

SCHEDULE 3

Regulation 20

AMENDMENTS TO THE LOCAL GOVERNMENT PENSION
SCHEME REGULATIONS (NORTHERN IRELAND) 2000

1. The 2000 Regulations shall be amended as provided by paragraphs 2 to 4.
2. In regulation B13, after paragraph (2) add—
 - “(3) Periods of membership before and after any unpaid period of maternity absence or period of parental leave in respect of which the member does not pay any contributions shall be treated as continuous.”.
3. For regulation C6 there shall be substituted the following—

“C6.—(1) If a person who is a member or has applied to be a member goes on maternity leave, she must make contributions at the standard contribution rate, as respects any part of her period of maternity absence for which she is a member and entitled to receive pay (including any statutory maternity pay payable to her under the Social Security Contributions and Benefits (Northern Ireland) Act 1992), on that pay.

(2) That pay includes any such statutory pay but not any amount by which her actual pay is reduced on account of her possible entitlement to such statutory pay.

(3) If a person who is a member or has applied to be a member—

 - (a) goes on ordinary maternity leave; and
 - (b) is not entitled to receive pay (including statutory maternity pay payable to her under the Social Security Contributions and Benefits Act (Northern Ireland) 1992) for all or any part of that period of leave,

for these Regulations she shall be treated as if she had paid contributions under paragraph (1) for the unpaid period of that ordinary maternity leave and on the pay that she would have received during that period but for her absence.

(4) If—

 - (a) a person who is a member or has applied to be a member is on maternity leave, other than ordinary maternity leave; and
 - (b) for the whole or part of the period of her maternity absence (“the unpaid period”) she is not entitled to receive pay (including any statutory maternity pay payable to her under the Social Security Contributions and Benefits (Northern Ireland) Act 1992) but is a member,

she may elect to make contributions at the standard contribution rate as respects the unpaid period, as if her pay in the employment were equal to the pay she was entitled to receive immediately before the unpaid period begun (including any such statutory pay, but not any amount by which her actual pay is reduced on account of her possible entitlement to such statutory pay).

(5) An election under paragraph (4) shall be made by notice in writing to the employing authority given before the expiry date of the period of 30 days beginning with the earlier of—

 - (a) the day on which the member returns to duty; and
 - (b) the day on which she ceases to be employed by that employing authority.”.
4. In Schedule A1—
 - (a) after the definition “Officer” insert—

““Ordinary maternity leave” means, for any period prior to 24th September 1996, leave under Article 15 of the Industrial Relations (No. 2) (Northern Ireland) Order

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1976(1) and for any period commencing on or after 24th September 1996, leave under Part IX of the Employment Rights (Northern Ireland) Order 1996(2);”;

(b) after the definition “The Order of 1972” insert–

““parental leave” means leave under regulation 13(1) of the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999(3);”.

(1) S.I. 1976/2147 (N.I. 28)

(2) S.I. 1996/1919(N.I. 16); section 70C was inserted by the Employment Relations (Northern Ireland) Order (S.I. 1999/2790 (N.I. 9) paragraph 3, Part III of Schedule 4

(3) S.R. 1999 No. 471