
STATUTORY INSTRUMENTS

2001 No. 2866

PENSIONS, ENGLAND AND WALES

The Local Government Pension Scheme (Her Majesty's Chief Inspector of Schools in England) (Transfers) Regulations 2001

<i>Made</i>	- - - -	<i>7th August 2001</i>
<i>Laid before Parliament</i>		<i>10th August 2001</i>
<i>Coming into force</i>	- -	<i>31st August 2001</i>

The Secretary of State, in exercise of the powers conferred on him by section 7 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, the local authorities with whom consultation appeared to him to be desirable and 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 (Her Majesty's Chief Inspector of Schools in England) (Transfers) Regulations 2001 and shall come into force on 31st August 2001.

(2) In these Regulations—

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

“the principal Regulations” means the Local Government Pension Scheme Regulations 1997(2) and, unless the context otherwise requires, expressions which are also used in the principal Regulations have the same meaning in these Regulations as they have in those Regulations;

“transferring member” means a person who becomes employed by Her Majesty's Chief Inspector of Schools in England on or before 1st September 2001 and immediately prior to such employment was an active member of the Scheme and employed under a contract of employment with a local authority on work which would have continued but for the provisions of section 79 of the Care Standards Act 2000(3).

(1) 1972 c. 11.

(2) S.I.1997/1612, amended by S.I. 1997/1613, 1998/1238, 2118, 1999/1212, 3438, 2000/1005, 1164, 1410, 3025, 2001/770, 1481.

(3) 2000 c. 14.

Application of Regulations

2. These Regulations apply in the case of—
- (a) a transfer to which paragraph (1) of regulation 3 applies; and
 - (b) a transfer to which paragraph (1) of regulation 4 applies.

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- 3.—(1) This paragraph applies to a transfer where—
- (a) the active membership of a transferring member ends on his joining the PCSPS; and
 - (b) the transferring member—
 - (i) agrees in writing by 31st March 2002 that a transfer be made under this regulation instead of any payment which he otherwise may require to be made under Chapter IV of Part IV of the Pension Schemes Act 1993(4), and
 - (ii) waives any rights he may have under that Chapter by virtue of the cessation of his active membership.
- (2) Where paragraph (1) applies, the appropriate administering authority must—
- (a) set aside in cash such part of the appropriate fund as equals the transfer payment, and
 - (b) pay it to the managers of the PCSPS for the benefit of the transferring member.
- (3) The transfer payment shall be such amount as is determined in accordance with the Schedule.
- (4) The transferring member's appropriate administering authority must provide the transferring member by 31st December 2001 with sufficient information in writing for the member to check whether or not the rights that he would acquire under the PCSPS as a result of payment of the transfer payment are at least equivalent to those which he would have obtained if a transfer value had been paid to the same scheme under Chapter IV of Part IV of the Pension Schemes Act 1993, as it applies by virtue of regulation 116 of the principal Regulations, (assuming in any case where the member would not be entitled to such a payment that he was).
- (5) The appropriate administering authority must certify in writing to the managers of the PCSPS the amount included in the transfer payment which represents the member's contributions and interest on them.
- (6) Where a transfer payment is to be or has been made under this regulation, no other payment or transfer of assets shall be made from the pension fund by reason of membership covered by the transfer payment.
- (7) Paragraph (6) overrides anything to the contrary in the principal Regulations.

Changes of funds

- 4.—(1) This paragraph applies to a transfer where a transferring member remains in the Scheme but his appropriate administering authority changes as a consequence of his becoming employed by Her Majesty's Chief Inspector of Schools in England.
- (2) Where paragraph (1) applies, the authority that has ceased to be the member's appropriate administering authority must make a payment to his new appropriate administering authority of an amount determined in accordance with the Schedule.
- (3) Any payment under paragraph (2) must be credited to the new appropriate administering authority's fund.
- (4) Paragraph (2) overrides anything to the contrary in regulation 125 of the principal Regulations.

(4) 1993 c. 48.

Signed by authority of the Secretary of State

7th August 2001

John G. Spellar
Minister of State
Department for Transport, Local Government
and the Regions

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

(Regulations 3 and 4)

The amount referred to in regulations 3(3) and 4(2) shall be—

$AV \text{ multiplied by } A$

where—

AV is the actuarial value as at 31st August 2001 of the transferring member's accrued rights to benefits under the Scheme calculated in accordance with the method used for the purposes of calculating a club transfer payment between club schemes, including an adjustment for market conditions; and

A is an adjustment factor of 1.0125 raised to the power of n, where n is the number of complete years from 31st August 2001 to age 60 for the member in question. For any transferring member over the age of 60 on 31st August 2001, A will be 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make provision for the calculation and payment of transfer payments for active members of the Local Government Pension Scheme who transfer from local government employment to employment with Her Majesty's Chief Inspector of Schools in England on or before 1st September 2001 as a consequence of provisions in Part VI of the Care Standards Act 2000 (child minding and day care).

The Local Government Pension Scheme is an occupational pension scheme established under regulations made under section 7 of the Superannuation Act 1972.

Regulation 3 makes provision for members who transfer from the Local Government Pension Scheme to the Principal Civil Service Pension Scheme.

Regulation 4 makes provision for members who transfer from one Local Government Pension Scheme fund to another.

The Schedule sets out how the transfer payments are to be calculated.