STATUTORY INSTRUMENTS

2008 No. 239

The Local Government Pension Scheme (Administration) Regulations 2008

PART 4

PENSION FUNDS AND EMPLOYERS' PAYMENTS

Deduction and recovery of member's contributions

45.—(1) An employing authority may deduct from a person's pay any contributions payable by him under these Regulations or the Benefits Regulations.

(2) Sums payable under regulation 19(2) or (5) (reserve forces) may be deducted by the member's former employer from any payment made to him under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**1**), to the extent that they are payable in respect of the same period.

(3) The appropriate administering authority may recover any contributions or sum remaining due and not deducted under paragraph (1) or (2)—

(a) as a simple contract debt in any court of competent jurisdiction; or

(b) by deducting it from any payment by way of benefits to or in respect of the person in question under these Regulations or the Benefits Regulations.

(4) But the sums mentioned in paragraph (2) are only recoverable under paragraph (3) if unpaid for 12 months after the person ceases to perform relevant reserve forces service.

(5) If—

(a) an employing authority deduct in error any amount in respect of contributions from a person's pay or any other sum due to him; and

(b) the amount has not been repaid to him before the expiry of the period of one month beginning with the date of deduction,

the appropriate body must pay him interest on that amount; and the due date for the calculation of the interest under regulation 44(4) is the date of deduction.

(6) Where the employee's contributions have been paid into the appropriate fund, the repayment and interest must be made out of that fund.

(7) The "appropriate body" for the purpose of paragraph (5) is—

(a) the appropriate administering authority where the employee's contributions have been paid into the appropriate fund; and

(b) the person's employing authority where the employee's contributions have not yet been paid into the appropriate fund.

(**1**) 1951c.65.