
STATUTORY RULES OF NORTHERN IRELAND

1992 No. 547

**Local Government (Superannuation)
Regulations (Northern Ireland) 1992**

**PART D
SERVICE**

Exclusion from reckonable service and qualifying service

D3.—(1) Subject to regulation E14 (combined benefits), a pensionable employee who—

- (a) has entered the employment of a scheduled body or former local authority after becoming entitled to receive payment in respect of any superannuation benefit other than a superannuation benefit under the Insurance Act; or
- (b) has entered such employment after becoming entitled to a benefit under regulation E2(1)(c) and has given notice under regulation E2(8)(c) (retention of entitlement to preserved benefits),

is not entitled to reckon as reckonable service any period of which account has been taken for the purpose of determining whether he was entitled to that benefit or of which account has been or is to be taken for the purpose of calculating its amount.

(2) Subject to regulation E14, a pensionable employee who—

- (a) ceased on or after 6th April 1975 and before 9th February 1979 to hold a local government employment (“the first employment”); and
- (b) within one month and one day after ceasing to hold the first employment—
 - (i) entered the employment in which he is a pensionable employee; and
 - (ii) became in that employment a pensionable employee; and
- (c) in respect of his ceasing to hold the first employment received a return of contributions under the 1981 regulations,

is not entitled to reckon as reckonable service any period in respect of which the return of contributions was made.

(3) Subject to regulation E14, a pensionable employee who—

- (a) on ceasing to hold a local government employment became entitled to a benefit under regulation E2(1)(c); and
- (b) in respect of his ceasing to hold that employment received a return of the whole of the aggregate amount of his contributions to the fund within the meaning of regulation C15,

is not entitled to reckon as reckonable service any period in respect of which the return of contributions was made.

(4) Subject to regulation E14, a pensionable employee who—

- (a) on ceasing to hold a local government employment became entitled to a benefit under regulation E2(1)(c); and
- (b) in respect of his ceasing to hold that employment received a return of part of the aggregate amount mentioned in paragraph (3)(b); and
- (c) did not enter the employment in which he is a pensionable employee after becoming entitled to receive payment in respect of any superannuation benefit other than a superannuation benefit under the Insurance Act; and
- (d) has not given notice under regulation E2(8)(c),

is not entitled to reckon as reckonable service any period in respect of which the return of contributions was made.

(5) Subject to paragraph (6), a pensionable employee who—

- (a) before entering the employment in which he is a pensionable employee was in another local government employment (“the first employment”); and
- (b) in respect of his ceasing to hold the first employment received a return of contributions under the 1981 regulations or under these regulations,

is not entitled to reckon either as reckonable service or as qualifying service any period in respect of which the return of contributions was made.

(6) Paragraph (5) does not apply where paragraph (2), (3)(a) or (4)(a), (c) and (d) applies.

(7) Where—

- (a) before entering the employment in which he is a pensionable employee he was in another local government employment (“the first employment”); and
- (b) on his ceasing to hold the first employment a transfer value was paid by the Committee,

a pensionable employee is not entitled to reckon either as reckonable service or as qualifying service any period in respect of which the transfer value was paid.

(8) A woman who exercises, in accordance with Article 29 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976⁽¹⁾ a right to return to work after being absent from work wholly or partly because of pregnancy or confinement is, unless she has given notice under regulation E2(8) (c), to be treated as not having entered a local government employment in any of the circumstances mentioned in this regulation.

(1) [S.I. 1976/2147 \(N.I. 28\)](#) as amended by The Industrial Relations (Northern Ireland) Order 1982 ([S.I. 1982/528 \(N.I. 8\)](#)), Article 13(3)