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STATUTORY INSTRUMENTS

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**1997 No. 1612**

**The Local Government Pension Scheme Regulations 1997**

**PART II**

**PRIMARY PROVISIONS**

**CHAPTER IV**

**BENEFITS**

*Preliminary*

**Other final pay periods**

**22.**—(1) Where the whole or part of a member's pay consists of fees, his final pay period for them is not the period specified in regulation 21(2) but—

- (a) the period of three years ending with the last day he was an active member; or
- (b) any other period he may with the consent of his employing authority elect, being a period of not less than three nor more than five years—
  - (i) ending with a day which is that last day or of which that last day is the anniversary, and
  - (ii) falling within the period of 13 years ending with that last day.

(2) But if he was only entitled to receive fees during part of the period mentioned in paragraph (1) (a), that part is substituted for the period referred to in that paragraph.

(3) If a member has been absent from work during any part of the year specified in regulation 21(2), his final pay period is the last 365 days he is entitled to count as a period of active membership.

(4) A member may elect that instead of his final pay period being determined under regulation 21(2) or paragraph (1), (2) or (3) above, it should instead be—

- (a) as respects so much of his pay as does not consist of fees, a year ending with a day—
  - (i) falling within the period of three years ending with the last day he was an active member, and
  - (ii) of which that last day is the anniversary; and
- (b) as respects so much of his pay as consists of fees, that period of three years.

(5) Where paragraph (1) or (2) applies or a member elects for the period specified in paragraph (4) (b), as respects so much of his pay as consists of fees his final pay is the annual average of his fees during his final pay period.

(6) An election under this regulation by a member must be made by notice in writing given to the appropriate administering authority before the expiry of the period of one month beginning with the day he is notified of his entitlement to a benefit.

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**Status:** This is the original version (as it was originally made).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

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(7) Where a member has died without having made an election under this regulation, the appropriate administering authority may make an election on his behalf (whether or not the period within which he could have elected has expired).