
STATUTORY INSTRUMENTS

2008 No. 239

**The Local Government Pension Scheme
(Administration) Regulations 2008**

PART 9

TRANSFERS

Application of Chapter 4 etc

78.—(1) For the purposes of—

- (a) sections 12C (requirements as to transfer, commutation etc. for contracting-out), 19 (discharge of liability) and 20 (transfer of accrued rights) of the 1993 Act;
- (b) Chapters 4 and 5; and
- (c) any regulations made under any of those sections or Chapters 4 and 5,

the managers of the Scheme in relation to a member are the fund authority.

(2) A member with a period of membership of under three months shall have the same rights to a cash transfer sum as if the three month condition in section 101AA(1)(b)(i) of the 1993 Act⁽¹⁾ were satisfied and Chapter 5 applied to him.

(3) Despite regulation 2 of the Occupational Pension Schemes (Transfer Values) Regulations 1996⁽²⁾ (pre-1986 leavers), Chapter 4 shall apply to all members of the Scheme regardless of the date of termination of their pensionable service.

(4) Regulation 5 of those Regulations (treatment of a number of employments as a single employment) only applies if the employments are treated as a single employment for the purposes of the Scheme.

(5) Regulation 10(2)(a) of those Regulations (interest on late payment of cash equivalents) does not apply where the member has required the cash equivalent to be paid to a club scheme.

(6) Regulation 18 of those Regulations (termination of pensionable service in certain circumstances to be disregarded) only applies if, in any case, no election has been made under regulation 16(1) (re-employed and rejoining deferred members), or regulation 17 (concurrent employments) to have the service which terminated aggregated with later or concurrent service or no election has been made under regulation 46(4) (rights to return of contributions).

(7) For this regulation and regulation 79—

- (a) the fund authority, in relation to a member, is the body maintaining the pension fund to which he was contributing immediately before his pensionable service terminated; but
- (b) if that fund has been closed, the fund authority is the body which would be liable to pay him his pension for that employment if he had been entitled to receive payment of such a pension when his pensionable service terminated.

(1) Section 101AA was inserted by section 264 of the Pensions Act 2004.

(2) [S.I.1996/1847](#).

Status: This is the original version (as it was originally made).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

(8) In this regulation “pensionable service” has the same meaning as in section 70 of the 1993 Act.