
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 206

**The Local Government Pension Scheme
(Amendment) Regulations (Northern Ireland) 2019**

PART 1

Survivor Benefits Amendments

Amendment of the Benefits Regulations

2.—(1) Regulations 3 to 8 have effect in relation to the Benefits Regulations to the extent that they continue in operation by virtue of the 2014 Transitional Regulations.

(2) The Benefits Regulations are amended in accordance with regulations 3 to 8.

3. In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of “admission agreement fund” insert—

““cohabiting partner” means a person whom the Committee is satisfied fulfils the following condition—

(a) the person (P) has fulfilled the condition in paragraph (b) for a continuous period of at least two years on the date the member (M) died;

(b) the condition is that—

(i) M is able to marry, or form a civil partnership with, P;

(ii) M and P are living together as if they were a married couple or as if they were civil partners;

(iii) neither M nor P is living with a third person as if they were a married couple or as if they were civil partners; and

(iv) either P is financially dependent on M, or M and P are financially interdependent; and

(c) in this definition “member” means an active member or a former active member who has become a deferred or pensioner member in accordance with these Regulations or the Administration Regulations.”; and

(b) omit the definition of “nominated cohabiting partner”.

4. In regulation 14A(1) (election to pay additional contributions: survivor benefits)—

(a) in paragraph (1) for “nominated cohabiting partner (within the meaning of regulation 25)” substitute “cohabiting partner”;

(b) omit paragraph (2);

(c) in paragraph (3) for “ASBCs” substitute “Additional survivor benefits contributions “ASBCs””; and

- (d) in paragraph (5) omit “nominated”.
- 5. In regulation 24(1) (survivor benefits: active members) omit “nominated”.
- 6. Omit regulation 25 (meaning of nominated cohabiting partner).
- 7. In regulation 33(1) (survivor benefits: deferred members) omit “nominated”.
- 8. In regulation 36(1) (survivor benefits: pensioner members) omit “nominated”.

Amendment of the Administration Regulations

9.—(1) Regulations 10 to 16 have effect in relation to the Administration Regulations to the extent that they continue in operation by virtue of the 2014 Transitional Regulations.

(2) The Administration Regulations are amended in accordance with regulations 10 to 16.

- 10. In regulation 42(2) (exclusion of rights to return of contributions) omit “nominated”.
- 11. In regulation 45B(1)(2) (survivor benefits: guaranteed minimum pension) omit “nominated”.
- 12. In regulation 54(2)(a) (right to apply for an appointed person to review a decision) omit “nominated”.
- 13. In regulation 72(5)(b) (transfer of sums from the fund to compensate for former member’s misconduct) omit “nominated”.
- 14. In regulation 76(5)(a) (contracting-out requirements affecting transfers out) for “nominated co-habiting” substitute “cohabiting”.
- 15. In regulation 81(2)(b) (community scheme transferees) omit “nominated”.
- 16. In Schedule 1 (interpretation)—
 - (a) after the definition of “cancelling notice” insert—
 - ““cohabiting partner” has the meaning given in regulation 1 (citation, commencement and interpretation) of the Benefits Regulations;”;
 - and
 - (b) omit the definition of “nominated cohabiting partner”.

Amendment of the 2009 Transitional Regulations

17.—(1) Regulations 18 to 20 have effect in relation to the 2009 Transitional Regulations to the extent that they continue in operation by virtue of the 2014 Transitional Regulations.

(2) The 2009 Transitional Regulations are amended in accordance with regulations 18 to 20.

- 18. In regulation 1(3) (citation, commencement, interpretation and retrospection)—
 - (a) after the definition of “the Benefits Regulations” insert—
 - ““cohabiting partner” has the meaning given in regulation 1 (citation, commencement and interpretation) of the Benefits Regulations;”;
 - and
 - (b) omit the definition of “nominated cohabiting partner”.
- 19. In regulation 3(4) (membership accrued before 1st April 2009: active members) omit “nominated”.
- 20. In Schedule 5 (transitional and transitory provisions and savings) in paragraph 4(3), in the definition of “benefit” omit “nominated”.

(2) This regulation was inserted into S.R. 2009 No. 32 by regulation 40 of S.R. 2010 No. 410.

Amendment of the Principal Regulations

21. The Principal Regulations are amended in accordance with regulations 22 to 31.
22. In regulation 21(2) (exclusion of rights to return of contributions) omit “nominated”.
23. In regulation 41(1) (survivor benefits: partners of active members) omit “nominated”.
24. Omit regulation 42 (meaning of “nominated co-habiting partner”).
25. In regulation 47(1) (survivor benefits: partners of deferred members) omit “nominated”.
26. In regulation 52(1) (survivor benefits: partners of pensioner members) omit “nominated”.
27. In regulation 58(8) (guaranteed minimum pensions) omit “nominated”.
28. In regulation 84(2)(a) (right to apply for an appointed person to review a decision) omit “nominated”.
29. In regulation 109(4)(a) (contracting-out requirements affecting transfers out) omit “nominated”.
30. In regulation 114(2)(b) (EU scheme transfers) omit “nominated”.
31. In Schedule 1 (interpretation)—
 - (a) before the definition of “the Committee” insert—

““cohabiting partner” means a person whom the Committee is satisfied fulfils the following condition—

 - (a) the person (P) has fulfilled the condition in paragraph (b) for a continuous period of at least two years on the date the member (M) died;
 - (b) the condition is that—
 - (i) M is able to marry, or form a civil partnership with, P;
 - (ii) M and P are living together as if they were a married couple or as if they were civil partners;
 - (iii) neither M nor P is living with a third person as if they were a married couple or as if they were civil partners; and
 - (iv) either P is financially dependent on M, or M and P are financially interdependent; and
 - (c) in this definition—
 - (i) “member” means an active member or a former active member who has become a deferred or pensioner member in accordance with these Regulations or the 2009 Regulations; and
 - (ii) the qualifying time period, under paragraph (a), of a continuous period of at least two years on the date the member died as it applies in relation to the condition in paragraph (b)(i) (ability to marry or form a civil partnership) no longer applies from 18th November 2019;”;
- (b) omit the definition of “nominated co-habiting partner”; and
- (c) in the definition of “partner” omit “nominated”.

Amendment of the 2014 Transitional Regulations

32. The 2014 Transitional Regulations are amended in accordance with regulations 33 and 34.
33. In regulation 17(7)(c) (survivor benefits) omit “nominated”.

34. In paragraph 4(3) of Schedule 5 (transitional and transitory provisions and savings), in the definition of “benefit” for “nominated cohabiting partner (as defined in regulations 42 of the 2014 Regulations)” substitute “cohabiting partner”.