
STATUTORY INSTRUMENTS

1996 No. 1680

**The Local Government (Discretionary
Payments) Regulations 1996**

PART III

COMPENSATION FOR PREMATURE RETIREMENT

Surrenders

Allocation of part of annual compensation

19.—(1) Where an eligible person who has been granted a credited period under regulation 8 has been allowed, in accordance with regulation D14 of the LGPS Regulations, to surrender a part of the retirement pension to which he would otherwise be entitled on ceasing to hold his former employment (“the surrendered part”), he may give notice to his employing authority that he wishes this regulation to apply to him.

(2) Notice under paragraph (1) must be given by a person before the expiry of the period of one month beginning—

- (a) in the case of a person who has not entered a new employment, with—
 - (i) the date on which he is given notification under regulation 27(a) of the grant of the credited period; or
 - (ii) his NRD,whichever is the later;
- (b) if he has entered new employment, with—
 - (i) the date on which that employment ceases;
 - (ii) the date on which he is given notification under regulation 27(c) of any adjustment made by reason of that cessation; or
 - (iii) his NRD,whichever is the latest.

(3) A person who duly gives notice under this regulation may surrender any part of his annual compensation (not exceeding the surrendered pension percentage), on the like terms and conditions and for the like consideration as if his annual compensation were a retirement pension to which he had become entitled by virtue of regulation D6(2)(a) of the LGPS Regulations (early retirement on redundancy etc).

(4) In paragraph (3) “the surrendered pension percentage”, in relation to any person, means the same percentage as the surrendered part of the retirement pension is of the retirement pension to which he would be entitled apart from the surrender.

(5) In this regulation “annual compensation”, in relation to any person, means the compensation payable under regulation 10, adjusted as may be necessary—

- (a) in accordance with regulation 12;
 - (b) if he is a person to whom such an allowance for life as is mentioned in paragraph (2) of regulation 14 has been granted, in accordance with that regulation; and
 - (c) in accordance with regulation 18 (but disregarding any reduction under regulation 18(3)).
- (6) In the case of a person to whom regulation D14 of the LGPS Regulations does not apply because of a relevant disqualification—
- (a) paragraph (1) shall have effect as if he had been allowed to surrender as mentioned in that paragraph; and
 - (b) the annual compensation which he is entitled to surrender in accordance with paragraph (3) shall be such part as he may specify in the notice required under paragraph (1).