
STATUTORY INSTRUMENTS

1997 No. 598

PENSIONS

**The Local Government Pension Scheme (Transfers
from the National Health Service Pension Scheme
for England and Wales) Regulations 1997**

<i>Made</i>	- - - -	<i>5th March 1997</i>
<i>Laid before Parliament</i>		<i>7th March 1997</i>
<i>Coming into force</i>	- -	<i>28th March 1997</i>

The Secretary of State, in exercise of the powers conferred on him by section 7 of the Superannuation Act 1972(1) and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned, the local authorities with whom consultation appeared to him to be desirable and such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Transfers from the National Health Service Pension Scheme for England and Wales) Regulations 1997 and shall come into force on 28th March 1997.

(2) In these Regulations “the principal Regulations” means the Local Government Pension Scheme Regulations 1995(2).

Modification in special circumstances

2. Schedule M2 to the principal Regulations is amended by adding the following—

**“Persons formerly members of the National Health Service Pension Scheme for
England and Wales**

10.—(1) This paragraph applies to a person—

(1) 1972 c. 11.

(2) S.I.1995/1019, amended by S.I. 1995/1985, 2249, 2953, 1996/185, 711, 1428, 2180, 1997/218, 329, 578.

- (a) who was transferred to the employment of a higher education corporation, higher education trust or admitted body on or after 1st October 1994 and after that transfer became a member of the Scheme;
- (b) who was immediately before that transfer a member or eligible to be a member of the National Health Service Pension Scheme; and
- (c) in respect of whom a transfer value (or, where there have been interim payments of the transfer value, the final payment of the transfer value) has not been accepted by his fund authority under regulation K13 before 28th March 1997.

(2) In their application to a person to whom this paragraph applies, these regulations have effect subject to the modifications in sub-paragraphs (3) to (16) for so long as the person is a member of the Scheme following his transfer with no disqualifying break of service.

(3) Any person who has entered into a contract under the National Health Service Regulations to purchase an additional period of membership under those regulations:—

- (a) shall be entitled for so long as there is no disqualifying break of service to continue to make additional periodic payments as if they were made pursuant to an election made under regulation C9 of these regulations and in respect of the same additional period of membership and in the same amount as required under the National Health Service Regulations and regulation C11 shall not apply; and
- (b) shall not be subject to the requirement of regulation D2(2)(b).

(4) A person who has elected under the National Health Service Regulations to pay contributions to an additional voluntary contributions scheme may continue to contribute to such a scheme as if the payment of contributions was made under regulation C24 of these regulations and by notice under paragraph 1(1) of Schedule C4.

(5) The provisions of Schedule C4, where applicable, shall have effect in relation to contributions payable under an additional voluntary contributions scheme referred to in sub-paragraph (4) as if references in that schedule to contributions under regulation C24 and notice under paragraph 1(1) (except the reference in paragraph 18 to a fresh election under regulation C24 by notice under paragraph 1 in relation to his new employment) were references to contributions to that additional voluntary contributions scheme and notice given to contribute to that scheme.

(6) If the person ceases to hold a local government employment and—

- (a) has a statutory pension entitlement,
- (b) has attained the age of 50, and
- (c) has not had a disqualifying break in service since the transfer referred to in paragraph (1)(a),

he is entitled to—

- (i) a standard retirement pension (reduced in accordance with sub-paragraph (7), and
- (ii) a standard retirement grant (so reduced)

which are payable to him immediately on his ceasing to hold that employment.

(7) Subject to regulation D17, his standard retirement pension and standard retirement grant, payable under sub-paragraph (6) and calculated in accordance with regulation D2 and Schedule D2, are reduced by the appropriate percentage for the member's pension advancement period.

(8) In sub-paragraph (7)—

- (a) “the member’s pension advancement period” means the period remaining from the date from which the benefits become payable to the date of his 60th birthday; and
 - (b) “the appropriate percentage” means the percentage shown in tables produced from time to time by the Government Actuary for the purpose of calculating the reduction in a member’s pension under sub-paragraph (7).
- (9) In regulation D9(1) delete the words “(reduced in accordance with regulation D13)” in sub-paragraph (a) and the words “(so reduced)” in sub-paragraph (b).
- (10) Delete regulation D13.
- (11) In calculating the lump sum death grant under regulations E3 or E4, there shall be no deduction in respect of any retirement grant paid to the deceased.
- (12) In regulation K14 (1) (a)—
- (a) substitute for the words “regulation K15 or, as the case may be, regulation K16” the words “paragraph 10(13) of Schedule M2”; and
 - (b) delete the words “(except that of determining whether there is any entitlement to benefit (other than any benefit under regulation D19))”.
- (13) Where a transfer value has been offered by the managers of the National Health Service Pension Scheme in respect of the person, the period mentioned in regulation K14 (1) (a) of the principal Regulations shall be equal to such period as shall be agreed between the actuary to the National Health Service Pension Scheme and the actuary to the appropriate pension fund.
- (14) If the actuaries are unable to agree the period referred to in paragraph (13) the question shall be referred to an actuary appointed by the Secretary of State to make a determination which shall be final.
- (15) The person is entitled to count as a period to which Part II of Schedule B6 applies any service which for the purposes of the National Health Service Regulations he was entitled to count in relation to employment in which he was an officer (within the meaning of the National Health Service Regulations) for the purpose of determining whether he was entitled to a benefit under those regulations, but for no other purpose.
- (16) For the purposes of this paragraph—
- (a) “the National Health Service Pension Scheme” means the scheme the rules of which are set out in the National Health Service Regulations; and
 - (b) “the National Health Service Regulations” means, in relation to a person, the National Health Service (Superannuation) Regulations 1980(3) or the National Health Service Pension Scheme Regulations 1995(4) as the case may be as in force immediately before his transfer to local government employment.”.

Signed by authority of the Secretary of State

Department of the Environment
5th March 1997

Paul Beresford
Parliamentary Under Secretary of State,

(3) S.I. 1980/362 as amended by S.I. 1981/1205, 1982/288, 1765, 1985/39, 1987/2218, 1989/804, 1991/584.

(4) S.I. 1995/300 as amended by S.I. 1997/80.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make provision in relation to the Local Government Pension Scheme constituted under the Local Government Pension Scheme Regulations 1995 (“the principal Regulations”) in connection with the transfer to local government employment from the National Health services of persons engaged in the training of nursing staff who were in pensionable employment under the National Health Service Pension Scheme for England and Wales regulations in force at the date of their transfer.

Regulation 2 adds a new paragraph to schedule M2 to the principal Regulations to deal with adjustments made to the benefits under the Local Government Pension Scheme in respect of those persons and to provide for the calculation of the period of membership to be credited to such persons under the Local Government Pension Scheme.