
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 33

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

PART 2

MEMBERSHIP OF SCHEME

Re-employed and rejoining deferred members

12.—(1) Where a deferred member becomes an active member in an employment (“the new employment”) before becoming entitled to the immediate payment of retirement benefits, he may, by giving notice in accordance with paragraph (4), choose to have his membership in any former employment aggregated with his membership in the new employment.

(2) Where he has ceased to be an active member more than once, he may choose to aggregate under paragraph (1)—

- (a) his membership at each of the times he so ceased; or
- (b) only such periods of membership as are specified in the notice.

(3) But a member cannot choose to aggregate any period of former membership which he could have chosen to aggregate with another period of former membership but did not before the expiry of the period mentioned in paragraph (4)(b).

(4) Notice for the purposes of paragraph (1) must be given in writing to the Committee—

- (a) while the deferred member is an active member in the new employment; and
- (b) before the expiry of the period of 12 months beginning with the date that he became an active member again (or such longer period as the Committee may allow).

(5) References in this regulation to former membership include all membership which the member was entitled to count as membership immediately before he ceased his former active membership.

(6) Where a person ceases to be an active member in one employment and immediately becomes an active member in another employment, he shall be treated for the purposes of this regulation as if he were a deferred member as respects the first employment, despite never having ceased to be an active member of the Scheme.

(7) But paragraph (6) does not apply to a member who is the subject of—

- (a) a transfer to which the Transfer of Undertakings (Protection of Employment) Regulations 2006(1) (“the TUPE Regulations”) apply; or
- (b) a transfer that is treated as if it were a relevant transfer within the meaning of regulations 2(1) and 3 of the TUPE Regulations, notwithstanding regulation 3(5) of those Regulations.

Status: *This is the original version (as it was originally made).*
