

**Status:** This version of this schedule contains provisions that are prospective.

**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](#)

PROSPECTIVE

### SCHEDULE 3

Regulation 14

#### AMENDMENTS TO THE LOCAL GOVERNMENT PENSION SCHEME REGULATIONS (NORTHERN IRELAND) 2002

1. The 2002 Regulations shall be amended as provided by paragraphs 2 to 9.

##### Commencement Information

- I1** Sch. 3 para. 1 in operation at 1.4.2009, see [reg. 1\(1\)](#)

2. In regulation 17 (optional contributions during absences), after paragraph (2) insert—

“(2A) But in calculating the pay on which the contributions are made, any amount the person receives on account of a day’s work carried out under regulation 12A of the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999(1) or regulation 21A of the Paternity and Adoption Leave Regulations (Northern Ireland) 2002(2) that exceeds any maternity, paternity or parental leave pay due for that day, shall be disregarded.”.

##### Commencement Information

- I2** Sch. 3 para. 2 in operation at 1.4.2009, see [reg. 1\(2\)\(b\)](#)

3. In regulation 41 (death grants), for paragraph (7) substitute—

“(7) If the Committee has not made payments under paragraph (1) equalling in aggregate the member’s death grant before the expiry of 2 years—

- (a) beginning with his death; or
- (b) beginning with the date on which the Committee could reasonably be expected to have become aware of the member’s death,

it must pay an amount equal to the shortfall to the member’s personal representatives.”.

##### Commencement Information

- I3** Sch. 3 para. 3 in operation at 6.4.2009, see [reg. 1\(2\)\(c\)](#)

4. For regulation 46 (meaning of “eligible child”), substitute—

“46.—(1) Subject to paragraph (3), the child of a deceased member is an eligible child if he is wholly or mainly dependent on the member, and is less than 18 years of age, at the date of the member’s death.

(2) But a child who is born on or after the first anniversary of the date of the member’s death is not an eligible child.

(1) [S.R. 1999 No. 471](#); regulation 12A was inserted by [S.R. 2006 No. 372](#); regulation 10.

(2) [S.R. 2002 No. 377](#); regulation 21A was inserted by [S.R. 2006 No. 373](#); regulation 6.

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(3) A dependent child who has reached the age of 18 but has not reached the age of 23 and is in full-time education or undertaking vocational training at the date of the member's death is an eligible child.

(4) The Committee may treat a dependent child as an eligible child after he reaches the age of 18 and until he reaches the age of 23 if he commences full-time education or vocational training after the date of the member's death.

(5) In the case of a dependent child falling within paragraph (4), the Committee may—

(a) treat education or training as continuous despite a break; or

(b) suspend payment of any entitlement to benefits under regulations 47, 48 and 49 during a break in education or vocational training.

(6) The Committee may treat a dependent child who is disabled within the meaning of the Disability Discrimination Act 1995(3) as an eligible child.”.

**Commencement Information**

**I4** Sch. 3 para. 4 in operation at 6.4.2009, see [reg. 1\(2\)\(c\)](#)

5. In regulation 88 (rights to return of contributions) after paragraph (3), insert—

“(3A) If a member dies before repayment of contributions have been made, these shall be treated as a lump sum death benefit for the purposes of section 168 of the Finance Act 2004.”.

**Commencement Information**

**I5** Sch. 3 para. 5 in operation at 1.4.2009, see [reg. 1\(2\)\(d\)](#)

6. In regulation 126 (credited periods for transferring members with mis-sold pension rights), in paragraph (3) for “regulation 125(6A)” substitute “regulation 125(6B)”.

**Commencement Information**

**I6** Sch. 3 para. 6 in operation at 1.10.2006, see [reg. 1\(2\)\(e\)](#)

7. In regulation 137(b) (valuation date), delete “and regulation 139(1)”.

**Commencement Information**

**I7** Sch. 3 para. 7 in operation at 1.10.2006, see [reg. 1\(2\)\(e\)](#)

8. In regulation 139(1) (calculation), for “from the valuation date” substitute “from the day on which the pension sharing order takes effect”.

**Commencement Information**

**I8** Sch. 3 para. 8 in operation at 1.10.2006, see [reg. 1\(2\)\(e\)](#)

9. In Schedule 1 (interpretation), for the definition “occupational pension scheme”, substitute—

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““occupational pension scheme” means—

- (a) an occupational pension scheme within the meaning of section 1 of the Pension Schemes (Northern Ireland) Act 1993 other than—
  - (i) a retirement benefits scheme (as defined in section 611 of the Taxes Act) which is not of a description mentioned in section 596(1)(a), (b) or (c) of that Act;
  - (ii) an additional voluntary contributions scheme;
  - (iii) a personal pension scheme; or
  - (iv) a self employed pension arrangement; and
- (b) a European pensions institution as defined in Article 269(8) of the Pensions (Northern Ireland) Order 2005(4).”.

#### Commencement Information

**I9** Sch. 3 para. 9 in operation at 1.4.2009, see [reg. 1\(2\)\(b\)](#)

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

- 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\(2\)\(b\)](#)
- Regulations revoked in pt. by [S.R. 2014/189 reg. 2Sch. 2](#)