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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 34**

**LOCAL GOVERNMENT**

**Local Government Pension Scheme (Amendment and  
Transitional Provisions) Regulations (Northern Ireland) 2009**

*Made - - - - 25th February 2009*

*Coming into operation 1st April 2009*

**LOCAL GOVERNMENT PENSION SCHEME  
(AMENDMENT AND TRANSITIONAL PROVISIONS)  
REGULATIONS (NORTHERN IRELAND) 2009**

1. Citation, commencement, interpretation and retrospection
  2. Revocation of Regulations
  3. Membership accrued before 1st April 2009: active members
  4. Membership accrued before 1st April 2009: deferred members
  5. Membership accrued before 1st April 2009: concurrent employments
  6. Survivor benefits
  7. Deferred members: limit on death grant
  8. Members' contributions: information
  9. Members' contributions: lower rate rights
  10. Early leavers: ill-health
  11. The 85 year rule
  12. Application of abatement policy in individual cases
  13. Pension sharing
  14. Amendments to the Local Government Pension Scheme Regulations (Northern Ireland) 2002
  15. Minor and consequential amendments
  16. Transitional and transitory provisions and savings
- Signature

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SCHEDULE REGULATIONS REVOKED

1

SCHEDULE THE 85 YEAR RULE: TRANSITIONAL PROVISIONS AND SAVINGS

2

1. Subject to paragraph 7, where a member—

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

2. For the purposes of paragraph 1, the relevant date for...
  3. (1) For the purposes of this Schedule, a member satisfies...
  4. (1) This paragraph applies to a member to whom regulation...
  5. (1) This paragraph applies to a member who was a...
  6. (1) Paragraphs 1 to 5 apply to a person who...
  7. (1) This paragraph applies to a member who retires, having...
- SCHEDULE 3  
AMENDMENTS TO THE LOCAL GOVERNMENT PENSION SCHEME REGULATIONS (NORTHERN IRELAND) 2002
1. The 2002 Regulations shall be amended as provided by paragraphs...
  2. In regulation 17 (optional contributions during absences), after paragraph (2)...
  3. In regulation 41 (death grants), for paragraph (7) substitute—
  4. For regulation 46 (meaning of “eligible child”), substitute— (1) Subject to paragraph (3), the child of a deceased...
  5. In regulation 88 (rights to return of contributions) after paragraph...
  6. In regulation 126 (credited periods for transferring members with mis-sold...
  7. In regulation 137(b) (valuation date), delete “and regulation 139(1)”.
  8. In regulation 139(1) (calculation), for “from the valuation date” substitute...
  9. In Schedule 1 (interpretation), for the definition “occupational pension scheme”,...
- SCHEDULE 4  
MINOR AND CONSEQUENTIAL AMENDMENTS
1. The Local Government (Superannuation) (Milk Marketing Board for Northern Ireland) Regulations (Northern Ireland) 1997
  2. In regulation 1(2) (citation, commencement and interpretation)—
  3. In regulation 2 (preservation of membership of scheme) at both...
  4. Local Government Pension Scheme (Management and Investment of Funds) Regulations (Northern Ireland) 2000
  5. In regulation 2 (general interpretation)— (a) for the definition of...
  6. In regulation 5 (management of the fund)—
  7. The Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001
  8. In regulation 2 (general interpretation)— (a) in paragraph (1)—
  9. In regulation 32(1) (interpretation of Part V) for “as a...
  10. In regulation 35(1) (allowances for pensioners)— (a) for sub-paragraph (b)...
  11. The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007
  12. In regulation 2 (general interpretation)— (a) after the definition of...
  13. In regulation 3(1)(b)(ii) (application of the regulations) for “regulation 7...
  14. In regulation 5(1)(b) (discretionary compensation) for “regulation 54 (power of...
- SCHEDULE 5  
TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS
1. In this Schedule— (a) “the former provisions” means any provisions...
  2. (1) The substitution of the 2009 provisions for the former...
  3. (1) Where— (a) any provision continues to have effect in...
  4. (1) If any person to whom a relevant benefit is...
- Explanatory Note

### **Changes to legislation:**

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### **Changes and effects yet to be applied to :**

- Sch. 1 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 1 words deleted by [S.R. 2013/71 reg. 26](#)
- Sch. 1 words substituted by [S.R. 2010/410 reg. 49](#)
- Sch. 2 para. 1 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 2 para. 2 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 2 para. 3 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 2 para. 4 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 2 para. 5 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 2 para. 6 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 2 para. 7 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 2 para. 3(2) substituted by [S.R. 2013/71 reg. 27](#)
- Sch. 3 para. 1 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 3 para. 2 coming into force by [S.R. 2009/34 reg. 1\(2\)\(b\)](#)
- Sch. 3 para. 3 coming into force by [S.R. 2009/34 reg. 1\(2\)\(c\)](#)
- Sch. 3 para. 4 coming into force by [S.R. 2009/34 reg. 1\(2\)\(c\)](#)
- Sch. 3 para. 5 coming into force by [S.R. 2009/34 reg. 1\(2\)\(d\)](#)
- Sch. 3 para. 6 coming into force by [S.R. 2009/34 reg. 1\(2\)\(e\)](#)
- Sch. 3 para. 7 coming into force by [S.R. 2009/34 reg. 1\(2\)\(e\)](#)
- Sch. 3 para. 8 coming into force by [S.R. 2009/34 reg. 1\(2\)\(e\)](#)
- Sch. 3 para. 9 coming into force by [S.R. 2009/34 reg. 1\(2\)\(b\)](#)
- Sch. 4 para. 1 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 2 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 3 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 4 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 5 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 6 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 7 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 8 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 9 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 10 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 11 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 12 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 13 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 4 para. 14 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 5 para. 1 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 5 para. 2 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 5 para. 3 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 5 para. 4 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- Sch. 5 para. 4(3) word omitted by [S.R. 2019/206 reg. 20](#)
- Regulations revoked in pt. by [S.R. 2014/189 reg. 2](#)Sch. 2
- reg. 1 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 1(2) words substituted by [S.R. 2010/410 reg. 46](#)
- reg. 1(3) words inserted by [S.R. 2019/206 reg. 18\(a\)](#)
- reg. 1(3) words omitted by [S.R. 2019/206 reg. 18\(b\)](#)
- reg. 2 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 3 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 3(2)(b) words substituted by [S.R. 2010/410 reg. 47\(a\)](#)
- reg. 3(4) word omitted by [S.R. 2019/206 reg. 19](#)
- reg. 3(4) words deleted by [S.R. 2010/410 reg. 47\(b\)](#)

- reg. 4 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 5 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 6 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 7 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 7 words substituted by [S.R. 2010/410 reg. 48](#)
- reg. 8 coming into force by [S.R. 2009/34 reg. 1\(1\)\(a\)](#)
- reg. 9 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 10 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 11 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 12 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 12 words substituted by [S.R. 2023/149 reg. 15\(2\)](#)
- reg. 13 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 14 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 15 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)
- reg. 16 coming into force by [S.R. 2009/34 reg. 1\(1\)](#)