
STATUTORY RULES OF NORTHERN IRELAND

1992 No. 547

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

**PART E
BENEFITS**

Entitlement to retirement pension and retiring allowance

E2.—(1) Subject to paragraphs (3) to (9), when a person ceases to hold a local government employment he becomes entitled in relation to that employment to an annual retirement pension and a lump sum retiring allowance if—

- (a) he has attained the age of 60 years and the total of his reckonable service and any qualifying service is not less than 25 years; or
- (b) the total of his reckonable service and any qualifying service is not less than 2 years and—
 - (i) he is incapable of discharging efficiently the duties of that employment by reason of permanent ill-health or infirmity of mind or body; or
 - (ii) he has attained the age of 65 years; or
 - (iii) he has attained the age of 50 years and one of the conditions in paragraph (3) is satisfied; or
- (c) neither sub-paragraph (a) nor sub-paragraph (b) applies and—
 - (i) the total of his reckonable service and any qualifying service is not less than 2 years; or
 - (ii) he is treated by virtue of regulation J13(3), as having ceased to hold the employment on becoming subject in it to an approved non-local government scheme; or
- (d) he has attained the age of 60 years and has completed 10 years' service, provided that he was a pensionable employee before 1st April 1972; or
- (e) none of the preceding sub-paragraphs applies and he—
 - (i) has attained state pensionable age; or
 - (ii) would attain state pensionable age before the following 6th April.

(2) When a person ceases to hold a local government employment he becomes entitled in relation to that employment to an annual retirement pension if—

- (a) he is not so entitled under paragraph (1)(a) to (c), or he is entitled under paragraph (1)(c) but makes an election under regulation C15(4) and receives a return of contributions (in which case he shall be treated as having ceased to hold the employment on the day before the date of receipt); and

- (b) the whole or some part of his reckonable service was service in a non-participating employment or was reckonable service which relates to employment with a non-local government employer in a non-participating employment; and
 - (c) a period of his service in a non-participating employment came to an end by reason of the repeal of section 55(1) of the Insurance Act or by reason of the provisions of regulation 2(2) of the National Insurance (Non-participation — Assurance of Equivalent Pension Benefits) Regulations (Northern Ireland) 1960(1) as modified by regulation 10(2) (a) or (b) of the Transitional Provisions Regulations; and
 - (d) at some time during the settlement period (within the meaning of regulation 2 of the Transitional Provisions Regulations) he became, and has remained, assured of equivalent pension benefits.
- (3) The conditions mentioned in paragraph (1)(b)(iii) are—
- (a) that the employing authority certify that the person has ceased to hold the local government employment by reason of redundancy or in the interests of the efficient exercise of their functions; or
 - (b) that the person was one of the holders of a joint appointment and his appointment has been terminated because the other ceased to hold his appointment.
- (4) Benefits to which a person has become entitled by virtue of paragraph (1)(a) or (b) are payable immediately.
- (5) Subject to paragraphs (8) to (10), preserved benefits become payable from the date on which the person attains pensionable age, or if earlier—
- (a) from any date on which he becomes incapable by reason of permanent ill-health or infirmity of mind or body of discharging efficiently the duties of the employment he ceased to hold; or
 - (b) from any date after he has attained the age of 50 years from which the employing authority, with the agreement of the Committee, determine on compassionate grounds that the benefits are to become payable; or
 - (c) in the case of a woman, from the first date on which she both—
 - (i) has attained the age of 60 years; and
 - (ii) is no longer in any local government employment,unless he is a man who has attained the age of 60 years and has, on or after but not more than 3 months after the date of his attaining that age or of his ceasing to be employed, whichever is the later, by notice in writing to the employing authority elected to receive payment from that date.
- (6) Subject to paragraph (10), benefits to which a man has become entitled by virtue of paragraph (1)(e) are payable—
- (a) if he ceased the employment before he attained the age of 65 years and has made an election by notice in writing given to the employing authority not later than 3 months after ceasing to hold the employment, immediately on ceasing the employment;
 - (b) if he ceased the employment before he attained the age of 65 years and has not made an election under sub-paragraph (a), from the date on which he attains the age of 65 years;
 - (c) if he ceased the employment on or after attaining the age of 65 years, immediately on ceasing the employment.

(7) Benefits to which a woman has become entitled by virtue of paragraph (1)(e) are payable from the first date on which she has both attained the age of 60 years and is no longer in any local government employment.

(8) A person who is entitled to preserved benefits ceases to be entitled to them—

- (a) if the whole of the aggregate amount of his contributions to the fund, within the meaning of regulation C15, has been returned to him (whether with or without interest) under that regulation or under regulation 16 of the 1981 regulations and, after receiving the return of contributions, he has no further right to reckon any reckonable service to which a transfer value accepted under regulation J8 relates; or
- (b) if rights in respect of the reckonable service he was entitled to reckon in relation to the employment he ceased to hold have been transferred to a non-local government scheme by virtue of the payment of a transfer value; or
- (c) if he re-enters local government employment, unless he elects to remain entitled to the preserved benefits; or
- (d) if the body who employed him in that employment which he ceased to hold certify under regulation E21 that on ceasing to hold it he suffered a material reduction in remuneration.

(9) An election for the purposes of paragraph (8)(c) must be made by giving notice in writing to the Committee, within 3 months after re-entering local government employment or, such longer period as the Committee may in a particular case allow.

(10) A person may not make an election under paragraphs (5) or (6)(a) if the retirement pension to which he has become entitled—

- (a) is a pension in relation to which he has a guaranteed minimum under Article 37 of the Pensions Order; and
- (b) would, but for regulation E1(3)(a), be reduced under regulation E3(11) to less than his guaranteed minimum pension.

(11) A retirement pension to which a person has become entitled by virtue of paragraph (2) is payable from the first date on which he both—

- (a) has attained state pensionable age; and
- (b) is no longer in any local government employment.