



Department of  
the Environment  
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**Consultation on the  
draft Local Government Pension  
Scheme (Amendment No. 3)  
Regulations (Northern Ireland) 2015**

**Synopsis of Responses and the  
Departmental Response**

**October 2015**

## **INTRODUCTION**

1. The Local Government Pension Scheme in Northern Ireland (LGPS (NI)) is a statutory public service pension scheme which is available to employees of district councils, the Education Authority, non-teaching staff in schools and further education colleges, housing associations and other admitted bodies. The LGPS (NI) is administered by the Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC).
  
2. The legislative framework for the reformed LGPS (NI) consists of the following sets of Regulations:
  - Local Government Pension Scheme Regulations (Northern Ireland) 2014 (“the Principal Regulations”) (S.R 2014 No. 188 as amended); and
  - Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014 (the Transitional Regulations”) (S.R. 2014 No. 189).
  
3. The legislative framework for the previous LGPS (NI) consisted of the following sets of Regulations:-
  - Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009 (“the Benefits Regulations”) (S.R. 2009 No. 32);

- Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009 (“the Administration Regulations”) (S.R. 2009 No. 33);
  - Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2009 (“the 2009 Transitional Regulations”) (S.R. 2009 No. 34).
4. The Department identified some areas of the Principal Regulations which would benefit from clarification. On 25 May 2015, the Department launched a consultation on the draft Local Government Pension Scheme (Amendment No. 3) Regulations (Northern Ireland) 2015 (“the draft Regulations”). The consultation sought comments on the proposals by 24 July 2015.
  5. The draft Regulations propose to amend the Principal Regulations and the Transitional Regulations which give effect to the reformed LGPS (NI) from 1 April 2015. A minor amendment to the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009 (“the Benefits Regulations”) is also included.
  6. The draft Regulations will be made under the powers contained in the Public Service Pensions Act (Northern Ireland) 2014 (“the Act”) which sets the framework to be followed by all public sector pension schemes in Northern Ireland.

7. The Department proposes to make the draft Regulations apply retrospectively from 1 April 2015, the date when the reformed scheme came into operation.

## **GENERAL**

8. A total of 13 responses were received. Of the 13 responses, 5 were from employing authorities, 4 from trade unions, 2 from other organisations, one from the administering authority and one from the Additional Voluntary Contribution (AVC) provider.

9. A breakdown of the responses is given below.

	<b>SUPPORT</b>	<b>AGAINST</b>	<b>NOTED</b>	<b>NO COMMENTS</b>
Employing authorities	3	-	1	1
Trade Unions	4	-	-	-
Other organisations	-	-	-	2
Administering Authority	1	-	-	-
AVC provider	1	-	-	-
<b>Total</b>	<b>9</b>	<b>-</b>	<b>1</b>	<b>3</b>

10. Nine respondents supported the proposed draft Regulations, 3 employing authorities, 4 Trade Unions, the administering authority and the AVC provider.

11. No respondents opposed the proposed amendments.

12. One employing authority noted the consultation document and commented on some of the proposed amendments.

13. Three respondents advised that they had no comments to make on the proposed amendments.
14. A summary of the amendments proposed in the draft Regulations is given in the Appendix.

### **Reasons given by those supporting the proposed change**

15. One employing authority stated that the consultation document has set out a range of issues which appear to be updating the regulations in a very practical manner. It also noted that there were some areas for which the Department should consider extending the regulations. It also suggested that any reduction in pensionable pay as a result of a reduction in grade should also be included when calculating pension on grounds of ill-health.
16. Another employing authority welcomed –
  - the continuation of pension arrangements for council officers performing the role of deputy returning officer at local elections;
  - the proposal to ensure that there will be no automatic aggregation of benefits when a deferred member becomes an active member again;
  - the proposed changes to ill-health and survivor benefits which ensure that benefits arising in the case of a member working reduced hours due to their ill-health will not be reduced;

- the proposed clarification in respect of the appropriate pension being established for councillors who were members under the Benefits Regulations and who subsequently became members of the 2015 Scheme; and
  - the removal of the requirement for employer consent for deferred members (under the Benefits Regulations) wishing to access their benefits early, whilst noting that employer consent will still be required if such benefits are not actuarially reduced.
17. One other employing authority was generally supportive of the draft Regulations as it considered that they relate to technical issues or provide clarification. However, it did note that the amendment to the ill-health retirement provisions in the draft Regulations could be developed further to acknowledge that a member may also have reduced his or her grade as a result of the condition that caused or contributed to that member's subsequent ill-health retirement.
18. All four trade unions were supportive of the Regulations.
19. One trade union stated that, as the content of the draft Regulations relates to either minor corrections and/or inclusion of previous regulations that were not carried over into the Principal Regulations, it is content to note the proposed regulations.

20. Two other trade unions welcomed the opportunity to respond to the consultation and considered that the amendments to the Principal Regulations satisfactorily deal with any inadequacies or omissions to those Regulations. Based on this, both trade unions were wholly supportive of the proposed amendments.
21. Another trade union also welcomed the opportunity to respond to the consultation and the proposed amendments were welcomed by the union as conferring improved benefits on members. Despite its general support, the union made some detailed comments on the draft Regulations and these are addressed later in this synopsis.
22. The administering authority welcomed the proposed amendments and highlighted a numbers of areas where it considered greater clarification or additional guidance was needed.
23. The AVC provider welcomed the draft Regulations and also made some detailed comments which are addressed in this synopsis of consultation responses.

### **Detailed Comments**

24. The full text of the individual responses to the consultation will be available to download at:

[http://www.doeni.gov.uk/index/local\\_government/local\\_government\\_pension\\_scheme\\_2015.htm](http://www.doeni.gov.uk/index/local_government/local_government_pension_scheme_2015.htm)



## **COMMENTARY ON PROPOSED AMENDMENTS TO THE PRINCIPAL REGULATIONS**

### **ACTIVE MEMBERSHIP – Regulation 3**

25. Regulation 3 clarifies that automatic re-enrolment applies to all those who would be entitled to be a member but who have previously decided to opt out of active membership of the Scheme. One employing authority welcomed this clarification.

#### ***Departmental Response***

*During the consultation process there were no objections received to this amendment. It was supported by one employing authority. The Department, therefore, intends to proceed with this amendment in the form in which it was consulted upon.*

### **SEPARATE EMPLOYMENTS – Regulation 4**

26. Regulation 4 inserts a new regulation 10A into the Principal Regulations which ensures that separate employments with the same employing authority are treated in the same way as employments with different employers. New regulation 10A also specifies that pay received by the clerk of a council for the performance of functions under Article 9(2) of the Electoral Law (Northern Ireland) Order 1972 will be treated as pensionable pay and that, in relation to those functions, the

clerk of the council will be treated as if employed by that district council.

27. One employing authority welcomed the amendment which clarifies that pay received by the clerk of a council in conducting duties as deputy returning officer for district council elections is pensionable.
28. Another employing authority commented that other council employees performing electoral duties should be treated in the same way as the clerk of a council in performing his/her electoral duties although it acknowledged this would result in increased costs for councils.

### ***Departmental Response***

*Unlike other council employees, the clerk of the council is carrying out a statutory duty as deputy returning officer for local council elections. The amendment provides clarification that the role of deputy returning officer is a separate employment and that remuneration for this role is pensionable.*

### **ADDITIONAL PENSION CONTRIBUTIONS – Regulation 5**

29. Regulation 5 amends regulation 18 (additional pension contributions) of the Principal Regulations to clarify two of the circumstances in which an arrangement to make additional pension contributions will cease to have effect.

30. One employing authority agreed with the proposed amendment. Other than this no further comments were made on this proposed amendment.

***Departmental Response***

*During the consultation process, no objections were received to this amendment. The Department, therefore, intends to proceed with this amendment in the form in which it was consulted upon.*

**EMPLOYING AUTHORITY'S CONTRIBUTIONS DURING ABSENCES – New Regulation**

31. A new regulation (now regulation 5) has been added which amends Regulation 17(6) of the Principal Regulations. This amends the regulatory basis on which lost pension for absences is calculated and is in line with current provisions in the LGPS in Scotland, namely, regulation 15(6) of the LGPS Regulations (Scotland) 2014 (SSI 2014/164) as amended by regulation 9 of the LGPS (Scotland) Amendment Regulations 2015 (SSI 2015/87).

***Departmental Response***

*This amending regulation was suggested by the administering authority and inserted post consultation because of the need to clarify the method of calculation of lost pension during absences. This is a minor technical amendment.*

## **ADDITIONAL VOLUNTARY CONTRIBUTIONS (AVCs) –**

### ***Regulations 6 and 10***

32. Regulations 6 and 10 amend regulations 19 (additional voluntary contributions) and 34 (election for lump sum instead of pension) of the Principal Regulations to continue the same policy for additional voluntary contributions as applied under the Benefits Regulations and Administration Regulations in the 2009 Scheme. Regulation 19 of the Principal Regulations, as amended by regulation 6, also gives the administering authority the absolute discretion, in the event of a member's death, to pay any sum from a member's AVC pot to a member's nominee, personal representative or relative/dependant. A similar discretion is used by the administering authority in the payment of death grants.
33. The administering authority, the AVC provider and one trade union commented on the regulations on AVCs.
34. The administering authority noted that the proposed amendment provided for a compulsory transfer out of an AVC when a member is also transferring their main Scheme benefits out of the LGPS (NI), and suggested that the transfer of AVC benefits should be optional in such circumstances.
35. The AVC provider suggested an amendment to the draft Regulations to clarify that, where a member elects to commute pension for a lump sum, the limit of 25% of the capital value of the member's accrued rights includes any retirement grants or retiring allowances which the member is

entitled to under regulations made before 2009 which provided for an automatic lump sum on retirement.

36. One trade union queried the amendment which gives the administering authority the absolute discretion (in the event of a member's death) to pay any sum from a member's AVC pot to a member's nominee, personal representative or relative/dependent.

### ***Departmental Response***

*The draft regulations will be amended to provide that members have the option to transfer their AVC fund when transferring their main scheme benefits out of the LGPS (NI). Further amendments have been included to clarify that, where a member elects to commute pension for a lump sum, the limit of 25% of the capital value of the member's accrued rights includes any retirement grants or retiring allowances which the member is entitled to under the LGPS Regulations (Northern Ireland) 2002 or the LGPS Regulations (Northern Ireland) 2000, respectively.*

*The draft Regulations will provide that in the event of a member's death, the administering authority has the absolute discretion to pay any sum from a member's AVC pot to a member's nominee, personal representative or relative/dependent. The same discretion is used by the administering authority in the payment of death grants.*

## **ASSUMED PENSIONABLE PAY – Regulation 7**

37. Regulation 7 makes a number of amendments to Regulation 23 (assumed pensionable pay) of the Principal Regulations to ensure that members on child-related leave, who receive pay which is greater than their assumed pensionable pay, accrue benefits based on that higher level of pay.
  
38. One trade union questioned the wording of the amendment which sought to ensure that members on child-related leave, who receive pay which is greater than their assumed pensionable pay, accrue benefits on that higher level of pay.

### ***Departmental Response***

*The draft regulation reflects the Department's policy intention that members on child-related leave will accrue pension benefits at the higher level in circumstances where actual pay is greater than assumed pensionable pay. The draft wording of the amendment is the same as that which applies in the equivalent LGPS Regulations in England and Wales (see regulation 10 of SI 2015/755).*

## **PENSION ACCOUNTS**

### **– Regulation 8**

39. Regulation 8 amends regulation 24 (pension accounts) of the Principal Regulations to ensure that, where a deferred member becomes an active member, the benefits in the deferred member's pension account will not be automatically aggregated with those in the active member's pension

account, unless the member makes an election to the administering authority to aggregate them. However, where a person who has opted out of active membership becomes entitled to deferred benefits and then re-joins the Scheme in the same employment, thereby creating a new active member pension account, that member cannot aggregate the respective pension accounts associated with that employment.

40. The administering authority, the AVC provider and one employing authority, supported the policy intention which provides that there is no automatic aggregation of benefits when a deferred member becomes an active member.

***Departmental Response***

*A further amendment, to clarify the policy intention which was consulted upon, has been included to make it absolutely clear that a member who has opted out of the scheme cannot choose to aggregate deferred benefits with new membership.*

**COMMENCEMENT OF PENSIONS – Regulation 9**

41. Regulation 9 amends regulation 33 (commencement of pensions) of the Principal Regulations to clarify that a member can submit a notice to elect to draw pension benefits before the date the member fulfils the required criteria to draw those benefits as long as the member fulfils the qualifying criteria on the date specified in the notice. For example, a member can give notice 3 months before

reaching the age of 55 of an intention to draw benefits from that age.

***Departmental Response***

*During the consultation process there were no objections received to this amendment. The Department, therefore, intends to proceed with this amendment in the form in which it was consulted upon.*

**ILL-HEALTH RETIREMENT AND CALCULATION OF ILL-HEALTH PENSION AMOUNTS – Regulations 11 and 12**

42. Regulation 11 amends regulation 38 (role of the independent registered medical practitioner (IRMP)) of the Principal Regulations to clarify that, where a member has had reduced pay as a consequence of working reduced contractual hours, the IRMP must certify whether that member was wholly or temporarily in part-time service as a result of the condition that caused or contributed to that member's ill-health retirement. This regulation also clarifies that the IRMP is not to be considered to have acted in a case merely because a different member of the same occupational health provider has acted in that case.
  
43. In line with the policy intention of regulation 11, regulation 12 amends regulation 39 (calculation of ill-health pension amounts) of the Principal Regulations to clarify that reductions in contractual hours worked due to ill-health should not affect the calculation of benefit entitlement.



44. The administering authority and two employing authorities recommended that Regulations 11 and 12 of the draft Regulations should be amended to include circumstances where the member was working in a lower grade as a result of ill-health. This would mean any reduction in pensionable pay, as a result of working reduced contractual hours and/or at a lower grade, would not be counted as long as an IRMP certifies that the member was working under these terms because of a condition which contributed to that member's retirement on ill-health grounds.
  
45. The current draft amendment to regulation 38 (role of the IRMP) reflects the policy intention in that there is no conflict if assessments are made at different stages by two IRMPs working for the same occupational health provider. The AVC provider suggested a minor amendment which inserts wording into regulation 38(2A) to provide absolute clarity that there is no conflict where IRMPs from the same occupational health provider assess the same case.

### **Departmental Response**

*The draft Regulations currently provide that, when calculating ill-health pension benefits, no account is taken of a reduction in pay if an IRMP certifies that a member was working reduced contractual hours as a result of the condition that caused the member's ill-health retirement.*

*The Department intends to make an amendment so that no account is taken of a reduction in pay if an IRMP certifies that a member was working in a lower grade as a result of the*

*condition that caused the member's ill-health retirement or, as the case may be, a combination of both circumstances. The draft regulation will also be updated to accept the minor amendment suggested by the AVC provider.*

### **DEATH GRANTS: ACTIVE MEMBERS – Regulations 13 to 16**

46. Regulation 13 amends provisions relating to death grants payable to persons who have separate categories of membership (e.g. deferred membership) in addition to active membership. This regulation and regulations 14, 15 and 16 also ensure that benefits payable to survivors are not reduced in cases where members spend some period of time working reduced hours as a result of the condition from which they died. Regulation 14 also makes a minor amendment to clarify the calculation of survivor benefits for a councillor member.
  
47. The draft regulations included a number of similar amendments to the calculation method for death grants and survivor benefits for the partners of active members and children of active members. In each occurrence, the proposed amendments ensure that benefits payable to survivors are not reduced due to a reduction in a member's pensionable pay where an IRMP has certified they had worked reduced contractual hours due to the condition from which they died. This was supported by the administering authority and three employing authorities.

48. The responses from the administering authority and one employing authority added that similar provision should be included to provide that, in calculating survivor benefits, where the IRMP certifies that a member was working in a lower grade due to the condition from which they died, no account is taken of any reduction in pensionable pay.

***Departmental Response***

*The draft regulations have been amended to reflect that, when calculating survivor benefits, where the IRMP certifies that a member was working in a lower grade due to the condition from which they died, no account is taken of any reduction in pensionable pay.*

**POLICY STATEMENTS – EXERCISE OF DISCRETIONARY FUNCTIONS – Regulation 17**

49. Regulation 17 which amends Regulation 66 of the Principal Regulations, requires employers who are admitted to the Scheme after 1 April 2015 to publish a policy statement on their discretionary functions within 4 months of admission. This is consistent with the requirement for employers in the Scheme before that date.

***Departmental Response***

*No comments were received regarding this amendment and the draft Regulations will not be changed.*

**REVISED ACTUARIAL VALUATIONS AND CERTIFICATES – Regulation 18**

50. Regulation 18 inserts new paragraphs (13A), (13B), (13C) and (13D) into regulation 70 (special circumstances where revised actuarial valuations and certificates can be obtained) of the Principal Regulations to reinstate the provisions which applied under the 2009 Regulations which give the administering authority the power, subject to the approval of the Department, to specify a date on which the future accrual of benefits will cease in respect of active members employed by a particular contributing body. This is restricted to cases where the administering authority considers it necessary to protect the solvency of the fund or to prevent liabilities in relation to one contributing body falling onto the other contributing bodies.

#### **EMPLOYER'S FURTHER PAYMENTS – Regulation 19**

51. Regulation 19 amends regulation 74 (employing authority's further payments) of the Principal Regulations to clarify that the administering authority has the power to require an additional payment from an employer who has waived a reduction in pension, where a member aged 55 or more, but below normal retirement age, elects to receive early payment of pension. It also inserts a new paragraph which requires that further payments by employers are made within one month of the relevant date (or such longer period as the employer and the administering authority may agree).

#### **PAYMENTS BY EMPLOYING AUTHORITIES – Regulation 20**

52. Regulation 20 amends regulation 75 (payments by employing authorities to the Committee) of the Principal Regulations to

include any amounts an employer received from the Ministry of Defence where a member has been absent from work on reserve forces service leave.

***Departmental Response***

*No objections were received to the amendments proposed in regulations 18 (revised actuarial valuations and certificates), 19 (employers further payments) and 20 (payments by employing authorities). The Department, therefore intends to proceed with the amendments in the form in which they were consulted upon.*

**PUBLIC SERVICES PENSION ACT AMENDMENTS –**

**Regulation 21 and 22**

53. Regulations 21 and 22 make minor amendments to regulations 90 (exchange of information) and 99 (annual benefit statements) of the Principal Regulations to ensure they comply with the Public Service Pension Act (Northern Ireland) 2014, in providing members with pension benefit statements.

54. The draft Regulations include an amendment which provides that the scheme administrator must provide a benefit information statement to members within 17 months of the coming into operation of the scheme (i.e. 5 months after the end of the scheme year). This is to comply with section 14 of the Public Sector Pensions Act (Northern Ireland) 2014. As a consequence, the draft regulations include a reduction from 3

months to 1 month after the end of the scheme year, for employers to supply the relevant information to the administering authority.

55. One employing authority commented that the turnaround time of one month after the scheme year ends on 31 March is too short as April is a particularly busy month. It suggested a turnaround time of two months. The AVC provider acknowledged that the regulatory requirement is on employers, but commented that the shortened timeframe might prove problematic to the extent that the scheme administrator relies on the AVC provider for information on members' AVCs.
56. The administering authority has recently consulted on its Pension Administration Strategy. Amongst other issues, the consultation includes a 100% target for employers to submit annual return information to the administering authority within one month of the end of the Scheme year.

***Departmental response***

*The regulations will require that employers provide the relevant information to the administering authority within one month after the Scheme year ends.*

**ADJUSTMENT OF ACCOUNTS FOLLOWING FORFEITURE**

**ETC. – Regulation 23**

57. Regulation 23 amends regulation 105 (adjustment of accounts following forfeiture, etc.) of the Principal

Regulations to continue the provision allowing the Committee to reduce the payment of a contributions equivalent premium or a payment in lieu of contributions, where these are due, or have been made in respect of a former employee. This continues the policy which applied under the Administration Regulations in the 2009 Scheme. A minor technical amendment is also made to ensure the relevant employing authority receives payment of any forfeited pension rights under regulation 102 (forfeiture of pension rights after conviction for an employment-related offence).

#### **RIGHTS TO PAYMENTS OUT OF THE FUND – Regulation 24**

58. Regulation 24 amends regulation 108 (rights to payment out of the fund) of the Principal Regulations to ensure that, where a member applies for transfer under this regulation, that member's normal pension age is defined as that contained in Schedule 1 (interpretation) of the Principal Regulations, not that contained in the Pension Schemes (Northern Ireland) Act 1993.

#### ***Departmental Response***

*No objections were received to the amendments proposed in regulations 23 (adjustment of accounts following forfeiture, etc.), and 24 (rights to payment out of the fund) and therefore no changes will be made.*

#### **PROPOSED AMENDMENTS TO THE TRANSITIONAL REGULATIONS – Regulation 25**

59. Regulation 25 introduces amendments to the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014 (“the Transitional Regulations”) by regulations 26 to 29 of the draft Regulations.

### **AGGREGATION ADJUSTMENT ETC. – Regulation 26**

60. Regulation 26 inserts a new regulation, regulation 9A (aggregation adjustment, etc.), into the Transitional Regulations to enable the aggregation of final salary benefits under the earlier Schemes with benefits based on career average in the 2015 Scheme.
61. The scheme administrator questioned the transitional arrangements for the aggregation of pension benefits which apply where a deferred member under the 2009 Scheme becomes an active member again under the 2015 regulations. The draft Regulations provide for the same arrangements for the aggregation of benefits that apply in England and Wales in that a member with deferred benefits relating to earlier schemes, or an entitlement to a refund of contributions from earlier schemes, who subsequently becomes a member of the Scheme may choose to have the deferred benefits or the refund of contributions treated as an amount of earned pension on transfer under the 2015 Scheme or as final salary benefits under the earlier schemes.

### ***Departmental response***



*The draft Regulations will remain unchanged because it is the policy intention to allow the member the choice of how their pension benefits are to be treated.*

### **SURVIVOR BENEFITS – Regulation 27**

62. Regulation 27 amends regulation 17 (survivor benefits) of the Transitional Regulations by extending additional membership, counted for the purposes of calculating survivor pensions, to cover membership created by all types of voluntary contributions. A minor amendment is also proposed, as a consequence of the introduction of regulation 9A, to regulation 17(1) which inserts a new cross reference to regulation 9A (aggregation adjustments, etc.).

### **COUNCILLORS' PENSIONS – Regulation 28**

63. Regulation 28 amends regulation 21 (councillors' pensions) to ensure that when a councillor (who was a councillor for one of the 26 councils and had deferred membership from that period as a councillor) rejoins the Scheme, the appropriate amount of pension is credited to the new active member pension account.
64. Two of the ten responses commented on this regulation. One employing authority welcomed the amendment. The AVC provider sought confirmation of the normal retirement age for any councillor after 1 April 2015.

### ***Departmental Response***

*The Scheme regulations which apply from 1 April 2015 provide that the retirement age for members (including councillor members) is the higher of 65 and state pension age.*

### **85 YEAR RULE PROTECTIONS – Regulation 29**

65. Regulation 29 inserts a paragraph into Schedule 3 (the 85 year rule: transitional provisions and savings) of the Transitional Regulations to enable an employing authority to waive the actuarial reduction which would normally apply for cases where the member chooses flexible retirement from age 55 but before satisfying the 85 year rule.

### **PROPOSED AMENDMENTS TO THE BENEFITS REGULATIONS – Regulation 30**

66. Regulation 30 introduces a minor amendment to the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009 (“the Benefits Regulations”) by regulation 31 of the Draft Regulations.

### **CHOICE OF EARLY PAYMENT OF PENSION – Regulation 31**

67. Regulation 31 amends regulation 30(2) (choice of early payment of pension) of the Benefits Regulations to remove the requirement for employer consent before deferred members under the 2009 Scheme, aged less than 60, could access their pension benefits.

68. Four responses (two employers, the administering authority and the AVC provider) commented on the draft regulation which amends the 2009 Scheme Regulations and provides that deferred members who left under those regulations can access their benefits from age 55 (previously age 60) without employer consent.
  
69. One employing authority welcomed the proposal and the AVC provider sought clarification on the wording of the regulation in terms of active members. The administering authority and one employing authority suggested that the draft Regulations needed to be extended to include those deferred members who left under the Local Government Pension Scheme Regulations (Northern Ireland) 2002 (“the 2002 Regulations”) or the Local Government Pension Scheme Regulations (Northern Ireland) 2000 (“the 2000 Regulations”).
  
70. The administering authority suggested that the provision which allows members to elect for early payment of pension should reflect the actuarial reductions to pensions. It added that the draft Regulations needed to clarify if the proposal to elect for early payment of pension from age 55 applied to pension credit members who left under former regulations in the same way as it does under the reformed LGPS which came into effect from 1 April 2015.

***Departmental response***

*The draft Regulations will include further amendments to provide consistency insofar as deferred members under the 2000 and 2002 Regulations can access their pension benefits, without the need for employer consent, from age 55 to avail of the freedom and choices available with pensions.*

## **NEXT STEPS**

The Department will finalise the draft Regulations which will amend the –

- Principal Regulations;
- Transitional Regulations;
- Benefits Regulations;
- 2002 Regulations; and
- 2000 Regulations.

The Regulations will be made as soon as possible and will have retrospective effect from 1 April 2015, the operational date of the reformed LGPS (NI).