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## STATUTORY INSTRUMENTS

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# 2013 No. 2356

## The Local Government Pension Scheme Regulations 2013

### PART 1

#### Membership, contributions and benefits

##### Benefits

#### Election for lump sum instead of pension

**33.**—(1) Subject to paragraph (4), a member entitled to a retirement pension under the Scheme may by written notice given to the appropriate administering authority before any benefits in relation to the benefit crystallisation event become payable, commute the retirement pension payable, or part thereof, at a rate of £12 for every £1 of annual pension commuted.

(2) But the total amount of the member's commuted sum shall not exceed 25% of the capital value of the member's accrued rights under all local government pension provision in relation to that benefit crystallisation event [<sup>F1</sup>including] those under regulation 17(7)(a) (additional voluntary contributions).

(3) The capital value of a member's accrued rights shall be calculated in accordance with actuarial guidance issued by the Secretary of State.

(4) Paragraph (1) does not apply to—

- (a) a pension credit member where the member of the Scheme to whom the Pension Sharing Order applied has made an election under this regulation before the valuation date used when implementing the Pension Sharing Order;
- (b) a deferred pensioner member; or
- (c) any additional pension purchased by the member under regulation 17(7)(b)(i) (additional voluntary contributions).

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#### Textual Amendments

**F1** Word in reg. 33(2) substituted (14.5.2018) by [The Local Government Pension Scheme \(Amendment\) Regulations 2018 \(S.I. 2018/493\)](#), regs. 1(2), 9

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#### Modifications etc. (not altering text)

**C1** Reg. 33(2) modified (1.4.2014) by [The Local Government Pension Scheme \(Transitional Provisions, Savings and Amendment\) Regulations 2014 \(S.I. 2014/525\)](#), regs. 1(3), **15(4)**

**Changes to legislation:**

The Local Government Pension Scheme Regulations 2013, Section 33 is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 30(13) inserted by [2016 c. 12 Sch. 6 para. 5\(1\)\(a\)](#)
- reg. 68A inserted by [2016 c. 12 Sch. 6 para. 5\(1\)\(b\)](#)