
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 353

Local Government Pension Scheme (Amendment No. 2 and Transitional Provisions) Regulations (Northern Ireland) 2002

Counting old membership of existing members under 2002 Regulations

Membership before 1st April 1972

8.—(1) If immediately before the commencement date a member—

- (a) was entitled to count a period of membership before 1st April 1972; and
- (b) had not, being eligible to do so, made a relevant election; or
- (c) having made such an election ceased to make payments under it,

for regulation 6 that period of membership or, as the case may be, the unpaid part of it must be reduced to 89 per cent. of its length.

(2) Paragraph (1) only applies to a female member if she duly elected under regulation E12(1)(b) or (2)(b) of the 1992 Regulations (election by wife of dependent and permanently incapacitated husband).

(3) A relevant election is an election wholly or partly in respect of membership before 1st April 1972, made or having effect as if made under regulation C13 of the 2000 Regulations or made under regulation C9 of the 1992 Regulations (payments to avoid reduction of retirement grant and death grant).

(4) Where a member to whom paragraph (1) would have applied if he had been married immediately before the commencement date marries on or after that date while he is an active member and before he becomes entitled to benefits under the Scheme, paragraph (1) shall apply to him as if he had been married immediately before that date.

(5) Despite anything in these Regulations, a relevant election under which payments were being made immediately before the commencement date shall continue to have effect on and after that date to the extent that it relates to a period of membership before 1st April 1972 (subject to the continuation of payments under it at the same rate as they were made before the commencement date) whether or not immediately before the commencement date the election also related to a later period.

(6) But if a member to whom paragraph (1) would have applied apart from his continuing to make payments under a relevant election until the commencement date (“a continuing member”), fails after that date to complete the payments due under that election in respect of membership before 1st April 1972 (otherwise than by virtue of his death or his becoming entitled to a retirement pension under regulation 29 of the 2002 Regulations), paragraph (1) shall apply to him as if he had so ceased before the commencement date.

(7) If a continuing member—

- (a) completes the payments due under the election in respect that membership; or
- (b) fails to complete them by virtue of his death or his becoming entitled to a retirement pension under regulation 29 of the 2002 Regulations,

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for regulation 8(1)(d) of those Regulations he may count the full period of membership in relation to which he made the election.

(8) For paragraph (1) the unpaid part of the period is the part of it in respect of which payments (including payments by instalments of a lump sum) have not been made.

(9) Where paragraph (1) applies by virtue of paragraph (6) any payments made on or after the commencement date must be taken into account for paragraph (8).