
STATUTORY INSTRUMENTS

1998 No. 568

PENSIONS

**The Local Government Pension Scheme (Amendment)
(Environment Agency) Regulations 1998**

<i>Made</i>	- - - -	<i>5th March 1998</i>
<i>Laid before Parliament</i>		<i>10th March 1998</i>
<i>Coming into force</i>	- -	<i>31st March 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 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 (Amendment) (Environment Agency) Regulations 1998 and shall come into force on 31st March 1998 but shall have effect from 1st April 1996.

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

Amendment to the principal Regulations in respect of former employees of HM Inspectorate of Pollution and Department of the Environment

2. Paragraph 9 of Schedule M2 to the principal Regulations⁽³⁾ is amended—

(a) by inserting after sub-paragraph (6) the following as sub-paragraph (6A)—

“(6A) A person to whom this paragraph applies who does not give notice under regulation K13 that he wishes the Environment Agency as the fund authority to accept a transfer value in respect of his accrued rights in the Principal Civil Service Pension Scheme shall nevertheless be entitled to count as a period to which Part II of Schedule B6 applies the period which he would have been entitled to count under regulation K14(1)(b) if a

(1) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).

(2) S.I.1995/1019; relevant amending S.I.s are 1996/711, 1428, 1997/578.

(3) Paragraph 9 of Schedule M2 was added by S.I. 1996/711.

transfer value had been accepted under regulation K13 in relation to him and his accrued rights under the Principal Civil Service Pension Scheme.”;

- (b) in sub-paragraph (8)(c), by substituting for the word “conditions” the word “condition”;
- (c) in sub-paragraph (9)—
 - (i) by substituting for the word “conditions” the word “condition” and for the word “are” the word “is”,
 - (ii) by deleting the word “and” at the end of paragraph (a), and
 - (iii) by deleting paragraph (b); and
- (d) by adding as sub-paragraphs (20) and (21) the following—
 - “(20) Where before 1st April 1998 a person to whom this paragraph applies—
 - (a) is transferred from one employment to another employment with the Environment Agency at a reduced remuneration, or
 - (b) suffers a reduction in remuneration in the same employment which—
 - (i) results from circumstances beyond his control,
 - (ii) is not temporary, and
 - (iii) does not consist in the termination of, or a reduction in, a temporary increase in remuneration, or
 - (c) suffers a restriction in the rate at which his remuneration may be increased which is such that it is likely that the rate of his standard retirement pension will be adversely affected
 - he shall be treated for the purposes of regulation D11 as having ceased to hold a local government employment.
 - (21) Schedule D1(4) (further provisions about pensionable remuneration) shall apply in respect of a person to whom this paragraph applies as if there were inserted in paragraph 4(4) (the definition of a reduction in remuneration), after paragraph (c), the following—
 - “(d) the rate at which his remuneration may be increased is restricted in such a way that it is likely that the rate of his standard retirement pension will be adversely affected;”.

Retrospective effect

3. Nothing in these Regulations shall place any individual who is qualified to participate in the benefits for which the principal Regulations provide in a worse position than he would have been in if regulation 2 had been framed so as to have effect only from the date of its making.

Signed by authority of the Secretary of State

Nick Raynsford
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

5th March 1998

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 persons whose employment transferred on or after 1st April 1996 to the Environment Agency and who in their previous employment were members of or entitled to be members of the Principal Civil Service Pension Scheme (“the former PCSPS members”).

Regulation 2 makes amendments to paragraph 9 of Schedule M2 to the principal Regulations which applies to the former PCSPS members.

Regulation 2(a) inserts a new sub-paragraph to allow periods in respect of which rights accrued under the Principal Civil Service Pension Scheme to count towards the total period of membership.

Regulation 2(c) removes a condition in sub-paragraph (9) requiring the written consent of the Environment Agency in connection with the early payment of pension. Regulation 2(b) makes a small amendment consequential upon that amendment.

Regulation 2(d) adds two sub-paragraphs to paragraph 9. The first sets out circumstances in which an alteration to the remuneration of a former PCSPS member may be treated as a cessation of a local government employment for the purposes of regulation D11 which deals with entitlement to preserved benefits on ceasing to hold a local government employment.

The second extends, for former PCSPS members, the meaning of a reduction in remuneration in Schedule D1 (further provision about pensionable remuneration) to include a restriction on the rate at which their remuneration may be increased.

The Regulations take effect from the 1st April 1996. (Section 12(1) of the Superannuation Act 1972 enables the Regulations to take effect from a date earlier than that on which they are made.) Regulation 3 provides that no individual who is qualified to receive benefits under the principal Regulations will be placed in a worse position than he would have been if these Regulations had had effect only from the date of their making.