

STATUTORY RULES OF NORTHERN IRELAND

2009 No. 32

Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009

Final pay: fluctuating emoluments

11.—^{F1}(1) Subject to paragraph (2), where a member’s pensionable pay for the purposes of regulation 8(1) (final pay: general) consists of or includes fluctuating emoluments ^{F2}on which the appropriate contribution rate has been paid], his final pay is calculated as the sum of—

- (a) the average of all such fluctuating emoluments ^{F3}on which the appropriate contribution rate has been paid] for the 3 consecutive years ending with the final pay period; and
- (b) any sums ^{F4}on which the appropriate contribution rate has been paid] falling within regulation 4(1) (meaning of “pensionable pay”), other than fluctuating emoluments, for the final pay period.

(2) But a member’s employer may consent to him having his final pay calculated as the average of all such fluctuating emoluments ^{F5}on which the appropriate contribution rate has been paid] for any 3 consecutive years ending 31st March within the period of 10 years ending with the last day he was an active member.

^{F6}(3)]

Textual Amendments

- F1** Regulations revoked in pt. (1.4.2015) by The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014 (S.R. 2014/189), regs. 1(1), 2, **Sch. 2** (with reg. 3)
- F2** Words in reg. 11(1) inserted (1.4.2009) by Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2010 (revoked) 2010 (S.R. 2010/410), regs. 1(4), **13(a)**
- F3** Words in reg. 11(1)(a) inserted (1.4.2009) by Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2010 (revoked) 2010 (S.R. 2010/410), regs. 1(4), **13(a)**
- F4** Words in reg. 11(1)(b) inserted (1.4.2009) by Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2010 (revoked) 2010 (S.R. 2010/410), regs. 1(4), **13(b)**
- F5** Words in reg. 11(2) inserted (1.4.2009) by Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2010 (revoked) 2010 (S.R. 2010/410), regs. 1(4), **13(a)**
- F6** Reg. 11(3) omitted (with effect in accordance with reg. 1(1) of the amending Rule) by virtue of The Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) 2022 (S.R. 2022/163), regs. 1(1), **22**

Modifications etc. (not altering text)

- C1** Regs. 8-11 applied (1.4.2009) by Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2009 (S.R. 2009/34), **reg. 3(3)**

Changes to legislation:

There are currently no known outstanding effects for the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009, Section 11.