

SCHEDULES

SCHEDULE 4

COUNCILLOR MEMBERS

PART 4

Ill-health Retirement

1. For regulation 36 (early payment of retirement pension on ill-health grounds: active members) substitute—

“36.—(1) Where a councillor member who has qualifying service for a period of two years or more ceases to be a member of the councillor member's district council on the grounds that—

- (a) the councillor member's ill-health or infirmity of mind or body renders the councillor member permanently incapable of discharging efficiently [^{F1}the duties of that office]; and
- (b) the councillor member, as a result of ill-health or infirmity of mind or body, has a reduced likelihood of being capable of undertaking any gainful employment, whether in local government or otherwise, before reaching normal pension age,

the Committee may, at the request of the employing authority, determine that the councillor member's retirement pension comes into payment before the councillor member's normal pension age in accordance with this regulation.

(2) If a councillor member satisfies the conditions in paragraphs 36(1)(a) and 36(1)(b) then the councillor member shall take early payment of a retirement pension.

(3) The amount of the retirement pension that a councillor member who satisfies the conditions mentioned in paragraphs 36(1)(a) and 36(1)(b) receives is determined by which of the benefit tiers specified in paragraphs 36(4) and 36(5) that councillor member qualifies for, calculated in accordance with regulation 39 (calculation of ill-health pension amounts).

(4) A councillor member is entitled to Tier 1 benefits if that councillor member is unlikely to be capable of undertaking any gainful employment before normal pension age.

(5) A councillor member is entitled to Tier 2 benefits if that councillor member—

- (a) is not entitled to Tier 1 benefits; and
- (b) is likely to become capable of undertaking any gainful employment before reaching normal pension age.

(6) Before determining whether a councillor who has ceased to be a member of a district council is entitled to a benefit under this regulation, the Committee shall obtain a certificate, in accordance with regulation 38 (role of the IRMP), from an IRMP qualified in occupational health medicine who is appointed by the Committee.”

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Government Pension Scheme Regulations (Northern Ireland) 2014. 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

Textual Amendments

F1 Words in Sch. 4 Pt. 4 para. 1 substituted (1.4.2015) by [The Local Government Pension Scheme \(Amendment No. 2\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/162\)](#), **regs. 1(2), 25**

2. For regulation 37 (early payment of retirement pension on ill-health grounds: deferred members) substitute—

“37.—(1) Subject to paragraph (2), if a councillor member who has ceased to be a member of a council before the councillor member is entitled to the immediate payment of retirement benefits (apart from under this regulation) becomes permanently incapable of discharging efficiently the duties of that office because of ill-health or infirmity of mind or body the councillor member may make a written request to the Committee to receive payment of retirement benefits immediately, whatever the councillor member's age, provided the councillor member has total membership of at least two years.

(2) Before determining whether to agree to a request under paragraph (1), the Committee shall obtain a certificate from the IRMP, appointed under regulation 38, as to whether in the IRMP's opinion the councillor member is permanently incapable of discharging efficiently the duties of that office because of ill-health or infirmity of mind or body and, if so, whether the councillor member has a reduced likelihood of being capable of undertaking any gainful employment (whether in local government or otherwise) before reaching normal pension age.”.

3. For regulation 38 (Role of the IRMP) substitute—

“38.—(1) A decision as to whether a councillor member who has ceased to be a member of the councillor member's district council is entitled to early payment of retirement pension under regulation 36 (early payment of retirement pension on ill-health grounds: active members), shall be made by the Committee after it has obtained a certificate from an IRMP as to—

- (a) whether or not the councillor member is suffering from a condition that renders the councillor member permanently incapable of discharging efficiently the duties of that office because of ill-health or infirmity of mind or body; and
- (b) whether as a result of that condition the councillor member has a reduced likelihood of being capable of undertaking any gainful employment before reaching normal pension age.

(2) The IRMP shall further determine whether, as a result of that condition, the councillor member—

- (a) is unlikely to be capable of undertaking any gainful employment before reaching normal pension age; or
- (b) is likely to become capable of undertaking any gainful employment before reaching normal pension age.

(3) A certificate from an IRMP, obtained under paragraphs (1) and (2), shall include a statement that—

- (a) that IRMP has not previously advised, or given an opinion on or otherwise been involved in the particular case for which the certificate has been requested; and
- (b) that IRMP is not acting, and has not at any time acted, as the representative of the councillor member, the employing authority or any other party in relation to the same case.

(4) The Committee and the IRMP shall have regard to guidance given by the Department when carrying out their function under this regulation, when making an ill-health determination.”

4. For regulation 39 (calculation of ill-health pension amounts) substitute—

“39.—(1) Subject to paragraphs (4) and (5), Tier 1 benefits are calculated by adjusting the councillor member's active member's pension account as follows—

- (a) An amount is added to the balance in the account for the year in which the councillor member's employment was terminated, equivalent to the amount of earned pension the councillor member would have accrued between the day following the date of termination and normal pension age, if that councillor member had been treated as receiving pensionable pay for each year and fraction of a year in that period; and
- (b) retirement pension is payable to the councillor member as if the councillor member had reached normal pension age on the date the councillor member's employment was terminated.

(2) Subject to paragraphs (4) and (5), Tier 2 benefits are calculated by adjusting the councillor member's active member's pension account as follows—

- (a) for the year in which the councillor member's employment was terminated, by adding one quarter of the sum calculated in accordance with paragraph 39(1)(a); and
- (b) retirement pension is payable to the councillor member as if the councillor member had reached normal pension age on the date the councillor member's employment was terminated.

(3) Where a councillor member entitled to Tier 1 benefits subsequently becomes an active member of the Scheme, no addition is to be made under paragraph 39(1)(a) or 39(2)(a) to any Tier 1 or Tier 2 benefits that the councillor member becomes entitled to after that subsequent period of membership.

(4) Where a councillor member entitled to Tier 2 benefits (“the initial ill-health retirement”) subsequently becomes an active member of the Scheme, the addition made under paragraph 39(1)(a) or 39(2)(a) to any Tier 1 or Tier 2 benefits that the councillor member becomes entitled to after that subsequent period of membership is modified in accordance with paragraph (5).

(5) The number of years for which a councillor member to whom paragraph (4) applies is treated as having received pensionable pay for the purposes of paragraph 39(1)(a) or 39(2)(a) shall not exceed—

- (a) the number of years at the date of the initial ill-health retirement up to the councillor member's normal pension age at that time, less
- (b) a quarter of the number of years calculated in accordance with sub-paragraph (a), less
- (c) the number of years during which the councillor member has been an active member of the Scheme after the initial ill-health retirement.”

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Government Pension Scheme Regulations (Northern Ireland) 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 1(d) word omitted by [S.R. 2023/157 reg. 19\(4\)\(a\)](#)
- Sch. 1(f) word inserted by [S.R. 2023/157 reg. 19\(4\)\(b\)](#)
- Sch. 1(g) inserted by [S.R. 2023/157 reg. 19\(4\)\(c\)](#)
- reg. 31(14) inserted by [S.R. 2023/149 reg. 3\(2\)](#)
- reg. 35(2A) inserted by [S.R. 2023/149 reg. 3\(3\)\(a\)](#)
- reg. 35(4) inserted by [S.R. 2023/149 reg. 3\(3\)\(b\)](#)
- reg. 46(3)(c) inserted by [S.R. 2023/149 reg. 3\(6\)\(a\)\(iv\)](#)
- reg. 46(3B) inserted by [S.R. 2023/149 reg. 3\(6\)\(b\)](#)
- reg. 52(8) inserted by [S.R. 2023/149 reg. 3\(9\)](#)
- reg. 53(5B) inserted by [S.R. 2023/149 reg. 3\(10\)](#)
- reg. 68(6A) inserted by [S.R. 2023/149 reg. 3\(11\)](#)
- reg. 70(2ZA) inserted by [S.R. 2023/149 reg. 3\(12\)](#)
- reg. 91(A1) inserted by [S.R. 2023/149 reg. 3\(13\)](#)
- reg. 108(1B) inserted by [S.R. 2023/149 reg. 3\(14\)\(a\)](#)
- reg. 110(8) inserted by [S.R. 2023/149 reg. 3\(15\)](#)
- reg. 111(2A) inserted by [S.R. 2023/149 reg. 3\(16\)](#)