
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 189

The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014

Membership before 1st April 2015

3.—(1) Notwithstanding the revocations effected by regulation 2 and subject to this regulation, the regulations listed in Schedule 2 continue to have effect so far as is necessary—

- (a) so that membership accrued in the earlier Schemes in respect of service before 1st April 2015, the pension rights accrued at that date, and any rights and obligations imposed on any person under those Schemes in relation to service before 1st April 2015, are preserved; and
- (b) so that benefits are payable in accordance with these Regulations.

(2) In paragraph 1(a) the expression “pension rights accrued” includes any right to any pension, lump sum, grant or other benefit due to or in respect of a member.

(3) The scheme manager responsible under regulation 2(2) (introductory) of the 2014 Regulations for the local administration of pensions and other benefits payable under those Regulations is also responsible for the administration of benefits pursuant to paragraph (1) of this regulation.

(4) Where a person has been an active member of the Scheme, and retirement benefits under paragraph (1) are payable to a member in accordance with regulation 10 (retirement benefits), the benefits paid from earlier Schemes and the Scheme are, for all purposes, to be regarded as constituting a single pension scheme.

(5) But a retirement pension and any retirement grant payable to a member under paragraph (4) is subject to actuarial adjustment if it would have been subject to actuarial adjustment under the 2009 Scheme, irrespective of whether retirement pension under the Scheme payable at the same time is subject to actuarial adjustment.

(6) Where a member who has not had a disqualifying break aggregates benefits from earlier Schemes with benefits from the Scheme, the benefits from the earlier Schemes are payable as final salary benefits [^{F1}or in the case of councillor members, career average pay benefits] .

[^{F2}(6A) Notwithstanding paragraph (1)(a), where deferred benefits are aggregated in accordance with paragraph (6), the normal pension age in relation to deferred benefits in respect of membership that ceased before 1st October 2006, is age 65.]

(7) A disqualifying break for the purposes of paragraph (6) is a continuous break in active membership of a public service pension scheme of more than five years.

(8) Where a person has not been an active member of the Scheme and has benefits under the earlier Schemes, or has been an active member of the Scheme and has benefits under the earlier Schemes which have not been aggregated with the benefits in the Scheme, the benefits payable as a consequence of paragraph (1) are payable in accordance with the earlier Schemes as applied by this regulation.

(9) Any pensionable pay received or contribution paid by a member on or after 1st April 2015 which relates to work carried out before that date shall be dealt with in accordance with the 2009 Scheme.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Local Government Pension Scheme (Amendment and Transitional Provisions) 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](#)

(10) Any increase in membership may be awarded to a member under regulation 12(4) (power of employing authority to increase total membership of active members) of the Benefits Regulations after 31st March 2015 if the member's relevant date for the purposes of that regulation is before 1st April 2015 and that increase is in membership of the 2009 Scheme notwithstanding the fact that the award may occur after 31st March 2015.

(11) Where an employing authority grants an increase in membership under regulation 12A^{M1} (duty of employing authority to increase total membership: enhanced protection) of the Benefits Regulations following a notice served by a member before 6th April 2010, that increase shall be an increase in membership of the 2009 Scheme notwithstanding the fact that the grant may occur after 31st March 2015.

(12) Any guidance issued by the Government Actuary in accordance with any provision in the former regulations is to be treated as actuarial guidance issued by the Department as defined in Schedule 1 to the 2014 Regulations and any reference to guidance issued by the Government Actuary in the former regulations is to be construed as a reference to actuarial guidance issued by the Department.

(13) [^{F3}Regulations 66 and 67] (abatement) of the Administration Regulations continue to have effect in relation to pensions in payment deriving from the earlier Schemes regardless of when payment of those pensions commenced.

(14) In these Regulations, where final pay is to be calculated in accordance with regulation 8 to 11 (calculation of final pay) of the Benefits Regulations if a certificate has been issued under regulation 24 (permanent reductions in pay: certificates of protection of pension benefits) of the 2002 Regulations, that certificate continues to have effect as if regulation 24 were still in operation.

[^{F4}(15) Where final pay is to be calculated for any qualifying members or newly qualifying members or the Agreement No. 2 qualifying member, in accordance with regulation 8(3) (final pay: general) of the Benefits Regulations, that calculation is completed as if regulations 10 (length of period of membership: calculation of benefit), 19 (calculations) and 22 (final pay) of the 2002 Regulations continue to have effect.

(16) In this Regulation—

“qualifying member” means a member who was party to the Agreement;

“newly qualifying member” means a member who is employed as a classroom assistant by a voluntary grammar school or a grant maintained integrated school within the meaning of the Education Reform (Northern Ireland) Order 1989;

“the Agreement” means the Collective Agreement for the Joint Negotiating Council of the Education and Library Boards dated 30th November 2007;

“the Agreement No. 2” means the Collective Agreement for the Joint Negotiating Council of the Education and Library Boards reached on 27th March 2015; and

“the Agreement No. 2 qualifying member” means a member who was party to the Agreement No. 2.]

Textual Amendments

- F1** Words in reg. 3(6) inserted (1.4.2015) by [The Local Government Pension Scheme \(Amendment No. 2\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/162\)](#), regs. 1(2), **27**
- F2** [Reg. 3\(6A\)](#) inserted (18.11.2019) by [The Local Government Pension Scheme \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/206\)](#), regs. 1(1), **85**
- F3** Words in reg. 3(13) substituted (1.10.2023) by [The Local Government Pension Scheme \(Amendment No. 2\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/149\)](#), regs. 1, **16(2)**

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F4 Reg. 3(15)(16) inserted (with effect in accordance with reg. 2(b) of the amending Rule) by [The Local Government Pension Scheme \(Nursery Assistants\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/329\)](#), regs. 1, 12

Marginal Citations

M1 Regulation 12A was inserted by S.R. [2010 No. 410](#).

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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. 20\(2\)\(a\)](#)
- Sch. 1(e) word inserted by [S.R. 2023/157 reg. 20\(2\)\(b\)](#)
- Sch. 1(f) inserted by [S.R. 2023/157 reg. 20\(2\)\(c\)](#)