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STATUTORY INSTRUMENTS

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**1997 No. 1612**

**The Local Government Pension Scheme Regulations 1997**

**PART II**

**PRIMARY PROVISIONS**

**CHAPTER II**

**COUNTING MEMBERSHIP FOR THE SCHEME**

**Periods of membership: “total membership”**

- 9.—**(1) These are the periods which count as periods of membership—
- (a) any period for which a member has paid (or is treated as having paid) contributions under regulation 12, 17 or 18;
  - (b) any period during which a member is away from work because of illness or injury;
  - (c) any period which a member is entitled to count as membership under—
    - (i) Chapter II or III of Part III, or
    - (ii) regulation 122(1) (periods credited on payment of transfer values);
  - (d) in the case of a member who belonged to the Scheme before the commencement date, any period he is entitled to count under the Transitional Regulations.
- (2) For most purposes a member's “total membership” is the total of the periods he is entitled to count under paragraph (1), disregarding any period which would otherwise count twice (but see regulations 10, 11 and 32 and the Transitional Regulations).
- (3) A person may not count any period of membership if his contributions for that period have been returned to him and, if all his contributions to the appropriate fund are returned to him, he may not count any period of membership credited to him on the receipt of a transfer value.
- (4) A person may not count any period of membership if his rights in respect of it have been transferred to a non-local government scheme, a personal pension scheme, a self-employed pension arrangement, a retirement annuity contract or an appropriate policy by payment of a transfer value.
- (5) Where a person pays contributions under regulation 18(3) (trade disputes) for any period, that period counts as a period within paragraph (1)(a) even if his contract of employment did not subsist throughout that period.
- (6) Paragraph (1)(a) includes any period for which a member is treated as having paid contributions under regulation 87(4) (concurrent employments).

**Excluded membership**

- 10.—**(1) Superannuable membership does not count towards the membership period required before a person is entitled to any benefit.
- (2) Superannuable membership is—

- (a) any period of added years, and
  - (b) any additional period of membership which counts as such by virtue of Chapter III of Part III.
- (3) The Table in Schedule 3 sets out other sorts of membership which do not count for some purposes.
- (4) The first column of that Table describes the membership and the second column specifies the purposes for which such membership does not count.
- (5) That Table has effect subject to the notes at the end.

**Length of period of membership: calculation of benefit**

- 11.**—(1) In calculating the amount of any benefit, fractions of years of membership count.
- (2) The numerator of such fractions is the number of complete days of membership and 365 is the denominator.
- (3) Membership in part-time service is counted as the appropriate fraction of the duration of membership.
- (4) The numerator of that fraction is the number of contractual hours during the part-time service and its denominator is the number of contractual hours of that employment if it were on a whole-time basis.
- (5) Paragraph (3) does not apply in determining a member's total membership for regulation 28(1) (entitlement to ill-health enhancement) (and see regulation 28(5) to (7) as to the determination of the enhanced membership period in such cases).