

**2004 No. 139**

**LOCAL GOVERNMENT**

**Local Government Pension Scheme (Amendment)  
Regulations (Northern Ireland) 2004**

*Made* - - - - - *29th March 2004*

*Coming into operation* *31st May 2004*

The Department of the Environment, in exercise of the powers conferred by Articles 9 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(a) and now vested in it(b) and of every other power enabling it in that behalf and after consultation with the Northern Ireland Local Government Association, the Northern Ireland Local Government Officers' Superannuation Committee and such representatives of other persons likely to be affected by the Regulations as appeared to it to be appropriate, hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2004.

(2) These Regulations shall come into operation on 31st May 2004 but shall have effect from and including 1st February 2003.

**Amendment of Regulations**

2. The provisions of the Local Government Pension Scheme Regulations (Northern Ireland) 2002(c) specified in Column (1) of the Schedule shall be amended as specified in Column (2) of the Schedule.

Sealed with the Official Seal of the Department of the Environment on 29th March 2004.

(L.S.)

*J. Ritchie*

A senior officer of the Department of the Environment

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(a) S.I. 1972/1073 (N.I. 10); Article 14 was amended by Article 12 of the Pensions (Miscellaneous Provisions) (Northern Ireland) Order 1990 (S.I. 1990/1509 (N.I. 13))

(b) S.R. & O. (N.I.) 1973 No. 504 Article 7(1); S.I. 1976/424 (N.I. 6)

(c) S.R. 2002 No. 352

SCHEDULE

Regulation 2

Column (1) <i>Regulations</i>	Column (2) <i>Amendment</i>
8(6), 17(2)	After “maternity” in each place where it appears there shall be inserted “or adoption”.
16(2), 22(7), 57(8), 79(6)	After “maternity” in each place where it appears there shall be inserted “, paternity or adoption”.
16(2), 16(4), 17(2), 22(7), 79(6)	For “she” in each place where it appears there shall be substituted “he”.
16(2), 16(4), 17(2)	For “to her” in each place where it appears there shall be substituted “to him”.
16(2), 16(3), 16(4), 17(2)	For “her” in each place where it appears there shall be substituted “his”.
16(4)	After “ordinary maternity leave” in both places where it appears there shall be inserted “, ordinary adoption leave or paternity leave” and after “statutory maternity” there shall be inserted “, paternity or adoption”.
Schedule 1	<p>(1) Before “ “ordinary maternity leave” ” there shall be inserted “ “ordinary adoption leave” means leave under Article 107A of the Employment Rights (Northern Ireland) Order 1996(a);”;</p> <p>(2) Before “ “payment in lieu of contributions” ” there shall be inserted “ “paternity leave” means leave under regulations 4 or 8 of the Paternity and Adoption Leave Regulations (Northern Ireland) 2002(b);” and</p> <p>(3) For the words “ “period of maternity absence” ” to “return to work” there shall be substituted “ “period of maternity, paternity or adoption absence” means any period throughout which a member is absent from duty because he is exercising his right to take maternity, paternity or adoption leave in accordance with Articles 103, 105, 107A or 107B(c) of the Employment Rights (Northern Ireland) Order 1996 or regulations 4 or 8 of the Paternity and Adoption Leave Regulations (Northern Ireland) 2002”.</p>

(a) S.I. 1996/1919 (N.I. 16); Article 107A was inserted by Article 3 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

(b) S.R. 2002 No. 377

(c) Article 107B was inserted by Article 3 of the Employment (Northern Ireland) Order 2002

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Local Government Pension Scheme Regulations (Northern Ireland) 2002 (“the principal Regulations”) which constitute the Local Government Pension Scheme (“the Scheme”).

Regulation 2 takes effect from a date before the Regulations come into operation. Article 14 of the Superannuation (Northern Ireland) Order 1972 confers express powers to make regulations retrospective in effect. These Regulations are retrospective, however, no one will be adversely affected by the retrospective amendment.

Regulation 2 amends the principal Regulations so as to take account of new entitlements to paternity and adoption leave provided for by the Employment (Northern Ireland) Order 2002. The principal Regulations are amended with effect from 1st February 2003 as follows –

- Regulation 16(2) is amended so that members of the Scheme taking paternity or ordinary adoption leave who are in receipt of pay (including statutory paternity or adoption pay) will be obliged to make contributions to the Scheme on that pay.
- Regulation 16(4) is amended so that members of the Scheme taking paternity or ordinary adoption leave who are not in receipt of pay will be treated during the paternity or ordinary adoption leave period as if they had paid contributions.
- Regulation 79(6) is amended so that Scheme employers will also have to make contributions to the pension fund on behalf of the member taking paternity or ordinary adoption leave as if they were not absent from work.
- Regulation 17(2) is amended so that those members of the Scheme taking additional leave can opt whether or not to pay contributions during the additional leave period. Under the amended regulation 8(6) if they choose not to pay contributions, then the period of additional leave will not count for membership purposes, although the periods of employment before and after the additional leave will be treated as continuous.
- Regulation 22(7) is amended so that in calculating final pay, a member’s pay for any period of paternity or adoption leave in respect of which contributions are paid or treated as being paid will be treated as if the member had paid the contributions that would have been paid had he not been absent.
- Further, regulation 57(8) is amended so that where a member elects to make an additional contribution, a reduction in pay as a result of periods of paternity or adoption leave taken during the interval at the end of which the additional contribution falls to be paid, will be taken into account when assessing the amount of the additional contribution.
- Consequential amendments are also made to Schedule 1 to define ordinary adoption and paternity leave and periods of paternity or adoption absence.

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