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STATUTORY INSTRUMENTS

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**1996 No. 1680**

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

**PART VI**

**GRATUITIES AS RESPECTS NON-PENSIONABLE SERVICE**

**Meaning of “service” in Part VI**

**39.**—(1) In this Part, unless the context otherwise requires, “service” is to be construed in accordance with this regulation.

(2) A person’s service is the time spent by him in employment with any LGPS employer or former local authority which is not excluded by paragraph (3).

(3) Subject to paragraph (4), a person’s service does not include any period—

- (a) before he attained the age of 16 or after he attained the age of 70;
- (b) in excess of a total of 40 years;
- (c) in respect of which a gratuity has been granted under a local Act, section 18 of the Local Government Superannuation Act 1953<sup>(1)</sup>, the former Regulations, the 1974 Regulations, the 1986 Regulations, Part III of the Local Government (Compensation for Redundancy) Regulations 1994<sup>(2)</sup> or these Regulations;
- (d) during which he is not a LGPS member by virtue of a failure to apply under regulation B10(1) of the LGPS Regulations (application for membership) or notification under regulation B10(2) or B12 of those Regulations (which provide respectively for notifications that a person does not wish to become, or, as the case may be, wishes to cease to be a member), or any corresponding act or omission under the 1986 Regulations, unless—
  - (i) he was employed by a LGPS employer on 1st April 1987 and had attained the age of 55 before that date; or
  - (ii) he was so employed on 17th August 1993, had attained the age of 50 before that date and immediately before that date was disqualified from being a LGPS member because his contractual hours were fewer than 15;
- (e) in respect of which he has retained rights in a scheme which was a relevant scheme for the purposes of regulation G14 of the 1974 Regulations; or
- (f) which has been or may be taken into account for the purpose of calculating any benefit under the Scheme or any other public service scheme, or which, but for an election by that person on or after 6th April 1988 not to participate in the benefits of such a scheme, might have been so taken into account.

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<sup>(1)</sup> 1953 c. 25.

<sup>(2)</sup> S.I.1994/3025. Part III was substituted by regulation 4 of the Local Government (Compensation for Redundancy) (Amendment) Regulations 1996 (S.I. 1996/456).

(4) Where regulation 40(1) applies, service includes periods before 1st April 1987 of the kinds mentioned in paragraph (3)(e) and (f).

(5) In paragraph (3)(f) “public service scheme” means a water company scheme within the meaning of the 1986 Regulations, the Universities' Superannuation Scheme and any occupational pension scheme—

- (a) which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department; and
- (b) which includes provisions for any such whole-time service as is described in regulation F2(1) of the 1986 Regulations, rendered by a person before he becomes entitled to participate in the scheme, to be reckonable as service in respect of which benefits are payable under the scheme.

(6) In paragraph (5) “occupational pension scheme” means any scheme or arrangement comprised in one or more instruments or agreements and having effect (or being capable of having effect) in relation to one or more descriptions or categories of employments so as to provide benefits, in the form of pensions or otherwise, payable on termination of service, on death or on retirement, to or in respect of earners with qualifying service in an employment of any such description or category.