
STATUTORY INSTRUMENTS

1996 No. 2180

PENSIONS

The Local Government Pension Scheme (Crown Prosecution Service) (Transfer of Pension Rights) Regulations 1996

<i>Made</i>	- - - -	<i>20th August 1996</i>
<i>Laid before Parliament</i>		<i>27th August 1996</i>
<i>Coming into force</i>	- -	<i>17th September 1996</i>

The Secretary of State for the Environment, 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, with the local authorities with whom consultation appeared to him to be desirable and with 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 Pension Scheme (Crown Prosecution Service) (Transfer of Pension Rights) Regulations 1996 and shall come into force on 17th September 1996.

(2) In these Regulations

“the Crown Prosecution Service” has the same meaning as in the Prosecution of Offenders Act 1985⁽²⁾;

“the PCSPS” means the principal civil service pension scheme within the meaning of section 2(10) of the Superannuation Act 1972;

“the 1986 Regulations” means the Local Government Superannuation Regulations 1986⁽³⁾;

“the 1995 Regulations” means the Local Government Pension Scheme Regulations 1995⁽⁴⁾;

“transfer date” has the meaning given by regulation 2(b) below.

(3) In these Regulations, unless the context otherwise requires, any expression which is also used in the 1986 Regulations or the 1995 Regulations has the same meaning as in those Regulations.

(1) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).

(2) 1985 c. 23.

(3) S.I.1986/24; a relevant amending instrument is S.I. 1991/2471.

(4) S.I. 1995/1019, to which there are amendments not relevant to these Regulations.

Application of Regulations

2. These Regulations apply in the case of any person who—
- (a) not earlier than 31st March 1986 nor later than 30th September 1986 ceased to be employed in local government employment and thereupon became employed in the Crown Prosecution Service; and
 - (b) on the date he became employed in the Crown Prosecution Service (his “transfer date”) became subject to the PCSPS.

Transfer of pension rights

- 3.—(1) In any case to which these Regulations apply—
- (a) no payment shall be made under Part J of the 1986 Regulations or Part K of the 1995 Regulations; and
 - (b) the appropriate pension fund shall be apportioned.

(2) Where the appropriate pension fund is to be apportioned in accordance with paragraph (1), the value of the share of the fund which shall be paid to the administrators of the PCSPS in the case of any person shall be the amount of—

- (a) the value at the transfer date of the actual and potential liabilities of the fund accrued at the transfer date in connection with any employment before that date which relates to that person; and
- (b) the cost of increasing under the Pensions (Increase) Act 1971(5) that person’s pension rights in respect of that employment;

as determined on the basis set out in the Schedule and as modified by the application of a revalorisation factor as mentioned in paragraph (5).

(3) The appropriate administering authority shall, subject to paragraph (4), pay to the administrators of the PCSPS on or before 31st January 1997 a sum equal to the amount calculated in accordance with paragraph (2).

(4) Where in any case to which these Regulations apply, the appropriate administering authority has on or before 31st January 1997 paid to the administrators of the PCSPS a transfer value under regulation J2 of the 1986 Regulations or regulation K2 of the 1995 Regulations, the administering authority shall pay to the administrators of the PCSPS on or before 31st January 1997 a sum equal to the amount, if any, by which the amount calculated in accordance with paragraph (2) exceeds the amount of the transfer value after application of a revalorisation factor as mentioned in paragraph (5).

(5) The revalorisation factor to be applied as referred to in paragraphs (2) and (4) shall be calculated in accordance with a method determined by the Government Actuary by reference to investment returns in the period between the transfer date, or the date of payment of a transfer value in accordance with regulation J2 of the 1986 Regulations or regulation K2 of the 1995 Regulations, and the date of payment to the PCSPS.

(6) Where paragraph (1) applies in relation to any person, he shall be treated for the purposes of regulation D3(7) of the 1986 Regulations or paragraph 4(7) of Schedule B6 to the 1995 Regulations (as the case may be) as if a transfer value had been paid in relation to him under regulation J2 of the 1986 Regulations or regulation K2 of the 1995 Regulations.

Signed by authority of the Secretary of State

20th August 1996

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.

SCHEDULE

(Regulation 3(2))

Basis for determining the value of the share of the fund

The value of the liability for each person to whom these Regulations apply shall be determined as the amount of the transfer value which would have been available at the transfer date had the conditions in regulation J2 of the 1986 Regulations been satisfied multiplied by a factor of 1.25.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to persons who left local government employment between 31st March 1986 and 30th September 1986 and who thereupon joined the Crown Prosecution Service and became subject to the Principal Civil Service Pension Scheme. Regulation 3 determines the method by which transfer payments to the Principal Civil Service Pension Scheme in respect of such persons are to be calculated, and how such amounts are to be revalued from the date of transfer to the date when payment is effected.

The Schedule sets out the basis to be used in the valuation of the transfer value.