STATUTORY INSTRUMENTS

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).