
STATUTORY INSTRUMENTS

1995 No. 1019

PENSIONS

The Local Government Pension Scheme Regulations 1995

Made - - - - - *6th April 1995*
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**THE LOCAL GOVERNMENT PENSION
SCHEME REGULATIONS 1995**

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2. Any other body which is a preaccepting authority, as defined...
3. A passenger transport executive.
4. A designated institution which immediately before designation was assisted or...
5. The governing body of a grant-maintained school, which immediately before...
6. A company under the control of a body described in...

SCHEDULE B2 — OFFICE-HOLDERS ETC. WITH LGPS EMPLOYERS

1. For the purposes of these regulations a person who is...
2. For the purposes of these regulations a person who is...
3. For the purposes of these regulations a person who has...
4. (1) For the purposes of these regulations a person who...
5. (1) For the purposes of these regulations a person who...
6. A justices' clerk (outside the inner London area) is eligible...

SCHEDULE B3 — ELIGIBILITY FOR MEMBERSHIP: EMPLOYEES ETC. OF NON LGPS EMPLOYERS

1. (1) An employer of— (a) the governors of any voluntary...
2. (1) A person who immediately before 1st April 1974 was...
3. (1) Subject to any order made by the Secretary of...
4. (1) A person who immediately before 1st April 1974—
5. (1) Every employee of a subsidiary (other than a public...
6. (1) Every employee of a public airport company (“the first...

SCHEDULE B4 — BODIES WITH WHOM ADMISSION AGREEMENTS MAY BE MADE

1. A body (other than the governors or managers of a...
2. A body representative— (a) of local authorities,
3. The Housing Corporation.
4. Housing for Wales.
5. The Commission for the New Towns.

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SCHEDULE B5 — MISCELLANEOUS EXCEPTIONS TO ELIGIBILITY UNDER
REGULATION B1

1. A person is not eligible to be a member of...
2. A person is not eligible to be a member of...
3. A person is not eligible to be a member of...
4. A person appointed under section 9(2) of the Museum of...
5. A person who is (or is deemed to be) a...
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*Total period of membership to include former and
related membership for some purposes of entitlement etc.*

5. In the following provisions, namely— (a) paragraphs (a) and (b)...

Former “qualifying service”

6. Any period which any person was immediately before the commencement...

Previous service of certain variable-time employees

7. In the case of a person who—

Previous service of certain re-employed pensioners

8. (1) In the case of a person who—

Previous service of certain part-time employees

9. (1) In the case of a person who—

Transfers in

10. Any period which a person is entitled to count under...

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11. Paragraph 4(5) and (7) have effect as respects the counting...

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MAINTAINED BY LONDON PENSIONS FUND AUTHORITY

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2. A person who— (a) is eligible to be a member...
3. A person who— (a) is eligible to be a member...

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4. In relation to an employee of the Commission for Local...
5. In relation to a person who— (a) is eligible to...
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7. In relation to an employee of a body the greater...
8. In relation to an employee of a body the greater...

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Statutory payments during absence

2. Subject to paragraph 3(b), for the purpose of calculating a...
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4. In regulation C7 “remuneration” does not include any guarantee payment...
5. For the purpose of calculating the amount of any benefit...

Additional periodical payments: “remuneration for the time being”

6. (1) Subject to sub-paragraph (2), for the purposes of regulations...

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7. Where a member’s contribution under regulation C2 or C3 of...

Power to agree notional remuneration

8. (1) A LGPS employer may from time to time enter...

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PART III — PAYMENTS UNDER REGULATION C15

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Making and variation of elections

1. (1) An election by a member to pay contributions under...

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Payment and amount of AVCs

2. (1) The appropriate administering authority may require, before any contributions...
3. No contributions shall be payable under regulation C24 with respect...
4. Contributions under regulation C24 shall normally be payable on the...

Functions of employing and administering authorities

5. (1) As soon as an employing authority receive a notice...
6. (1) Where a notice under paragraph 1 specifies that all...
7. (1) The administering authority shall invest with a relevant body...
8. The benefits under a pension policy entered into under paragraph...
9. The administering authority— (a) shall consult the member before entering...

Changes of employment in which membership is continued

10. (1) If a member— (a) ceases to be employed by...
11. As soon as the new employing authority receive a notice...
12. (1) Subject to sub-paragraph (2), the member shall, with effect...
13. If the member's appropriate administering authority in the two employments...
14. If the authorities which are the member's appropriate administering authorities...
15. (1) Paragraphs 7(2) and 10 to 17 shall have effect...

Cessation of membership or employment

16. (1) Where a person who has given notice under paragraph...
17. Where a person receives a refund under regulation C21 as...
18. Paragraph 3 shall not preclude a member who has again...

Separate treatment of AVCs from other contributions

19. (1) Regulations C21 and C23 (return of contributions), L4(1) and...
20. The making of contributions under regulations C24, and any rights...

Inward transfer of AVC right

21. (1) A member may, when giving a notice under regulation...

Over-provision: calculation and return of surplus funds

22. (1) The administering authority shall comply— (a) with the requirements...

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23. In this Schedule— “insurance company” means— a body authorised under...

SCHEDULE C5 — LIMITATIONS ON CONTRIBUTIONS AND BENEFITS PART I — GENERAL

“Class A members”, “Class B members” and “Class C members”

1. (1) In this Schedule, unless the context otherwise requires— “member”...

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Remuneration of Class A members: "permitted maximum"

2. (1) Subject to paragraph 6, in determining the remuneration of...
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General 15 per cent. limitation

3. (1) Subject to paragraph 4, the total contributions to which...

Excess contributions payable by lump sum: Class B and C members

4. (1) If the aggregate of the following amounts payable by...

Additional voluntary contributions

5. The amount of the contributions payable under regulation C24 in...
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Restrictions on "pensionable remuneration": Class A members with transferred-in membership

6. Where regulation 5(2) of the Retirement Benefits Schemes (Continuation of...

Pensionable remuneration: retirement grants for Class B members

7. For the purpose of calculating the retirement grant of a...

Restrictions on membership period used for calculating amounts of benefits

8. (1) For the purpose of calculating the amount of any...
9. Where the aggregate length of— (a) the total period of...

Death grants

10. (1) Subject to sub-paragraph (2), for the purpose of calculating...

SCHEDULE C6 — PROVISIONS CONCERNING OUTSTANDING PAYMENTS DUE UNDER PREVIOUS REGULATIONS

Continuation of certain payments

1. (1) Without prejudice to the provisions of the Interpretation Act...

Counting of extra membership periods on completion of payments begun under earlier provisions

2. Without prejudice to paragraph 7 of Schedule M4—

Part-timers buying additional periods

3. (1) Notwithstanding any other provision in these regulations, where immediately...

Payments in respect of previous part-time service

4. Without prejudice to the previous provisions of this Schedule, the...

Additional payments by certain members in respect of previous service

5. Without prejudice to the previous provisions of this Schedule—

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6. (1) Without prejudice to the previous provisions of this Schedule,...

Incomplete payments under provisions saved by this Schedule

7. (1) Regulation C20 (effect of opting out of membership on...
8. Regulation C19(7) shall apply to a person who has given...

Continuing provision relating to payments originally made under the 1974 regulations

9. (1) Without prejudice to paragraph 1, Schedule 5 to the...

Reduction of added years

10. Notwithstanding the revocation of regulation D8 (reduction of added years...

Reduction of returned contributions in certain cases

11. Notwithstanding the revocation of regulation C15 of the 1986 regulations...

SCHEDULE D1 — FURTHER PROVISIONS ABOUT PENSIONABLE REMUNERATION

Increase of pensionable remuneration where not all relevant period is a period of membership

1. (1) Where a person is entitled to count as a...

Optional alternative relevant periods

2. (1) Where the circumstances mentioned in any of paragraphs 3...
3. Subject to paragraphs 4 and 5, where a person is...
4. (1) Where a reduction in a member's remuneration is certified...
5. Where the member's pensionable remuneration would be higher if either...

Periods of absence

6. If during the 13 years ending with the day mentioned...

Part-timers

7. Subject to regulations E7 and F1(3) and paragraph 10(2) of...

Multiple employments

8. Where— (a) a person was at any time employed in...

Fee earners

9. Where the whole or a part of the member's remuneration...

Employees with notional remuneration

10. (1) Where— (a) any of a member's remuneration during the...

SCHEDULE D2 — RETIREMENT GRANTS

PART I — PRESERVATION OF RIGHT UNDER 1974 REGULATIONS TO INCREASES IN STANDARDS RETIREMENT GRANTS

1. (1) Where, but for the revocation of the 1974 regulations,...

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PART II — REDUCION IN STANDARD RETIREMENT GRANT ON ACCOUNT OF CONTINGENT SPOUSE'S PENSION

2. Subject to paragraph 5, where— (a) a person who is...
3. (1) Subject to paragraph 5, where— (a) a woman has...
4. (1) Subject to paragraph 5 and 6, where—
5. In calculating any reduction under paragraph 2, 3 or 4,...
6. No reduction is to be made under paragraph 4(1) where...

SCHEDULE D3 — ADDITIONAL MEMBERSHIP IN CASES OF ILL-HEALTH

Relevant service and relevant membership period

1. (1) For the purposes of this Schedule—

Calculation of additional membership period

2. (1) Subject to paragraphs 3 and 4, the additional membership...

Alternative additional periods

3. (1) Subject to paragraph 4, where before entering the employment...

Part-timers

4. (1) Where— (a) the whole of a member's relevant membership...

SCHEDULE D4 — PROCEDURE FOR SURRENDER OF PART OF RETIREMENT PENSION

1. The appropriate administering authority shall send to each person who...
2. (1) Subject to sub-paragraph (3), where a person wishes to...
3. (1) Subject to sub-paragraphs (2) and (3), where the appropriate...
4. (1) Subject to the provisions of this Schedule, unless—
5. A person who has given a notification under paragraph 2...
6. (1) A notification given by a person under paragraph 2...

SCHEDULE D5 — RE-EMPLOYED PENSIONERS

PART I — REDUCTION OF RETIREMENT PENSION

Application of Part I

1. (1) Subject to sub-paragraph (3), this Part of this Schedule...

General reduction rule

2. Subject to paragraphs 3, 7 and 9, while the person...
3. Where within the last 12 months of the former employment...
4. In paragraphs 2 and 3— (a) references to the indexed...
5. (1) For the purposes of this Part of this Schedule,...

Alteration of terms in new employment

6. If— (a) the person's contractual hours in a new employment...

Proportional reduction in cases of two or more pensions

7. If this Part of this Schedule applies to two or...

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Duty to inform employers of application of Part I

8. A person who has become entitled to a retirement pension...

Modification of Part I for old cases

9. Where the new employment commenced before 6th January 1986, paragraph...

PART II — COMBINED BENEFITS

Election for application of Part II

10. (1) Subject to sub-paragraph (1) and paragraphs 11 and 15,...

New entitlement to single pension

11. (1) Subject to paragraphs 12 to 14, a person to...
12. If in conjunction with the first pension the person was...
13. If— (a) the first pension was, and
14. If part of the first pension was surrendered under regulation...
15. In relation to a person who— (a) before 1st April...

PART III — SEPARATE BENEFITS

Application of Part III

16. (1) This Part of this Schedule applies to a person...

Modifications to usual benefit rules

17. (1) If— (a) on the person's ceasing to hold an...

Benefits on and after death

18. (1) Subject to sub-paragraph (2), if when the person dies...
PART IV — SURVIVING SPOUSES' AND CHILDREN'S BENEFITS
19. (1) This paragraph applies where— (a) a person was entitled...
20. Where— (a) a person was entitled to a superannuation allowance...
21. (1) Where— (a) a surviving spouse is entitled to a...
21. (1) Where— (a) a surviving spouse is entitled to a...

SCHEDULE D6 — REDUCTION OF RETIREMENT PENSIONS OF CERTAIN FORMER TEACHERS

Preliminary

1. In this Schedule— “the Teachers' Acts” means section 9 of...

Deduction for teachers' pension payments

2. (1) Where a person becomes entitled to a retirement pension...

Treatment of capital sums and returns of contributions

3. (1) Subject to paragraph 4, where any sum in the...
4. (1) If— (a) after paragraph 3(2) has become applicable in...
5. (1) If, after paragraph 3(2) has become applicable in relation...
6. In determining for the purpose of paragraph 2(1) any person's...
7. Any reference in this Schedule to the date on which...

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SCHEDULE F1 — ELECTIONS AS RESPECTS WIDOWERS' PENSIONS ETC.

1. (1) A married woman who— (a) was a member on...

Elections under regulation E12 of the 1986 regulations

2. (1) Where any woman— (a) duly elected under regulation E12(1)(b)...
3. Where a woman died before 6th April 1988, Part G...

SCHEDULE H1 — MODIFICATIONS AS RESPECTS CERTAIN PRE APRIL 1974 EMPLOYEES

PART I — WHERE NO RIGHT TO RETIREMENT GRANT

1. In regulation D2— (a) in paragraph (1)(a), for the words...
2. In regulations D5, D6(1) and D7(1)— (a) omit paragraph (ii),...
3. In regulation D9(1) omit paragraph (b) and the word “and”...
4. In regulation D11(1) omit the words “and a standard retirement...”
5. In regulation E3— (a) in paragraph (1)(a) after “pension” insert...
6. Omit Schedule D2.
7. In Part III of Schedule D5 (re-employed pensioners: separate benefits)...

PART II — WHERE NO RIGHT TO WIDOW'S PENSION

8. In regulation E3(2) omit the words from “reduced” onwards.
9. Omit Schedule D2.

PART III — WHERE NO RIGHT TO RETIREMENT GRANT OR WIDOW'S PENSION

10. In regulations E1(2) and E2(2) omit the words from “less”...
11. For regulations E3 and E4 substitute— Death of a pensioner....
12. Omit regulation E5.
13. In regulation F2— (a) in paragraph (1) for “spouse” and...
14. In regulation F3— (a) in paragraph (1) for “spouse” and...
15. In regulation F5— (a) in paragraph (1) for “spouse” and...
16. Omit regulations F6(2) and F8(2) and (3).
17. Omit regulations G3, G5 and G6.
18. In regulation G7(1)(a) omit “(or pension under regulation D19)”.

SCHEDULE K1 — REVIVAL OF RIGHTS FOR CERTAIN COMMUNITY SCHEME TRANSFEREES

Persons to whom this Schedule applies

1. (1) This Schedule applies where— (a) a person became employed...

Persons who ceased local government employment before April 1972

2. (1) Where the person ceased to be employed in his...

Persons who ceased local government employment after March 1972

3. Where— (a) the person ceased to be employed in his...
4. (1) Where— (a) the person ceased to be employed in...
5. Paragraphs 3 and 4 shall not confer any right to—...

Interpretation of references those claiming through a person

6. For the purposes of this Schedule references to those claiming...

SCHEDULE M1 — EMPLOYEES AFFECTED BY REORGANISATION UNDER LOCAL GOVERNMENT ACTS ETC.

Preliminary

1. In this Schedule, unless the context otherwise requires— “Health Service...

Continuity of employment and preservation of status

2. (1) Subject to sub-paragraph (2)— (a) these regulations have effect,...

Discretionary powers

3. (1) Where— (a) a transferred employee has continued in the...

Contributions of transferred manual workers

4. A transferred employee who immediately before he was transferred (whether...

Former employees of Manchester Corporation

5. (1) Where a transferred employee— (a) was immediately before he...

Transferees under section 18(4)(a) of the National Health Service Reorganisation Act 1973

6. (1) Subject to sub-paragraphs (3) and (4), where a person...

Transfers under the Local Government Act 1985 meaning of “previous fund authority”

7. Where the previous fund authority for the purposes of regulation...

SCHEDULE M2 — MODIFICATION IN SPECIAL CASES

Preliminary

1. (1) References in this Schedule to these regulations applying to...

Employees of magistrates' courts committees

2. (1) In their application to a person employed by a...

Certain employees of the magistrates' courts committee for the inner London area

3. (1) In their application to a person who is eligible...

Employees of probation committees

4. (1) In their application to a person employed by a...

Coroners

5. In their application to a coroner who is a member...
6. Certain former contributory employees

Former clerks of the peace etc.

7. (1) A person— (a) to whom paragraph 13(2) of Schedule...

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Persons entitled before 1st April 1974 to preserved benefits

8. In the case of a person who is entitled to...

SCHEDULE M3 — MODIFICATIONS APPLYING TO CERTAIN CITY OF LONDON EMPLOYEES

PART I — MODIFICATION APPLYING TO ALL RELEVANT EMPLOYEES
SUBSTITUTED PARAGRAPH 6 OF SCHEDULE M1

1. For paragraph 6 of Schedule M1 substitute— Persons transferred to...

PART II — MODIFICATIONS APPLYING TO BOTH EXISTING AND FORMER CONTRIBUTORS

2. For any reference to one of the following expressions substitute...
3. In relation to an existing contributor or former contributor who...
4. For regulation H8 substitute— Benefits of certain persons employed before...

PART III — SUBSTITUTED SCHEDULE H1

SCHEDULE M4 — TRANSITIONAL AND TRANSITORY PROVISIONS

PART I — GENERAL PROVISIONS

1. In this Schedule “the revoked instruments” means the statutory instruments...
2. (1) The substitution of these regulations for the revoked instruments...
3. Where— (a) these regulations revoke a provision (“the commencement provision”)...
4. (1) The revocation by these regulations of any provision previously...
5. Where by virtue of Part II of this Schedule a...

PART II — SPECIFIC PROVISIONS

Membership

6. (1) References in these regulations to a member shall have...

Existing reckonable service etc.

7. Without prejudice to any other provision in these regulations, any...

War service

8. The revocation of Part F (war service) and regulation N4...

Regulation E2(1)(d) of the 1986 regulations: continued entitlement for transitional period

9. The revocation of regulation E2(1)(d) of the 1986 regulations (entitlement...)

Remuneration

10. (1) Nothing in these regulations shall affect the meaning of...

Continuation of options under regulation S2 of the 1986 regulations

11. Nothing in these regulations shall affect the rights of any...

Continuation of savings for gratuities and policy schemes affected by local government reorganisation etc.

12. (1) The revocation of regulation H3 of the 1986 regulations...

Resolutions

13. Where by virtue of any provision for these regulations which...
Discretionary additional benefits for certain female nursing staff
14. Notwithstanding the revocation of regulations E2(3) and E13 of the...
PART III — CONTINUATION OF SAVINGS IN STATUTORY
INSTRUMENTS AMENDING THE 1986 REGULATIONS
15. (1) No provision of these regulations which is derived from...
16. No provision of these regulations which is derived from a...
17. (1) Nothing in the Local Government Superannuation (Interchange)
Regulations 1991...
18. (1) Subject to sub-paragraph (2), where any person duly elected...
19. (1) Subject to sub-paragraph (2), where any person duly elected...
20. (1) Where an administering authority made an admission agreement under...
21. Nothing in these regulations shall affect the right of any...

SCHEDULE M5 — SUBORDINATE LEGISLATION REVOKED

SCHEDULE M6 — CONSEQUENTIAL AMENDMENTS

1. After paragraph (2)(b) of regulation 3 of the Local Government...
2. In Part K of the 1986 regulations any reference to...
3. In regulation L2(2) of the 1986 regulations—
4. In regulation L5 of the 1986 regulations for “regulation E2”,...
5. In regulation 4(2) of the Local Government Superannuation (Miscellaneous
Provisions)...
6. (1) In regulation 2(2) of the Local Government Superannuation
(Miscellaneous...
7. In article 5(2)(c) of the Local Government Reorganisation (Pensions etc.)...
8. In article 6(2)(c) of the Local Government Reorganisation (Pensions etc.)...
9. In article 7(4)(c) of the London Government Reorganisation (Pensions
etc.)...
10. In the Local Government Superannuation (South Yorkshire Transport
Limited) Regulations...
11. In the Local Government Superannuation (Greater Manchester Buses
Limited) Regulations...
12. In regulation 2 of the Local Government Superannuation (Greater
Manchester...
13. In regulation 10(1) of the Local Government Superannuation (Amendment)
Regulations...
14. (1) In regulation 4 of the Local Government Superannuation (Equality...

Explanatory Note