
STATUTORY INSTRUMENTS

1997 No. 1612

The Local Government Pension Scheme Regulations 1997

PART V

SPECIAL CASES

CHAPTER II

MODIFICATIONS FOR CERTAIN EMPLOYEES ETC.

Members who may retire at 70 etc.

Members employed by magistrates' courts committees

133.—(1) These Regulations apply to a justices' clerk (outside the inner London area) who is employed by a magistrates' courts committee with the modifications specified in paragraphs (3) to (11).

(2) These Regulations apply to any other person who is employed by a magistrates' courts committee with the modifications specified in paragraphs (5) to (11).

(3) For regulation 6(3) (latest retirement age) substitute—

“(3) A person may not become an active member after—

(a) his 70th birthday or,

(b) any earlier day after his 65th birthday when his total membership equals his permitted maximum.”.

(4) In regulation 28(3) (enhanced membership period in cases of ill-health), regulation 52(2)(c) (power of employing authority to increase total membership) and paragraph 8(2)(b) of Schedule 4 (maximum addition under regulations 53 and 55) for “65” substitute “70”.

(5) Where a member who is employed by two or more magistrates' courts committees does not receive separate pay for one or more of those employments (“the undifferentiated employment”) his pay for the undifferentiated employment is—

(a) if no body pays him pay for more than one employment, that part of his total pay which is paid by the body responsible for meeting the employing committee's expenses, and

(b) otherwise, so much of his total pay for the employments remunerated by one body as may be agreed by the body and him, or, in default of agreement, determined by the Secretary of State.

(6) If a person is paid by different bodies as respects two or more clerkships under a magistrates' courts committee, they count for these Regulations as separate employments under separate Scheme employers.

(7) Paragraph (6) applies whether the person holds the clerkships himself or is employed to assist another person in them.

(8) Paragraph (6) does not apply for the purposes of regulation 74 (appropriate funds) or the provisions mentioned in paragraph (1)(a), (b) or (c) of that regulation.

(9) The body paying the person's pay is to be treated—

- (a) as employing him for the purposes of regulation 79 (employer's contributions), and
- (b) as his employing authority for the purposes of regulation 80 (employer's further payments) and regulation 89 (deduction and recovery of member's contributions).

(10) A magistrates' courts committee are to report to the body paying the person's pay any decision made by them under—

- (a) regulation 31 (early leavers: deferred retirement benefits and elections for early payment),
- (b) regulation 52 (power of employing authority to increase total membership),
- (c) regulation 53 (power of employing authority to increase total membership of new members),
- (d) regulation 88(2) (direction for return of contributions despite offences etc. in connection with employment),
- (e) regulation 111 (forfeiture of pension rights after conviction of employment-related offences), or
- (f) regulation 112 (interim payments directions).

(11) Regulation 105 (appeals by administering authorities) has effect as if—

- (a) a body receiving such a report were the administering authority maintaining the pension fund to which that body pays employer's contributions for the purposes of regulation 105(1), and
- (b) paragraph (3) of regulation 103 were omitted.

Certain employees of the committee of magistrates for the inner London area

134.—(1) These Regulations apply with the modifications in paragraphs (3) to (7) to a person who—

- (a) is eligible for membership by reason of regulation 127(5), and
- (b) is a justices' clerk (inner London area).

(2) These Regulations apply to any other person who is so eligible with the modifications in paragraphs (5) to (7).

(3) For regulation 6(3) (latest retirement age) substitute—

“(3) A person may not become an active member after—

- (a) his 70th birthday, or
- (b) any earlier day after his 65th birthday when his total membership equals his permitted maximum.”.

(4) In regulation 28(3) (enhanced membership period in cases of ill-health), regulation 52(2)(c) (power of employing authority to increase total membership on redundancy etc.) and paragraph 8(2) (b) of Schedule 4 (maximum addition under regulations 53 and 55) for “65” substitute “70”.

(5) The Receiver for the Metropolitan Police District is to be treated—

- (a) as employing the person for the purposes of regulation 79 (employer's contributions),
- (b) as his employing authority for the purposes of regulation 80 (employer's further payments) and regulation 89 (deduction and recovery of member's contributions).

(6) The committee of magistrates are to report to the Secretary of State any decision made by them under—

- (a) regulation 31 (early leavers: deferred retirement benefits and elections for early payment),
 - (b) regulation 52 (power of employing authority to increase total membership),
 - (c) regulation 53 (power of employing authority to increase total membership of new members),
 - (d) regulation 88(2) (direction for return of contributions despite offences etc. in connection with employment),
 - (e) regulation 111 (forfeiture of pension rights after conviction of employment-related offences), or
 - (f) regulation 112 (interim payments directions).
- (7) Such a decision has no effect until approved by the Secretary of State.

Coroners

135.—(1) These Regulations apply with the following modifications to a coroner who is a member by reason of regulation 131(2)(b).

(2) For regulation 6(3) (latest retirement age) substitute—

“(3) A person may not become an active member after—

- (a) his 70th birthday, or
- (b) any earlier day after his 65th birthday when his total membership equals his permitted maximum.”.

(3) In regulation 28(3) (enhanced membership period in cases of ill-health), regulation 52(2)(c) (power of employing authority to increase total membership on redundancy etc.) and paragraph 8(2)(b) of Schedule 4 (maximum addition under regulations 53 and 55) for “65” substitute “70”.