
STATUTORY INSTRUMENTS

2008 No. 1083

**The Local Government Pension Scheme
(Amendment) Regulations 2008**

Amendment of the Benefits Regulations

11. For regulation 10 (final pay: reductions), substitute—

“**10.**—(1) Subject to paragraph (2), where a member’s pensionable pay in a continuous period of employment is reduced because he chooses to be employed by the same employer at a lower grade or with less responsibility, he may choose to have his final pay calculated as mentioned in paragraph (3).

(2) Paragraph (1) does not apply if the member’s employment at a lower grade or with less responsibility—

(a) commences before the beginning of the period of ten years ending with his last day as an active member; or

(b) immediately follows a period in which he occupies a post on a temporary basis.

(3) The calculation is made by dividing by three the member’s annual pensionable pay in any three consecutive years of his choice ending with 31st March within the period of ten years ending with his last day as an active member.

(4) Paragraph (1) applies to a member who has been the subject of a transfer to which the Transfer of Undertakings (Protection of Employment) Regulations 2006⁽¹⁾ apply as if the transferor employer were the same employer as the transferee employer.” .