
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 149

**The Local Government Pension Scheme (Amendment
No. 2) Regulations (Northern Ireland) 2023**

PART 2

Amendments to the statutory underpin

Amendments to the 2014 Regulations

3.—(1) The 2014 Regulations are amended as follows.

(2) In regulation 31 (retirement benefits), after paragraph (13) insert—

“(14) The references to an enhancement in paragraph (4), a reduction in paragraph (5) and an adjustment in paragraph (6) do not apply to any final guarantee amount that has been added to the pension account under regulation 4B (statutory underpin: retirement, redundancy, ill-health) or 4C (statutory underpin: flexible retirement) of the Transitional Regulations.”.

(3) In regulation 35 (commutation and small pensions)—

(a) after paragraph (2) insert—

“(2A) In the case of an eligible member, the pension used to calculate a payment under paragraph (1) is to include—

(a) where the pension is in payment—

(i) any final guarantee amount calculated in respect of the eligible member’s pension account under regulation 4B (statutory underpin: retirement, redundancy, ill-health) or 4C (statutory underpin: flexible retirement) of the Transitional Regulations; and

(ii) any revaluation adjustment or index rate adjustment that has been applied to the retirement pension account as a consequence of a final guarantee amount;

(b) where the pension is not in payment, any final guarantee amount that would be paid were the payment under paragraph (1)(a) or (c) not to proceed; or

(c) where the eligible member is deceased—

(i) any survivor guarantee amount payable to the survivor member in respect of the eligible member; and

(ii) any revaluation adjustment or index rate adjustment that has been applied to a survivor member’s pension account as a consequence of the survivor guarantee amount.”; and

(b) at the end, insert—

“(4) In this regulation—

“eligible member” has the meaning given in regulation 4A(2) (statutory underpin: general) of the Transitional Regulations; and

“survivor guarantee amount” has the meaning given in regulation 4M(3) of the Transitional Regulations.”.

(4) In regulation 41(4)(a) (survivor benefits: partners of active members), after “draw”, insert “excluding any final guarantee amount under regulation 4B (statutory underpin: retirement, redundancy, ill-health) or 4C (statutory underpin: flexible retirement) of the Transitional Regulations”.

(5) In regulation 44(3)(a), 44(4)(a), 45(3)(a) and 45(4)(a) (survivor benefits: children of active members), in each case, after “draw”, insert “excluding any final guarantee amount under regulation 4B (statutory underpin: retirement, redundancy, ill-health) or 4C (statutory underpin: flexible retirement) of the Transitional Regulations”.

(6) In regulation 46 (death grants: deferred members and pension credit members)—

(a) in paragraph (3)—

(i) after “annually” insert “, excluding any final guarantee amount under regulation 4B (statutory underpin: retirement, redundancy, ill-health) or 4C (statutory underpin: flexible retirement) of the Transitional Regulations”;

(ii) at the end of sub-paragraph (a), omit “and”;

(iii) at the end of sub-paragraph (b), insert “and”; and

(iv) after sub-paragraph (b), before “multiplied by 5”, insert—

“(c) it included any deferred guarantee amount calculated under regulation 4N (statutory underpin: death grants) of the Transitional Regulations;” and

(b) after paragraph (3A) insert—

“(3B) In paragraph (3) “deferred guarantee amount” has the meaning given in regulation 4N(3) of the Transitional Regulations.”.

(7) In regulation 47(4), (survivor benefits: partners of deferred members), after “draw”, insert “excluding any final guarantee amount under regulation 4B (statutory underpin: retirement, redundancy, ill-health) or 4C (statutory underpin: flexible retirement) of the Transitional Regulations”.

(8) In regulation 49(3), 49(4), 50(3) and 50(4), in each case (survivor benefits: children of deferred members), after “draw”, insert “excluding any final guarantee amount under regulation 4B (statutory underpin: retirement, redundancy, ill-health) or 4C (statutory underpin: flexible retirement) of the Transitional Regulations”.

(9) In regulation 52 (survivor benefits: partners of pensioner members), after paragraph (7), insert—

“(8) The pension that the member would have been entitled to, for the purpose of calculating the amount of pension payable under paragraph (3), is not to include any final guarantee amount under regulation 4B (statutory underpin: retirement, redundancy, ill-health) or 4C (statutory underpin: flexible retirement) of the Transitional Regulations.”.

(10) In regulation 53 (survivor benefits: children of pensioner members), after paragraph (5A), insert—

“(5B) The pension that the member would have been entitled to, for the purpose of calculating the amount of pension payable under regulation 54(2) or 55(2), is not to include any final guarantee amount under regulation 4B (statutory underpin: retirement,

- redundancy, ill-health) or 4C (statutory underpin: flexible retirement) of the Transitional Regulations.”.
- (11) In regulation 68 (actuarial valuations and certificates), after paragraph (6), insert—
- “(6A) Compensation paid by the scheme to a person by virtue of section 82(1) of the PSPJOA 2022 or additional benefits payable by virtue of regulation 4Q (payment of indirect compensation) of the Transitional Regulations are liabilities for the purpose of the actuarial valuation under paragraph (1)(a).”.
- (12) In regulation 70 (special circumstances where revised actuarial valuations and certificates must be obtained), after paragraph (2), insert—
- “(2ZA) Compensation paid by the scheme to a person by virtue of section 82(1) of the PSPJOA 2022 or additional benefits payable by virtue of regulation 4Q (payment of indirect compensation) of the Transitional Regulations are liabilities for the purpose of the actuarial valuation under paragraph (2)(a).”.
- (13) In regulation 91 (interest on late payment of certain benefits), before paragraph (1), insert—
- “(A1) This regulation does not apply to sums in respect of which interest is payable under—
- (a) regulation 4T (interest on indirect compensation) of the Transitional Regulations; or
 - (b) regulation 14 (interest on payments under the statutory underpin) of the Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2023.”.
- (14) In regulation 108 (rights to payment out of pension fund)—
- (a) after paragraph (1A), insert—
- “(1B) Where a transfer under paragraph (1) is applied for by an eligible member and is not a Club Transfer, the value of the transfer is to be calculated in accordance with actuarial guidance issued by the Department, taking into account the member’s provisional assumed benefits and provisional underpin amount, which are calculated in accordance with regulations 4I (statutory underpin: calculation of provisional assumed benefits) and 4J (statutory underpin: calculation of provisional underpin amount) of the Transitional Regulations.”.
- (b) after paragraph (3), insert—
- “(4) “eligible member” has the same meaning as in regulation 4A(2) (statutory underpin: general) of the Transitional Regulations.”.
- (15) In regulation 110 (bulk transfer (transfers of undertakings, etc), at the end insert—
- “(8) This regulation is subject to regulation 10(6) (transfer payments out of the fund before 1st October 2023) of the Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2023.”.
- (16) In regulation 111 (calculation of amount of transfer value payment), after paragraph (2), insert—
- “(2A) The actuary must take into account the member’s provisional assumed benefits and provisional underpin amount, which are calculated in relation to the member in accordance with regulations 4I (statutory underpin: calculation of provisional assumed benefits) and 4J (statutory underpin: calculation of provisional underpin amount) of the Transitional Regulations.”.
- (17) In Schedule 1 (interpretation)—
- (a) after the definition of “existing council”, insert—

Changes to legislation: There are currently no known outstanding effects for the The Local Government Pension Scheme (Amendment No. 2) Regulations (Northern Ireland) 2023, Section 3. (See end of Document for details)

““final guarantee amount” has the meaning given in Schedule 1 (interpretation) of the Transitional Regulations;” and

(b) after the definition of “permanently incapable”, insert—

““the PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;”.

Commencement Information

II Reg. 3 in operation at 1.10.2023, see [reg. 1\(1\)](#)

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