

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

The Local Government (Discretionary Payments) Regulations 1996

- 38.** In regulation 2 of the Local Government (Discretionary Payments) Regulations 1996(1)—
- (a) in paragraph (1)—
 - (i) in the definition of “employing authority” for the words “Schedule B1 of the LGPS regulations (LGPS employers)” substitute the words “Schedule 2 of the LGPS Regulations (Scheme employers)”;
 - (ii) for the definition of “the LGPS Regulations” substitute—
““the LGPS Regulations” means the Local Government Pension Scheme Regulations 1997”;
 - (iii) after the definition of “the 1986 Regulations” insert—
““the 1995 Regulations” means the Local Government Pension Scheme Regulations 1995;
“the Transitional Regulations” means the Local Government Pension Scheme (Transitional Provisions) Regulations 1997;”
 - (iv) after the definition of “LGPS member” insert—
““pensionable remuneration” means pay within the meaning of regulation 13 of the LGPS Regulations;”;
 - (b) at the end of regulation 2(2) of those regulations add the words “or, if the expression is not defined in those regulations, in the 1995 Regulations”;
 - (c) in regulation 2(3) of those regulations after the words “1986 Regulations” insert the words “or, the 1995 Regulations”.
- 39.** In regulation 5 of those regulations—
- (a) in paragraph (1) in the definition of “occupational pension” after the words “LGPS Regulations”, in both places they occur, insert the words “or the 1995 Regulations”;
 - (b) in paragraph (3) for the words “regulation B5(1)” substitute the words “regulation 132(1)”;
 - (c) in paragraph (4) for the words “regulation B5(2)” substitute the words “regulation 132(2)”.
- 40.** In regulation 6(1) of those regulations—
- (a) in sub-paragraph (b)(i) for the words “regulation D6(2)(a)” substitute the words “regulation 26(1)(b)”;
 - (b) in sub-paragraph (e) for paragraph (ii) substitute—
“(ii) any periods of superannuable membership (as defined in regulation 10 of the LGPS Regulations) and any increase in membership under regulation 13 of the Transitional Regulations.”.
- 41.** In regulation 7 of those regulations—
- (a) in paragraph (1)(d)(ii) after the words “regulation B10” insert the words “of the 1995 Regulations or regulation 7”;
 - (b) in paragraph (1)(e) after the words “regulation B12” insert the words “of the 1995 Regulations or regulation 8”;

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- (c) in paragraph (2)(c) for the words “the LGPS Regulations”, “paragraph 3 of that Schedule”, “paragraph 4 or 5 of that Schedule” and “paragraph 6(b) of that Schedule” substitute respectively the words “the 1995 Regulations”, “paragraph 3 of Schedule D1 to the 1995 Regulations”, “paragraph 4 or 5 of Schedule D1 to the 1995 Regulations or regulation 22 or 23 of the LGPS Regulations” and “paragraph 6(b) of Schedule D1 to the 1995 Regulations”.
- 42.** In regulation 8(1) of those regulations for the words “to which Part II of Schedule B6 of the LGPS Regulations applies”, “would apply” and “regulation B18” substitute the words “which count as periods of superannuable membership (as defined in regulation 10 of the LGPS Regulations) and any increase in membership under regulation 13 of the Transitional Regulations,” “would count or, as the case may be, apply or be awarded” and “regulation 52” respectively.
- 43.** In regulations 9(2) and 10(2) of those regulations—
- (a) in paragraph (a) for the words from “D6” to “satisfied” substitute the words “regulation 26”;
- (b) in paragraph (b) for the words “regulation D6(2)(a)” substitute the words “regulation 26(1)(b)”.
- 44.** In regulation 11 of those regulations—
- (a) in paragraph (1)(c)(ii) for the words “regulation D6(2)” substitute the words “regulation 26”;
- (b) in paragraph (2)(a) for the words “Part D” substitute the words “Part II”.
- 45.** In regulation 16 of those regulations—
- (a) in paragraph (3)(a) for the words from “D5” to “D9” and the words from “(including” to the end substitute respectively the words “regulation 25, 26, 27 or 31” and “(including a single pension under regulation 29 of those regulations”;
- (b) in paragraph (7) for the words from “paragraph 5 of Schedule D5” onwards substitute “no regard shall be had to regulation 110 (abatement) of the LGPS Regulations”.
- 46.** In regulation 17 of those regulations—
- (a) in paragraph (3) for the words “Part D” substitute the words “Part II”;
- (b) in paragraph (4) for the words “paragraph 4(7) of Schedule B6 to” substitute the words “regulation 9(4) of”.
- 47.** In regulation 18(4) of those regulations for the words “regulation D2” substitute the words “regulations 20 and 54”.
- 48.** In regulation 19 of those regulations—
- (a) in paragraphs (1) and (6) for the words “regulation D14” substitute the words “regulation 33”;
- (b) in paragraph (3) for the words “regulation D6(2)(a)” substitute the words “regulation 26”.
- 49.** In regulation 20 of those regulations—
- (a) in paragraph (1) for the words “Part F” substitute the words “regulations 40 to 43”;
- (b) in paragraph (3) for the words from “regulation F6(2)” to “regulation F6(8)” substitute the words “regulation 42”.
- 50.** In regulation 21(2)(b) of those regulations for the words “regulation D7(1)(b)” substitute the words “regulation 27(1)”.
- 51.** In regulation 22(1)(a) and (2)(a) of those regulations for the words “regulation G4 or G7” substitute the words “regulation 45”.

52. In regulation 24(1)(a) and (2)(a) of those regulations for the words “regulation G3, G5 or G6” substitute the words “regulation 46”.

53. In regulation 25 of those regulations—

(a) in paragraph (3)(b) for the words “regulation D7(1)(b)” substitute the words “regulation 27(1)”;

(b) in paragraph (5)(i) for the words “regulation G10(1)” substitute the words “regulation 46(9)”.

54. In regulation 26(1) and (2) of those regulations for the words “regulation G11” substitute the words “regulation 47”.

55. In regulation 33(1)(b) of those regulations for the words “regulation B7” substitute the words “regulation 5”.

56. In regulation 36 of those regulations—

(a) in paragraph (1)(b) for the words “Part D” and “paragraph 4(1) of Schedule D1 to” substitute respectively the words “Part II” and “regulation 23 of”;

(b) in paragraph (1)(c) for the words “relevant period for the purposes of regulation D1 of” substitute the words “final pay period for”.

57. In regulation 39(3)(d) of those regulations for the words “regulation B10(1)” and “regulation B10(2) or B12” substitute respectively the words “regulation 7” and “regulation 7(5) or 8”.

58. In regulation 40 of those regulations—

(a) in paragraph (5) for the words “regulation K21(5) and (6)” substitute the words “regulations 21 to 23”;

(b) in paragraph (7)(b)(ii) for the words “regulation B12” substitute the words “regulation 8”.

59. IN regulation 42(1)(c)(i) of those regulations for the words “regulation D6(2)(a)” substitute the words “regulation 26(1)(b)”.

60. In paragraph 9 of Schedule 3 to those regulations—

(a) omit the words “Parts D, F and G of”; and

(b) for the words “paragraphs 2 and 3 of Schedule F1 to those Regulations” substitute the words “the provisions of regulation 9 of the Transitional Regulations, by virtue of which her membership is treated as membership after 5th April 1988”.