
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Pension Scheme Regulations (Northern Ireland) 2014 (“the Principal Regulations”) to make provision for the introduction of a cost control arrangements to the local government pension scheme (“the Scheme”) and also for a number of minor technical amendments.

Section 3(3)(b) of the Public Service Pensions Act (Northern Ireland) 2014 enables scheme regulations to make retrospective provision.

Regulation 1 deals with the citation, commencement and interpretation of these Regulations.

Regulation 2 introduces amendments to the Principal Regulations.

Regulation 3 makes an amendment to ensure that where a member dies in service before completing 2 years membership, a survivor’s or children’s pension or a death grant are payable.

Regulation 4 amends regulation 11 (contributions) to allow an employer to consider a different contribution rate where a member is in receipt of non-contractual overtime.

Regulations 5, 6, 7 and 8 make minor technical amendments to regulation 12 (temporary reduction in contributions), 13 (contributions during absence from work), 17 (employing authority contributions during absences) and 18 (additional pension contributions), respectively.

Regulations 9, 19 and 20 make minor technical amendments to regulations 21 (exclusion of rights to return of contributions) 75 (payment by employing authorities to the Committee) and 77 (interest on late payments), respectively.

Regulation 10 amends regulation 24 (pension accounts) to clarify that a person who has opted out of membership and then rejoins the Scheme in the same employment may not elect to have separate pension accounts.

Regulation 11 amends regulation 38 (role of the IRMP) to clarify that the independent registered medical practitioner (IRMP) is not to be considered to have acted in a case merely because a different member of the same practice has acted in that case.

Regulations 12, 14, 15 and 21 continues a policy which applied under the 2009 Regulations which enabled the Committee to make payments of a children’s pension to a person other than the eligible child for the benefit of that child. Regulations 11, 13 and 14 insert a new paragraph into regulations 43(5) (survivor benefits: children of active members), 48(5) (survivor benefits: children of deferred members) and 53(5) (survivor benefits: children of pensioner members), respectively, to enable the Committee to pay the whole or part of a children’s pension to a person other than the eligible child to be applied for the benefit of such child or children. Regulation 20 makes an amendment to regulation 93 (payments for persons incapable of managing their own affairs) to maintain this policy.

Regulation 13 makes a minor technical amendment to regulation 46 (death grants: deferred members and pension credit members) to ensure that death grants for persons entitled to a pension credit who die before the Committee awards a pension credit are calculated under the same terms as that which applied under the Local Government Pension Scheme 2009 (the 2009 Scheme).

Regulations 16, 17 and 18 make minor amendments to the actuarial valuations and payments regulations under Part 2 (Administration) of the principal Regulations. These Regulations replace the term “inheriting employer” with “inheriting body” to ensure that the principal Regulations remain in line with the same provisions contained the 2009 Scheme.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 22 amends regulation 111 (calculation of amount of transfer payment) to enable the Committee, as was the case under the 2009 Scheme, to fully fund liabilities relating to deferred and pensioner members before the balance of the employing authority's assets are transferred.

Regulation 23 inserts new regulations at Part 3 of the Principal Regulations which provide the detail of the cost control arrangements. A brief explanation of each regulation is given below.

Regulation 123 provides that the Department shall appoint a suitably qualified person to carry out valuations of the Scheme in accordance with Department of Finance and Personnel directions and to report on the valuations.

Regulation 124 sets out the employer cost cap of the Scheme and the steps required to achieve the target cost of the Scheme where the margins of two percentage points either side of the employer cost cap are breached.

Regulation 24 inserts a definition for the Public Service Pensions Act (Northern Ireland) 2014 into Schedule 1 (interpretation) and makes minor amendments to other definitions.

Regulation 25 makes a minor amendment to regulation 36 (early payment of retirement pension on ill-health grounds: active members) as modified to apply to councillors' membership of the Scheme within part 4 (ill-health retirement) of Schedule 4 (councillor members) to ensure councillors ill-health provisions maintain the same eligibility conditions as those which applied under the 2009 Scheme.

Regulation 26 introduces minor amendments to The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014.

Regulations 27 amends regulation 3 (membership before 1st April 2015) to ensure continuity of membership between the 2009 Scheme and the 2015 Scheme for councillors members by inserting a reference to councillor member's career average benefits.

Regulations 28 and 29 make minor technical amendments.

Regulation 30 deletes paragraph (5) of regulation 9 (transfers) to remove the requirement that transfer payments are calculated in accordance with guidance issued by the Department.