
STATUTORY INSTRUMENTS

1993 No. 2531

PENSIONS

**The Local Government Superannuation
(Maternity Absence) Regulations 1993**

Made - - - - - *20th October 1993*
Laid before Parliament *26th October 1993*
Coming into force - - - *16th November 1993*

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972⁽¹⁾ and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned, the local authorities with whom consultation appeared to him to be desirable and such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Superannuation (Maternity Absence) Regulations 1993 and shall come into force on 16th November 1993, but regulation 2 shall have effect as from 1st January 1993.

(2) In these Regulations “the principal Regulations” means the Local Government Superannuation Regulations 1986⁽²⁾.

Contributions and remuneration during maternity absence

2. The following amendments shall be made to the principal Regulations—
- (a) in regulation C3(1) at the beginning there shall be inserted the words “Subject to regulation C3A,”;
 - (b) after regulation C3 there shall be inserted the following regulation—

“Maternity absence

C3A.—(1) This regulation applies to a person who—

(1) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).
(2) S.I.1986/24; relevant amending instruments are S.I.1988/466, 1992/172.

- (a) has a period of maternity absence; and
- (b) immediately before the period of maternity absence was a pensionable employee or had elected under regulation B1A or B1C to become a pensionable employee.

(2) A person to whom this regulation applies shall make contributions to the appropriate superannuation fund in relation to any period (“the relevant period”) which is, or is part of, a period of maternity absence and for which she is entitled to receive remuneration, and the amount of any such contributions shall be equal to the amount of the contributions she would have been required to make under regulation C2 based on the remuneration which she is entitled to receive for the relevant period.

(3) A person to whom this regulation applies may elect to make contributions to the superannuation fund in relation to any period (“the unpaid period”) which is, or is part of, a period of maternity absence and for which she is not entitled to receive remuneration, and the amount of any such contributions shall be equal to the amount of the contributions she would have been required to make under regulation C2 based on the remuneration she was entitled to receive immediately before the beginning of the unpaid period.

(4) An election under paragraph (3) shall be made by notice in writing to the employing authority by 16th May 1994 or, if later, the date 30 days after the earlier of—

- (a) the day on which she returns to duty; and
- (b) the day on which she ceases to be employed by that authority.

(5) Paragraphs (2) and (3) of this regulation do not affect the right of an employee to give notice under regulation B1B during a period of maternity absence.

(6) For the purposes of this regulation,—

- (a) an employee’s remuneration shall include any statutory maternity pay payable to the employee under the Social Security Contributions and Benefits Act 1992; and
- (b) “period of maternity absence” means any period throughout which a woman—
 - (i) is absent from duty by reason of pregnancy or confinement; and
 - (ii) may exercise the right under her contract of employment to return to work.”(3);

- (c) in regulation C11(1)(a) after “C3” there shall be added “and C3A”;
- (d) in regulations C12(14)(a) and (16)(a), D1(2)(a) and P7(1) and (2) for the words “or C3” there shall be substituted the words “, C3 or C3A”;
- (e) in regulation E22(7)(a) after the words “(leave of absence)” there shall be inserted the words “or C3A (maternity absence)”;
- (f) in paragraph 3 of Part II of Schedule 4 and paragraph 7 of Part III of Schedule 5—
 - (i) in sub-paragraph (2)(a), at the beginning there shall be inserted the words “except in the case of a period of maternity absence,”;
 - (ii) in sub-paragraph (2)(b), after the words “absence from duty” there shall be inserted the words “, other than a period of maternity absence,”; and
 - (iii) at the end there shall be added the following sub-paragraph—
 - “(3) In this paragraph, “period of maternity absence” has the same meaning as in regulation C3A.”.

Right to opt out

3.—(1) This regulation shall apply in the case of any person (“a relevant beneficiary”) to whom any benefit (including a return of contributions and any pension payable to a widower or any dependant by virtue of a surrender) is or may become payable, being a benefit (“a relevant benefit”) payable to, or in respect of, a person who before 16th November 1993—

- (a) ceased to hold an employment in respect of which she was a pensionable employee (whether or not she has subsequently recommenced any such employment); or
- (b) died while still in such an employment.

(2) If, in relation to a relevant benefit, a relevant beneficiary—

- (a) would be placed by any amendment made by these Regulations in a worse position than she would have been in if that amendment had not been made, and
- (b) so elects, by notice in writing given to the appropriate administering authority within the three month period beginning with 16th November 1993,

then, in the case of that beneficiary and in relation to that benefit, the principal Regulations shall have effect, subject to paragraph (3), as if these Regulations had not been made.

(3) If such an election as is mentioned in paragraph (2) above is made in relation to a benefit which is or may become payable in respect of a person who is employed in a local government employment, or if that person subsequently recommences service in such an employment, then—

- (a) the election shall have effect in relation to the benefit only to the extent that it accrues or has accrued—
 - (i) by virtue of periods of service rendered before the cessation referred to in paragraph (1) above (or, if there has been more than one such cessation, the last of them before 16th November 1993); or
 - (ii) by virtue of contributions paid in respect of any such periods of service; and
- (b) in determining entitlement to, or the amount of, the benefit to that extent, she shall (without prejudice to the application of this paragraph) be treated as if she had never recommenced service in such employment at any time after the cessation referred to in sub-paragraph (a) above; and the principal Regulations shall apply accordingly.

20th October 1993

John Selwyn Gummer
Secretary of State for the Environment

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

EXPLANATORY NOTE

(This note is not part of these Regulation)

These Regulations amend the Local Government Superannuation Regulations 1986. They provide for the contributions and remuneration for pension purposes of women on maternity leave. These Regulations implement in respect of the local government superannuation scheme and maternity leave the requirements of the Directive on the implementation of the principle of equal treatment for men and women in occupational social security schemes ([86/378/EEC](#); OJNo. L225, 12.8.86, p. 40). Regulation 2 is by virtue of section 12 of the Superannuation Act 1972 made retrospective to 1st January 1993. Regulation 3 confers a right for a person, in certain circumstances, to opt that these Regulations shall not apply to her.