

**2002 No. 206**

**PENSIONS, ENGLAND AND WALES**

**The Local Government Pension Scheme  
(Amendment) Regulations 2002**

*Made - - - - - 5th February 2002*

*Laid before Parliament 13th February 2002*

*Coming into force - - 6th March 2002*

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972(a) 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 and commencement**

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Amendment) Regulations 2002.

(2) These Regulations shall come into force on 6th March 2002 but—

- (a) regulation 9 shall take effect from 1st April 1998;
- (b) regulation 12 shall take effect from 1st April 2001; and
- (c) regulation 7 shall take effect from 2nd April 2001.

**Amendment of Regulations**

2. The Local Government Pension Scheme Regulations 1997(b) shall be amended in accordance with regulations 3 to 12 of these Regulations.

**Agreements to enable employees of non-Scheme employers to be members (“admission agreements”)**

3. In regulation 5(17) (j)(c)—

- (a) after “which is a Scheme employer” insert “or an admission body”; and
- (b) in sub-paragraph (iii) after “best value arrangement” insert “and, in the case of an admission body, is approved by the Secretary of State for the purpose of entering into an admission agreement with a transferee admission body”.

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

(b) S.I. 1997/1612; relevant amending instruments are S.I. 1998/1238, 1999/1212, 3438, 2001/1005, 1164, 3025, 2001/770, 1481.

(c) Regulation 5 was substituted by S.I. 1999/3438, regulation 3 and amended by S.I. 2000/1005, regulation 3 and S.I. 2001/770, regulation 3.

### **Meaning of “pay”**

4. In regulation 13(2)(a), omit “or” at the end of sub-paragraph (f) and after sub-paragraph (g) add—

“; or

(h) a payment made in consequence of a School Achievement Award under the scheme established by the Secretary of State known as the School Achievement Award Scheme”.

### **Amounts of ill-health pension and grant**

5. In regulation 28(b)—

(a) in paragraph (5)—

(i) after the words “the resulting period” insert “by multiplying it”; and

(ii) for “but see paragraph (8)” substitute “but see paragraphs (5A) and (8)”; and

(b) after paragraph (5), insert the following paragraph—

“(5A) The member’s enhanced membership period must not be reduced below that which is calculated by reference to his membership in whole-time employment, disregarding his membership in part-time employment.”.

### **Reduction of death grants: re-employed pensioners**

6. Omit regulation 39.

### **Commencement of pensions**

7. In regulation 93(2), in sub-paragraph (a) omit “and” and insert after that sub-paragraph the following sub-paragraph—

“(aa) in a case where he elects under paragraph (7) of that regulation(c) for an earlier date than his NRD, with that date, and”.

### **Inward transfers of pension rights**

8. In regulation 121(2)(d)—

(a) insert “or” at the end of sub-paragraph (c); and

(b) at the end of sub-paragraph (d) omit “, or” and the whole of sub-paragraph (e).

### **Rights as to service not matched by credited period**

9. In regulation 123(2)(b) for “regulation 25(4)” substitute “regulation 25(3A)”(e).

### **Schedule 2: Scheme Employers**

10. In Schedule 2(f), add at the end—

“A body set up by a local authority, in exercise of powers under section 2 of the Local Government Act 2000(g) as a housing management company to exercise management functions as agent of the local authority under an arrangement approved by the Secretary of State under section 27 of the Housing Act 1985(h).”.

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(a) Regulation 13 was amended by S.I. 1998/1238, regulation 6 and S.I. 1999/1212, regulation 7.

(b) Regulation 28 was amended by S.I. 1998/1238, regulation 13.

(c) Regulation 31(7) was amended by S.I. 2001/770, regulation 7.

(d) Regulation 121 was amended by S.I. 2000/3025, regulation 3 and the Schedule, paragraph 10.

(e) Paragraph (4) of regulation 25 was deleted by S.I. 2001/770, regulation 6 and paragraph (3A) was inserted in that regulation by S.I. 2001/3401, regulation 3.

(f) Schedule 2 was amended by S.I. 1999/1212, regulation 22, S.I. 2000/1164, regulation 8 and S.I. 2001/1481, regulation 17.

(g) 2000 c. 22.

(h) 1985 c. 68.

**Schedule 3: Excluded membership**

11. In Schedule 3, in the Table(a)—
- (a) in paragraph 1, column 2 omit “regulation 6(3) and (5) or”; and
  - (b) omit paragraph 2, columns 1 and 2.

**Schedule 5: Appropriate funds**

12. In Schedule 5, in the second column of paragraph 9 of the Table in Part II(b) for “Swansea County Council” substitute “Rhondda, Cynon, Taff County Borough Council”.

Signed by authority of the Secretary of State  
for Transport, Local Government and the Regions

*Alan Whitehead*

Parliamentary Under Secretary of State,

5th February 2002

Department for Transport, Local Government and the Regions

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(a) Schedule 3 was amended by S.I. 2001/770, regulation 26.

(b) Paragraph 9 was added to the Table in Part II of Schedule 5 by S.I. 2001/1481, regulation 18(b).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Local Government Pension Scheme Regulations 1997 (“the principal Regulations”) which comprise the Local Government Pension Scheme (“the Scheme”). Some of the regulations take effect on various dates before the Regulations come into force (as set out in regulation 1(2)). Section 12 of the Superannuation Act 1972 provides that regulations made under section 7 of that Act may have retrospective effect.

Regulation 3 extends the provisions of regulation 5 of the principal Regulations (agreements to enable employees of non-Scheme employers to be members) to allow admission agreement bodies approved by the Secretary of State to enter into admission agreements where they contract out the performance of a function.

Regulation 4 adds a payment made under a School Achievements Award Scheme to the list of payments in regulation 13(2) of the principal Regulations (meaning of “pay”) which are excluded from an employee’s pensionable pay.

Regulation 5 amends regulation 28 of the principal Regulations (amounts of ill-health pension and grant). It makes minor drafting amendments to paragraph (5) and adds a new paragraph to limit the reduction required to be made to the enhanced membership period of a member who becomes entitled to ill-health benefits and has membership in part-time employment.

Regulation 6 omits from the principal Regulations regulation 39 (reduction of death grants: re-employed pensioners).

Regulations 7, 9 and 11 make consequential amendments required as a result of other amendments to the principal Regulations.

Regulation 8 amends regulation 121 (inward transfer of pension rights) to exclude rights under a non-Scheme additional voluntary contributions scheme from the list of relevant pension rights which may count as membership in the Scheme. Those rights are dealt with in regulation 60 (as previously amended) (election to pay AVCs).

Regulation 10 adds housing management companies set up by local authorities to the list of Scheme employers in Schedule 2.

Regulation 12 substitutes the fund administered by Rhondda, Cynon, Taff County Borough Council as the appropriate fund for employees of the National Probation Service local board for the South Wales area in the place of the fund administered by Swansea County Council.

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