

SCHEDULES

SCHEDULE 5

APPROPRIATE FUNDS

PART I

GENERAL RULES

1.—(1) The appropriate fund for a member is the fund specified in column 2 of the following Table for a member of his description.

(2) But where a member falls into paragraph 5 of that Table or paragraph 3 of the Table in Part II of this Schedule, the Secretary of State may by direction substitute another fund (“the substituted fund”).

(3) Before doing so he must consult with any bodies appearing to him to be affected by the proposed direction.

(4) The direction may require the making of financial adjustments between the funds, whether by way of a payment to the substituted fund or of a transfer of assets or both.

(5) It may also contain provision as to the transfer of liabilities to the substituted fund and any other consequential and incidental matters.

(6) Where an administering authority have established an admission agreement fund under regulation 75—

(a) references in this Schedule and in regulation 74 to the fund are to the fund maintained by that authority under regulation 73, and

(b) in relation to a member employed by a body specified in the notice required by regulation 75(3), the appropriate fund is the admission agreement fund.

TABLE

<i>Member</i>	<i>Appropriate fund</i>
1. An employee of an administering authority (other than a London member).	Fund maintained by that authority.
2. A London member.	Fund maintained by the London Pensions Fund Authority.
3. A Welsh member.	Appropriate regulation 3 fund.
4. A Part II member.	Fund specified for him in Part II of this Schedule.
5. An employee of a company under the control of a Scheme employer specified in Schedule 2.	Fund which is the appropriate fund for employees of that Scheme employer.

Status: This is the original version (as it was originally made).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

<i>Member</i>	<i>Appropriate fund</i>
6. An admission agreement employee.	Fund maintained by the administering authority with whom the admission agreement making him eligible for membership was made.
7. Members for whom no fund is specified by paragraphs 1 to 6, being—	(a) (a) Fund maintained by the administering authority specified for that authority in column 2 of the Table in Part III of this Schedule;
(a) members whose employing authority is specified in column 1 of the Table in Part III of this Schedule;	
(b) (b) members whose employing authority's area is situated wholly or mainly in the local government area of another employing authority which is specified in column 1 of the Table in Part III of this Schedule.	(b) (b) Fund maintained by the administering authority specified for that other authority in column 2 of the Table in Part III of this Schedule.
8. Members for whom no fund is specified by paragraphs 1 to 7.	Fund maintained by the administering authority within whose local government area all or most of his employing authority's area lies.

Notes

- 1.—(1) A London member is a member to whom sub-paragraph (2), (3) or (4) applies.
- (2) This sub-paragraph applies to an employee of a London borough council or of the Common Council who—
- immediately before 1st April 1974 was by virtue of article 14 or 15 of the London Authorities (Superannuation) Order 1965⁽¹⁾ entitled to participate in the benefits of the superannuation fund maintained under Part I of the Act of 1937 by the Greater London Council,
 - became a pensionable employee (within the meaning of the 1986 regulations) on 1st April 1974, and
 - has since 1st April 1974 continued in the employment of the same London borough council, or, as the case may be, of the Common Council.
- (3) This sub-paragraph applies to a person who—
- is eligible to be a member by virtue of regulation 127(3), and
 - immediately before 1st April 1974 was entitled to participate in the benefits of the superannuation fund maintained under Part I of the Act of 1937 by the Greater London Council.
- (4) This sub-paragraph applies to a person who—
- is eligible to be a member by virtue of regulation 127(5),
 - is an employee of—
 - the probation committee for any area in Greater London other than the City of London probation area,

⁽¹⁾ S.I. 1965/621.

- (ii) the London Residuary Body established by section 57(1)(a) of the Local Government Act 1985⁽²⁾,
 - (iii) the Lee Valley Regional Park Authority,
 - (iv) the London Fire and Civil Defence Authority established by section 27 of that Act,
 - (v) the London Waste Regulation Authority, the West London Waste Authority, the North London Waste Authority, the East London Waste Authority or the Western Riverside Waste Authority (all of which authorities were established by the Waste Regulation and Disposal (Authorities) Order 1985⁽³⁾), or
 - (vi) the Commission for Local Administration in England, and
- (c) either—
- (i) within one month and a day after ceasing to be an employee of the Inner London Education Authority established by section 18 of the Local Government Act 1985, became an employee of a London borough council or of the Common Council, or
 - (ii) at any time after 31st March 1990 ceased to be an employee of the London Residuary Body, and within one month and a day after so ceasing became an employee of a London borough council or of the Common Council.

2.—(1) A Welsh member is a member whose appropriate fund was determined immediately before the commencement date by regulation 3 of the Local Government Pension Scheme (Local Government Reorganisation in Wales) Regulations 1995⁽⁴⁾ and who continues to be employed by the same employing authority.

(2) The appropriate regulation 3 fund for such a member is the fund determined under that regulation for him.

3. A Part II member is a member falling within column 1 of the Table in Part II of this Schedule.

(2) 1985 c. 51.
(3) S.I. 1985/1884.
(4) S.I. 1995/1985.