice relates (or within such longer period as the Committee may allow) that the service should not be treated as relevant reserve forces service;

“the Committee” means the Northern Ireland Local Government Officers’ Superannuation Committee established under section 1 of the Local Government (Superannuation) Act (Northern Ireland) 1950;

“contractual hours”—

- (a) in relation to an employee (other than an employee with non-cyclical fluctuating hours), means the number of hours specified in his contract of employment as his contractual hours for the purposes of the Scheme; and
- (b) in relation to an employee with non-cyclical fluctuating hours, means the number of hours calculated as his contractual hours for the purposes of the Scheme in accordance with the provisions of his contract of employment;

“contract of employment” includes terms of office;

“contribution rate” means the appropriate contribution rate for a member as provided for in regulation 3 (contributions payable by active members) of the Benefits Regulations;

“deferred member” has the same meaning as in Article 121(1) of the Pensions Order except as provided in regulation 12 (re-employed and rejoining deferred members);

“the Department” means the Department of the Environment;

“eligible child” has the meaning given in regulation 26 (meaning of “eligible child”) of the Benefits Regulations;

“employee” includes a whole-time, part-time or variable-time employee;

“employing authority” means a body employing an employee who is eligible to be a member or is a local authority as defined in Article 2 of the Order of 1972<sup>(9)</sup> (but see regulation 6<sup>(6)</sup> (admission agreements – further provisions));

“employment” includes office;

“equivalent pension benefit” has the same meaning as in section 56(1) of the National Insurance Act (Northern Ireland) 1966<sup>(10)</sup>;

“final pay” shall be construed in accordance with regulation 8 (final pay: general) of the Benefits Regulations;

“fluctuating emoluments” are any part of an employee’s earnings which are not paid on a fixed basis and are additional to the basic wage or salary;

“the former Regulations” means the 2002 Regulations, the Local Government Pension Scheme Regulations (Northern Ireland) 2000<sup>(11)</sup>, or as the circumstances require, the Local Government (Superannuation) Regulations (Northern Ireland) 1992<sup>(12)</sup>, the Local Government (Superannuation) Regulations (Northern Ireland) 1981<sup>(13)</sup>, the Local Government (Superannuation) Regulations (Northern Ireland) 1962<sup>(14)</sup> or the Local

---

(9) S.I. 1972/1073 (N.I. 10); as extended by The Housing (Northern Ireland) Order 1981 (S.I. 1981/156, Part 2, Article 5(3)).

(10) 1966 c. 6 (N.I.).

(11) S.R. 2000 No. 177; as amended by S.R. 2001 No. 61, S.R. 2001 No. 63, S.R. 2001 No. 64, S.R. 2002 No. 115 and S.R. 2002 No. 353.

(12) S.R. 1992 No. 547; as amended by other instruments listed in Schedule M3 to the Local Government Pension Scheme Regulations (Northern Ireland) 2000 (S.R. 2000 No. 177).

(13) S.R. 1981 No. 96; as amended by other instruments listed in Schedule 21 to the Local Government (Superannuation) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 547).

(14) S.R. & O. (N.I.) 1962 No. 210.

Government (Superannuation) Regulations (Northern Ireland) 1950<sup>(15)</sup> and shall be deemed also, in the case of a member who immediately before 1st April 1973 was subject to the Belfast Corporation Superannuation Scheme to include the provisions of that Scheme;

“the fund” means the superannuation fund established under the Local Government (Superannuation) Regulations (Northern Ireland) 1950;

“guaranteed minimum pension” means the guaranteed minimum as defined in sections 10 and 13 (minimum pensions for earners, widows, widowers and surviving civil partner) of the 1993 Act, so far as it is attributable to earnings factors for the tax year 1988-89 or for subsequent tax years, increased in accordance with the requirements of section 105 of that Act (annual increase of guaranteed minimum pensions) and in this definition “earnings factors” means the earnings factors referred to in section 10 of that Act and “tax year” means the 12 months beginning with 6th April in any year;

“local government auditor” has the same meaning as in the Local Government (Northern Ireland) Order 2005<sup>(16)</sup>;

“local government employment” means employment by virtue of which the person employed is or has been (or is or has been deemed to be) a member;

“member” has the same meaning as in Article 121(1) of the Pensions Order but, except in regulation 64 (annual benefit statements) and in Part 10 (pension sharing), shall not include a pension credit member;

“Minister” means the Minister of the Environment;

“nominated cohabiting partner” has the meaning given by regulation 25 (meaning of “nominated cohabiting partner”) of the Benefits Regulations;

“non-cyclical fluctuating hours” means hours which the employing authority are entitled to require the employee to work in a contractual week in any case where those hours vary in a way which is not cyclical;

“non-local government scheme” means an occupational pension scheme or other arrangements for superannuation, not being—

- (a) the superannuation scheme provided in regulations made under the Local Government (Superannuation) Act (Northern Ireland) 1950; or
- (b) the superannuation scheme provided in regulations for the time being in force under Article 9 of the Order of 1972;

“normal benefit age” for the purposes of Part 10, means 65;

“normal retirement age” is 65;

“occupational pension scheme” has the meaning given by section 150(5) of the Finance Act 2004<sup>(17)</sup>;

“the Order of 1972” means the Superannuation (Northern Ireland) Order 1972<sup>(18)</sup>;

“part-time employee” means an employee—

- (a) whose contract of employment provides that he is such an employee for the Scheme; or
- (b) who is neither a whole-time employee nor a variable-time employee;

“payment in lieu of contributions” means a payment made in lieu of contributions under the National Insurance Act (Northern Ireland) 1959<sup>(19)</sup>, National Insurance Act (Northern

---

<sup>(15)</sup> S.R. & O. (N.I.) 1950 No. 103 (p. 423).

<sup>(16)</sup> S.I. 2005/1968 (N.I. 18).

<sup>(17)</sup> 2004 c. 12.

<sup>(18)</sup> S.I. 1972/1073 (N.I. 10).

<sup>(19)</sup> 1959 c. 21 (N.I.).

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

Ireland) 1966<sup>(20)</sup>, the National Insurance Acts 1965 to 1974<sup>(21)</sup> or the National Insurance (Isle of Man) Act 1961 (an Act of Tynwald);

“pension credit” means a credit under Article 26(1)(b) of the 1999 Order or section 29(1)(b) of the 1999 Act;

“pension credit benefits” means benefits payable under the Scheme to or in respect of a pension credit member by virtue of rights under the Scheme attributable to a pension credit;

“pension credit member” means a person who has pension credit rights or benefits under the Scheme;

“pension credit rights” means rights to future benefits under the Scheme which are attributable to a pension credit;

“pension debit” means a debit under Article 26(1)(a) of the 1999 Order or under section 29(1)(a) of the 1999 Act;

“pension debit member” means a member, whether an active member, a deferred member or a pensioner member, whose shareable rights under the Scheme are subject to a pension debit;

“pension sharing order” means the order or provision by virtue of which Article 26 of the 1999 Order or section 29 of the 1999 Act takes effect;

“pensionable pay” has the meaning given in regulation 4 (meaning of “pensionable pay”) of the Benefits Regulations;

“pensioner member” has the same meaning as in Article 121(1) of the Pensions Order;

“the Pensions Order” means the Pensions (Northern Ireland) Order 1995;

“preserved benefits” means benefits to which a person—

(a) was entitled immediately before the commencement date and which are preserved by virtue of regulation 3(1) and 3(2)(a) of the Transitional Regulations; and

(b) becomes entitled under these Regulations and the Benefits Regulations, and which have not become payable and which have not had an election made in respect of them under regulation 12 (re-employed and rejoining deferred members);

“prospective member” means a person who under his contract of employment or these Regulations —

(a) may, if he wishes or his employer consents, become a member;

(b) will be able to do so if he continues in the same employment sufficiently long; or

(c) will become a member unless he chooses not to do so;

“reference banks” means the seven largest persons for the time being who—

(a) have permission under Part 4 of the Financial Services and Markets Act 2000<sup>(22)</sup> to accept deposits;

(b) are incorporated in the United Kingdom and carrying on there a regulated activity of accepting deposits; and

(c) quote a base rate in sterling,

and for the purpose of this definition the size of a person at any time is to be determined by reference to the gross assets denominated in sterling of that person, together with any subsidiary (as defined in section 1159 of the Companies Act 2006)<sup>(23)</sup> or before the commencement of

---

<sup>(20)</sup> 1966 c. 6 (N.I.).

<sup>(21)</sup> 1965 c. 51; 1966 c. 6; 1967 c. 73; 1969 c. 4; 1969 c. 44; 1971 c. 50; 1972 c. 57; 1974 c.14.

<sup>(22)</sup> 2000 c. 8.

<sup>(23)</sup> 2006 c. 46.

section 1159, as defined by Article 4 of the Companies (Northern Ireland) Order 1986<sup>(24)</sup>, as shown in the audited end-of-year accounts last published before that time and this definition must be read with—

- (i) section 22 of the Financial Services and Markets Act 2000;
- (ii) any relevant order under that section; and
- (iii) Schedule 2 to that Act;

“registered scheme” means a pension scheme registered by the Commissioners for Her Majesty’s Revenue and Customs under Part 4 of the Finance Act 2004<sup>(25)</sup>;

“relevant reserve forces service” means service (other than service for the purposes of training only or service for a period in respect of which a cancelling notice has been served)—

- (a) in pursuance of any notice or directions given under any enactment which provides for the calling out on permanent service, or the calling into actual service, or the embodiment of, any reserve or auxiliary force, or members of such a force, or the recall of service pensioners;
- (b) in pursuance of any obligation or undertaking to serve when called upon as a commissioned officer; or
- (c) rendered by virtue of section 28 or 65 of the Reserve Forces Act 1996<sup>(26)</sup>,

and paragraph (b) applies whether or not the obligation or undertaking is legally enforceable, but not in the case of an obligation or undertaking to accept a permanent commission or a commission for a fixed term or to serve for the purposes of periodical training;

“reserve forces pay”, in relation to any person, is the total of—

- (a) his pay for performing relevant reserve forces service (including marriage, family and similar allowances); and
- (b) any payments under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1953<sup>(27)</sup>;

“reserve forces service leave”, in relation to a person, means being away from work—

- (a) after—
  - (i) he has left the employment in which he is an active member; or
  - (ii) he has been granted leave of absence from such an employment, in order to perform reserve forces service;
- (b) without having agreed to receive a return of contributions under regulation 41 (rights to return of contributions); and
- (c) without having elected that the absence is not to count as such by giving notice in writing to the Committee not later than 12 months after the end of the period of reserve forces service to which the notice relates (or within such longer period as the Committee may allow);

“reserve or auxiliary force” means the whole or part of the Royal Navy Reserve (including the Royal Fleet Reserve), the Royal Marines Reserve, the Territorial Army, the Army Reserve, the Air Force Reserve, the Royal Air Force Volunteer Reserve or the Royal Auxiliary Air Force;

“SCAVCs” means shared cost additional voluntary contributions as referred to in regulation 21 (additional voluntary contributions and shared cost additional voluntary contributions);

---

<sup>(24)</sup> S.I. 1986/1032 (N.I. 6); Articles 4 and 4A were substituted for Article 4 by Article 62(1) of S.I. 1990/1504 (N.I. 10).

<sup>(25)</sup> 2004 c. 12.

<sup>(26)</sup> 1996 c. 14.

<sup>(27)</sup> S.I. 1953/197.

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

“the Scheme” means the occupational pension scheme constituted by these Regulations, the Benefits Regulations, the Transitional Regulations and the 2002 Regulations (as far as they continue to operate);

“Scheme function” means any function under the Regulations which constitute the Scheme;

“service” means service or employment with an employing authority and service rendered by an employee of an employing authority whose services are placed at the disposal of a Minister of the Crown or a Government department in pursuance of any enactment is to be treated as service with an employing authority;

“service pensioner” means a person in receipt of a pension (other than a pension awarded in respect of disablement) granted—

- (a) in respect of service in the Royal Navy, the Royal Marines, the regular army and the regular air force or any reserve or auxiliary force which has been called out on permanent service or which has been embodied; or
- (b) in respect of that or other service;

“shareable rights” means a person’s shareable rights mentioned in Article 24(2) of the 1999 Order or under section 27(2) of the 1999 Act;

“solvency” means the Committee’s funding objective as set out in the funding strategy statement prepared under regulation 30 (funding strategy statement);

“total membership” means the aggregate of periods of membership which count as such under regulation 6 (periods of membership) of the Benefits Regulations;

“the Transitional Regulations” means the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2009(28);

“transferor” in relation to a pension credit member or a person entitled to a pension credit means the person to whose shareable rights the pension sharing order relates;

“trustees or managers”, for the purposes of Part 10, has the meaning given in Article 43(1) of the of the 1999 Order or under section 46(1) of the 1999 Act;

“variable-time employee” means an employee whose contract of employment provides that he is such an employee for the Scheme and—

- (a) whose pay is calculated by reference to his duties (rather than necessarily by reference to the number of hours he has worked); and
- (b) whose duties only have to be performed on an occasional basis; and

“whole-time employee” means an employee whose contract of employment provides—

- (a) that he is such an employee for the Scheme; or
- (b) that his contractual hours are not less than the number of contractual hours for a person employed in that employment on a whole-time basis.