
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 to 27 amend the Local Government Pension Scheme Regulations 1997 which comprise the Local Government Pension Scheme (“the Scheme”). Certain of the regulations take effect on various dates before the Regulations come into force (as set out in regulation 1).

The amendments are—

Regulation 3 makes certain amendments to regulation 5 (admission agreements). These enable employees of a wider category of bodies, who are not Scheme employers and who provide services or assets in connection with the exercise of a function of a Scheme employer, to become members of the Scheme;

Regulation 4 amends regulation 6 by removing the provision allowing entry to the Scheme after age 65.

Regulation 5 makes a minor drafting amendment to regulation 9(2) (periods of membership).

Regulations 6 and 7 clarify the provisions in connection with the normal retirement age under the Scheme and early retirement. Regulation 6 amends regulation 25 defining normal retirement and regulation 7 amends regulation 31 dealing with early leavers. Regulation 11, which amends regulation 55 (payments to increase total membership), and regulation 18, which amends regulation 122 (right to count credited period), make amendments consequential upon these changes.

Regulation 8 amends regulation 32 to clarify the treatment of aggregated and non-aggregated periods of membership. Regulation 26 makes a consequential amendment to the Table in Schedule 3 (Excluded Membership).

Regulation 9 adds a new regulation 32A (concurrent employments) to provide a method of calculating membership where one of two concurrent employments terminates and the member elects to keep the periods of service aggregated for the purposes of calculating benefits.

Regulation 10 amends regulation 44, which defines an eligible child for the purpose of children’s pension rights. Also the test of financial dependency required in the case of a child who is not the legitimate or adopted child of a member is extended to include a child born after the death of a member, who would have been dependent on that member had the member not died before the birth.

Regulation 12 amends regulation 58 and removes the requirement for a member to be 50 before he can exercise the right to elect for pension in lieu of retirement grant.

Regulation 13 amends regulation 64 (use of additional voluntary contributions) to allow a longer period after retirement before the value of the additional voluntary contributions must be used to pay for a pension. This is to take advantage of a change in Inland Revenue practice.

Regulation 14 amends regulation 78 (special circumstances where a revised actuarial valuation and certificate must be obtained) to allow the actuary to provide, in certain circumstances, that where an outgoing admission body cannot pay revised contributions to a fund, that liability is borne by the Scheme employer who is a party to the admission agreement.

Regulation 15 amends regulation 87 (rights to return of contributions) by substituting a formula for the calculation of the period of membership the contributions can buy for the existing provision that the period will be calculated in accordance with guidance issued by the Government Actuary.

Regulations 16 and 17 amend provisions in regulations 101 and 103 respectively (resolution of disputes) in connection with the information which must be given to members about the Pensions

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

Advisory Service in the internal dispute resolution procedure. These changes are necessitated by the Occupational Pension Schemes (Disclosure of Information) Regulations 1999 (S.I.1999/3198).

Regulation 19 amends regulation 125 (changes of fund) to provide that where a transfer involves ten or more members, the calculation of the transfer amount is to be by way of agreement between fund actuaries with reference to a third actuary to resolve disagreements.

Regulations 20 and 21 make provision in connection with Rent Service Agency staff and rent officers respectively following reorganisation of that Service.

Regulation 22 amends the terminology used in regulation 132 (separate employments) in references to various elections.

Regulation 23 replaces provisions in connection with former members of the Metropolitan Civil Staffs Superannuation Scheme. It refers to the new Schedule added to the Local Government Pension Scheme Regulations 1997 as Schedule 7 by regulation 27 of these regulations.

Regulation 24 makes special provision, by adding a new regulation, for members employed in the Meat Hygiene Service who were previously members of the Principal Civil Service Pension Scheme.

Regulation 25 makes a minor drafting amendment to Schedule 1.

Regulation 28 amends the Local Government Pension Scheme (Transitional Provisions) Regulations 1997 by adding a provision allowing a person who was a deferred member of the Scheme on 31st March 1998 to elect for a pension in lieu of his retirement grant or to elect for a lump sum in lieu of part of his pension.

Regulation 29 makes provision in connection with an admission agreement where the admission body provides services or assets in connection with the exercise of a function of a Scheme employer. In the circumstances set out in that regulation, it allows a certain period of employment to count as a period of membership for the purposes of the Scheme.

Section 12 of the Superannuation Act 1972 provides that regulations made under section 7 of that Act may have retrospective effect. Regulation 30 allows certain persons who would be placed in a worse position by amendments made in these Regulations to elect for the amendments not to apply in their case.

Regulation 31 is a revoking provision.