
STATUTORY INSTRUMENTS

2000 No. 1164

PENSIONS

The Local Government Pension Scheme (Greater London Authority etc.) Regulations 2000

<i>Made</i>	- - - -	<i>26th April 2000</i>
<i>Laid before Parliament</i>		<i>27th April 2000</i>
<i>Coming into force</i>		
<i>Except regulation 8</i>		<i>18th May 2000</i>
<i>Regulation 8</i>		<i>3rd July 2000</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972⁽¹⁾ 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Greater London Authority etc.) Regulations 2000.

(2) These Regulations shall come into force as follows—

- (a) except for regulation 8, on 18th May 2000 but subject to paragraph (3);
- (b) regulation 8 on 3rd July 2000.

(3) The following provisions shall have effect from the following dates—

- (a) regulation 3(a) from 1st April 1999;
- (b) regulations 4 and 10 from 7th February 2000;
- (c) regulations 3(b), 5, 6, 7 and 9(d) from 1st April 2000.

(1) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).

Amendment of Regulations

2. The Local Government Pension Scheme Regulations 1997(2) shall be amended in accordance with regulations 3 to 9 of these Regulations.

General eligibility for membership: resolution bodies

3. In regulation 4(6)(3)—

- (a) in sub-paragraph (f) for “listed in that Schedule” substitute “listed in Schedule 2”; and
- (b) at the end, add the following sub-paragraphs—
 - “(i) Transport for London;
 - (j) the London Development Agency;
 - (k) the Metropolitan Police Authority;
 - (l) the London Transport Users' Committee;
 - (m) the Cultural Strategy Group for London”.

Greater London Authority Act 1999—persons appointed by the Secretary of State

4. After regulation 130, insert the following regulation—

“Persons appointed by the Secretary of State under the Greater London Authority Act 1999

130A.—(1) A person appointed by the Secretary of State under section 407 of the Greater London Authority Act 1999(4) on terms and conditions that he is to be a member of the Scheme may be an active member while his employment with the Secretary of State lasts.

(2) These Regulations apply to such employment with the Secretary of State in the same way as if the Secretary of State were a Scheme employer.

(3) The appropriate fund for a person mentioned in paragraph (1) shall be the fund maintained by the London Pensions Fund Authority”.

Greater London Authority Act 1999—persons whose employment is transferred to the Secretary of State

5. After regulation 130A, insert the following regulation—

“130B.—(1) A person who prior to 1st April 2000 was in local government employment and whose employment is transferred to the Secretary of State by virtue of sections 408 to 410 of the Greater London Authority Act 1999 may be an active member while in that employment.

(2) These Regulations apply to such employment with the Secretary of State in the same way as if the Secretary of State were a Scheme employer.

(3) The appropriate fund for a person mentioned in paragraph (1) shall be the fund maintained by the London Pensions Fund Authority”.

(2) S.I.1997/1612, amended by S.I. 1998/1238, 1999/1212, 3438, 2000/1005.

(3) Regulation 4(6) was amended by S.I. 1998/1238, regulation 3.

(4) 1999 c. 29.

Further cases of eligibility: non-employees

6. In regulation 131—

(a) in paragraph (2) add—

“(e) the Mayor of London;

(f) a member of the London Assembly;

(g) the chairman of the London Transport Users' Committee”;

(b) after paragraph (12) add—

“(13) If the Mayor of London or a member of the London Assembly is an active member, he must be treated as being in the employment of the Greater London Authority.

(14) If the chairman of the London Transport Users' Committee is an active member, he must be treated as being in employment with that Committee.”

School Crossing Patrols

7. After regulation 144, insert the following regulation—

“School crossing patrols

144A.—(1) These Regulations apply with the modifications in paragraphs (2) to (13) to a person who—

(a) was appointed prior to 1st April 2000 by the Commissioner of Police of the Metropolis under section 26 of the Road Traffic Regulation Act 1984⁽⁵⁾ to patrol school crossings;

(b) was a member of the Metropolitan Civil Staffs Superannuation Scheme immediately before that date; and

(c) is a member of the Scheme by reason of the transfer of his employment on 1st April 2000 to a London borough council or a county council pursuant to section 26 of the Road Traffic Regulation Act 1984.

(2) For regulation 6(3) (latest retirement age) substitute—

“(3) A person may not be or become an active member after—

(a) his 75th birthday, or

(b) any earlier date after his 65th birthday when his total membership equals his permitted maximum.”.

(3) In regulation 19(2)(a), (general qualification for benefits), regulation 25(3), (4)(b) and (c) (normal retirement) and regulation 27(5) (ill-health) for “65th birthday” substitute “75th birthday”.

(4) In regulation 28(3) (enhanced membership period in cases of ill-health), regulation 52(2)(c) (power of employing authority to increase total membership) and paragraph 8(2)(b) of Schedule 4 (maximum addition under regulations 53 and 55) for “65” substitute “75”.

(5) Regulations 9(1A), 20(4A), 25A and 38(5A)⁽⁶⁾ shall not apply.

⁽⁵⁾ 1984 c. 27; section 26 is amended with effect from 1st April 2000 by section 288 of the Greater London Authority Act 1999 (c. 29).

⁽⁶⁾ Regulations 9(1A), 20(4A), 25A and 38(5A) were added by S.I. 1999/1212.

(6) Any period of service as a member of the Metropolitan Civil Staffs Superannuation Scheme shall count towards the membership period required before the person is entitled to any benefit under these regulations and such service shall be counted as its actual length.

(7) A person who leaves employment on or after age 60 with total membership of at least 5 years is entitled to the immediate payment of retirement benefits.

(8) This paragraph applies to a member—

- (a) in respect of whom a transfer value has been accepted by his fund authority (within the meaning of regulation 121(4) (inward transfers of pension rights)) from the managers of the Metropolitan Civil Staffs Superannuation Scheme, and
- (b) who has not been married at any time during his membership of the Metropolitan Civil Staffs Superannuation Scheme or of the Scheme.

(9) A member to whom paragraph (8) applies is entitled on retirement to a refund of his contributions or a fraction of his contributions calculated as in paragraph (10).

(10) The person is entitled to a refund—

- (a) of all contributions paid while a member of the MCSSS, and
- (b) 25 per cent. of the contributions paid while a member of the Scheme.

(11) The contributions shall be repaid with interest, at a rate to be determined from time to time by the Secretary of State, from the date that the contribution was paid to the date of repayment of the contribution.

(12) The fund authority must deduct from any repayment under this regulation any tax to which they may become chargeable under section 589 of the Taxes Act (charge to tax on repayment of employee's contributions)(7).

(13) A surviving spouse or children of a person to whom contributions are repaid under paragraph (9) is not entitled to any benefits under regulations 40 to 48.”.

The London Fire and Emergency Planning Authority

8. In Schedule 2 and in paragraph 1(4)(b)(iv) of the Notes to Part I of Schedule 5, for “London Fire and Civil Defence Authority” substitute “London Fire and Emergency Planning Authority”(8).

Appropriate Funds

9. In Schedule 5—

(a) in paragraph 1 of Part I, after sub-paragraph (2) insert as a new sub-paragraph—

“(2A) Where a member is within paragraph 8 of that Table and is an employee of the governing body of a voluntary, foundation or foundation special school who is deemed to be in employment with a local education authority, the Secretary of State may by direction substitute the fund maintained by the London Pensions Fund Authority as his appropriate fund”;

(b) in sub-paragraph (3), for “doing so” substitute “giving a direction under sub-paragraph (2) or (2A)”;

(c) in paragraph 1(1) of the Notes to Part I, for “or (4)” substitute “(4) or (5)”;

(d) at the end of paragraph 1 of those Notes, add as a new sub-paragraph—

“(5) This sub-paragraph applies to a person who is an employee of—

(7) 1988 c. 1.

(8) The body corporate known as the “London Fire and Civil Defence Authority” is renamed the “London Fire and Emergency Planning Authority” with effect from 3rd July 2000 by section 328(2) of the Greater London Authority Act 1999 (c. 29).

- (a) the Greater London Authority,
 - (b) Transport for London,
 - (c) the London Development Agency,
 - (d) the Metropolitan Police Authority,
 - (e) the London Transport Users' Committee, or
 - (f) the Cultural Strategy Group for London.”;
- (e) in column 1 of paragraph 3 of the Table in Part II, insert “or” after “a higher education corporation” and delete “or the governing body of a grant-maintained school”; and
- (f) in paragraph 1 of the Notes to Part II, delete “or school” where it appears.

Inter fund transfers

10. Where a member’s appropriate fund (which expression has the meaning given in regulation 74 of the Local Government Pension Scheme Regulations 1997) changes by reason of a transfer of employment by virtue of the Greater London Authority Act 1999, regulation 125 of those Regulations (changes of fund) shall apply as if there were inserted after paragraph (3) the following—

“(3A) Such determination shall be made within twelve months of the date of transfer.

(3B) In the event that the actuaries appointed for the purpose of agreeing the amount cannot agree within that time, the matter shall be referred immediately after that twelve month period, or earlier if they jointly request it, to an independent actuary appointed by Secretary of State to make the determination.”.

Signed by authority of the Secretary of State

Keith Hill
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

26th April 2000

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

EXPLANATORY NOTE

(This note does not form part of these Regulations)

These Regulations affect the Local Government Pension Scheme Regulations 1997 (“the principal Regulations”) which comprise the Local Government Pension Scheme (“the Scheme”).

The Regulations make a number of amendments to the principal Regulations. Most of the amendments are to enable certain employees and office holders of the Greater London Authority and other bodies established by the Greater London Authority Act 1999 to be members of the Scheme.

Regulation 3(a) makes a minor drafting amendment to a provision in the principal Regulations dealing with resolution bodies. This has effect from 1st April 1999.

Regulation 3(b) lists additional bodies as resolution bodies. This regulation has effect from 1st April 2000.

Regulation 4 provides for certain persons who are appointed by the Secretary of State under the Greater London Authority Act 1999 to be members of the Scheme while that employment lasts. This regulation has effect from 7th February 2000.

Regulation 5 provides for certain persons whose employment is transferred to the Secretary of State under the Greater London Authority Act 1999 to be members of the Scheme while that employment lasts. This regulation has effect from 1st April 2000.

Regulation 6 adds the Mayor of London, members of the London Assembly and the Chairman of the London Transport Users' Committee to the list of office holders in regulation 131 of the principal Regulations who are eligible to be members of the Scheme. This regulation has effect from 1st April 2000.

Regulation 7 makes special provision for school crossing patrol staff who transfer from the Metropolitan Civil Staff Superannuation Scheme to the Scheme on 1st April 2000 as a consequence of the transfer of their employment on that date from the Commissioner of Police of the Metropolis to a local authority. This regulation has effect from 1st April 2000.

Regulation 8 makes amendments consequential on the renaming of the London Fire and Civil Defence Authority as the London Fire and Emergency Planning Authority. This comes into force on 3rd July 2000.

Regulation 9 makes amendments to Schedule 5 to the principal Regulations which specifies appropriate funds for members. Certain amendments affect educational establishments and are made as a consequence of the Schools Standards and Framework Act 1998. The other amendments, which have effect from 1st April 2000, make provision for persons who are members of the Scheme as a consequence of their employment by the Greater London Authority or other bodies established under the Greater London Authority Act 1999.

Regulation 10 amends regulation 125 of the principal Regulations dealing with inter fund transfers in the case of transfers by reason of transfers of employment pursuant to the Greater London Authority Act 1999. This regulation has effect from 7th February 2000.

Section 12 of the Superannuation Act 1972 provides that regulations made under section 7 of that Act may have retrospective effect.