
STATUTORY INSTRUMENTS

1995 No. 963

PENSIONS

**The Local Government Superannuation
(Miscellaneous Provisions) Regulations 1995**

<i>Made</i>	- - - -	<i>30th March 1995</i>
<i>Laid before Parliament</i>		<i>6th April 1995</i>
<i>Coming into force</i>	- -	<i>27th April 1995</i>

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 (Miscellaneous Provisions) Regulations 1995 and shall come into force on 27th April 1995 but regulation 2 shall have effect as from 1st September 1989, regulations 3 and 4 shall have effect as from 1st April 1986 and regulation 5 shall have effect as from 1st April 1993.

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

Interest on late payments

2.—(1) The principal Regulations shall be amended by inserting in Part E after regulation E33 the following—

“Interest on late payment of pension

E33A.—(1) Where a pension has become payable and is not paid within twelve months after the due date, the appropriate administering authority shall pay to the person to whom the pension is payable interest, calculated in accordance with regulation E33(1).

(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, 1989/371, 372, 1991/2471, 1992/172 and 1994/3026.

- (2) For the purposes of this regulation—
- (a) “pension” means a retirement pension, a widow’s or widower’s pension payable under regulation E5 or E7 and a children’s pension payable under regulation E8, and
 - (b) “the due date” is—
 - (i) in the case of a retirement pension which becomes payable by virtue of a notice in writing under regulation E2(6) or (7)(a) given on or after the date on which the retirement pension by virtue of that notice becomes payable, the date one month after that notice was given,
 - (ii) in the case of part of a pension which becomes payable by virtue of payments or contributions (other than an increase in contributions made following a decision under regulations N1 or N8) made after the date on which the remainder of the pension became payable, the date one month after that increase in payments or contributions was paid,
 - (iii) in the case of a pension or part of a pension which becomes payable by virtue of contributions made following a decision under regulation N1 or N8, the date on which that pension or part of a pension would have become payable had those contributions been made at the first opportunity which these regulations would otherwise have provided,
 - (iv) in all other cases, the date on which that pension or part of a pension becomes payable.”

Outward transfers

3. The principal Regulations shall be amended—
 - (a) in regulation J13(4), by substituting for the reference “J14(2)(c)” the reference “J14(4)(b)”;
 - (b) in regulation J14(1), by substituting for the reference “(7)” in the entry for the expression “appropriate part of the fund”, the reference “(8)”.**(3)**
4. Regulation 9(2)(b) of the Local Government Superannuation (Amendment) Regulations 1994 **(4)** shall be amended by substituting for the number “3” the number “6”.

Additional voluntary contributions

5. Schedule 6A to the principal Regulations shall be amended—
 - (a) in paragraph 4(2), by substituting for the words “paragraph 6” the words “paragraphs 6, 6A and 6B”;
 - (b) in paragraph 6(2)(e), by substituting for the words “and 6” the words “,6, 6A and 6B”;
 - (c) by inserting after paragraph 6 the following—

“6A.—(1) Where a person who has given notice under paragraph 1(1) of an election under regulation C9A to his employing authority—

 - (a) has ceased to be employed by that authority; or
 - (b) has ceased to be a pensionable employee by virtue of a notification under regulation B1B,

(3) Regulation J13 of the principal Regulations was amended by regulation 3 of The Local Government Superannuation (Amendment) Regulations 1994 (S.I. 1994/3026) and regulation J14 of the principal Regulations was substituted by regulation 5 of those Regulations.

(4) S.I. 1994/3026.

he may elect to have the accumulated value of the invested additional contributions, mentioned in paragraph 4(1), used—

- (i) in the case mentioned in paragraph (a), in one of more of the ways mentioned in paragraph (2); and
- (ii) in the case mentioned in paragraph (b), in one or both of the ways mentioned in paragraphs (b) and (e) of sub-paragraph (2).

(2) The ways referred to in sub-paragraph (1) are—

- (a) to subscribe to a superannuation scheme;
- (b) to subscribe to a personal pension scheme;
- (c) to subscribe to a self-employed pension arrangement;
- (d) to purchase an appropriate policy from one or more insurance companies; or
- (e) to subscribe to an additional voluntary contributions scheme.

6B. Where a person receives a refund under regulation C12 as a consequence of ceasing—

- (a) to be employed by a scheduled body; or
- (b) to be a pensionable employee by virtue of a notification under regulation B1B,

he must receive immediate payment of the accumulated value of the additional contributions mentioned in paragraph 4(1).”

Signed by authority of the Secretary of State

30th March 1995

David Curry
Minister of State,
Department of 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 the Regulations)

These regulations affect the Local Government Superannuation Regulations 1986 (S.I. 1986/24) (“the principal Regulations”) which constitute the local government superannuation scheme (“the scheme”).

Regulation 2, which has effect from 1st September 1989, requires interest to be paid on late payments of the annual retirement pension, widow’s and widower’s pension and children’s pension as well as on the lump sum retiring allowance, ill-health retirement grant and death grant. The pension payment must be twelve months overdue for interest to be payable.

Regulation 3 amends two incorrect cross-references which were inserted in the principal Regulations by the Local Government Superannuation (Amendment) Regulations 1994 (S.I. 1994/3026) (“the 1994 Regulations”). The first cross-reference is in regulation J13(4) and the second in regulation J14(1)(a).

Regulation 4 extends the period for giving notice under regulation J13 or J14 of the principal Regulations (as amended by the 1994 Regulations) from 3 months to 6 months in the case of a person who would have been entitled to give notice before the 1994 Regulations came into force had the 1994 Regulations come into force on 1st April 1986.

Regulations 3 and 4 of these Regulations have effect from 1st April 1986, the date from which the amendments to regulations J13 and J14 made by the 1994 Regulations had effect.

Regulation 5, which has effect from 1st April 1993, amends Schedule 6A to the principal Regulations to allow persons who have made additional voluntary contributions and who leave the scheme, whether on leaving employment or on opting out of the scheme to choose between a range of options for the disbursement of the accumulated value of their invested additional contributions.