
STATUTORY INSTRUMENTS

2014 No. 525

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

Membership before 1st April 2014

3.—(1) Notwithstanding the revocations effected by regulation 2 of these Regulations, and subject to this Regulation, the regulations listed in Schedule 1 continue to have effect so far as is necessary—

- (a) so that membership accrued in the Earlier Schemes in respect of service before 1st April 2014, the pension rights accrued at that date, and any rights and obligations imposed on any person under those Schemes in relation to service before 1st April 2014, are preserved; and
- (b) so that benefits are payable in accordance with these Regulations.

(2) In paragraph (1)(a) the expression “pension rights accrued” includes any right to any pension, lump sum, grant or other benefit due to or in respect of a member.

(3) A scheme manager responsible under regulation 2(2) of the 2013 Regulations (introductory) for the local administration of pensions and other benefits payable under those Regulations is also responsible for the administration of benefits pursuant to paragraph (1) of this regulation.

(4) Where a person has been an active member of the 2014 Scheme, and retirement benefits under paragraph (1) are payable to a member in accordance with regulation 11 of these Regulations (retirement benefits), the benefits paid from Earlier Schemes and the 2014 Scheme are, for all purposes, to be regarded as constituting a single pension scheme.

(5) But a retirement pension and any retirement grant payable to a member under paragraph (4) is subject to actuarial adjustment if it would have been subject to actuarial adjustment under the 2008 Scheme, irrespective of whether retirement pension under the 2014 Scheme payable at the same time is subject to actuarial adjustment.

(6) Where a member who has not had a disqualifying break aggregates benefits from Earlier Schemes with benefits from the 2014 Scheme, the benefits from the Earlier Schemes are payable as final salary benefits.

(7) A disqualifying break for the purposes of paragraph (6) is a continuous break in active membership of a public service pension scheme of more than five years.

(8) Where a person has not been an active member of the 2014 Scheme and has benefits under the Earlier Schemes, or has been an active member of the 2014 Scheme and has benefits under the Earlier Schemes which have not been aggregated with the benefits in the 2014 Scheme, the benefits payable as a consequence of paragraph (1) are payable in accordance with the Earlier Schemes as applied by this regulation.

(9) Any pensionable pay received or contribution paid by a member on or after 1st April 2014 which relates to work carried out before that date shall be dealt with in accordance with the 2008 Scheme.

(10) An increase in membership may be awarded to a member under regulation 12(4) of the Benefits Regulations (power of employing authority to increase total membership of active members) after 31st March 2014 if the member’s relevant date for the purposes of that regulation

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is before 1st April 2014 and that increase shall be an increase in membership of the 2008 Scheme notwithstanding the fact that the award may occur after 31st March 2014.

(11) Where an employing authority grants an increase in membership under regulation 12A (duty of employing authority to increase total membership: enhanced protection) of the Benefits Regulations⁽¹⁾ following a notice served by a member before 6th April 2009, that increase shall be an increase in membership of the 2008 Scheme notwithstanding the fact that the grant may occur after 31st March 2014.

(12) Any guidance issued by the Government Actuary in accordance with any provision in the Earlier Regulations is to be treated as actuarial guidance issued by the Secretary of State as defined in Schedule 1 to the 2013 Regulations and any reference to guidance issued by the Government Actuary in the Earlier Regulations is to be construed as a reference to actuarial guidance issued by the Secretary of State.

(13) Regulations 70 and 71 of the Administration Regulations (abatment) continue to have effect in relation to pensions in payment deriving from the Earlier Schemes regardless of when payment of those pensions commenced.

(1) Regulation 12A was inserted by [S.I. 2009/3150](#).