
STATUTORY INSTRUMENTS

1973 No. 1260

**The Local Government (Retirement
of Chief Officers) Regulations 1973**

PART III

BENEFIT UNDER THE REGULATIONS

Factors governing payment of benefit

5.—(1) A person duly entitled shall, subject to the provisions of these regulations, with effect from the payment date be entitled—

- (a) to receive an annual sum equal to the amount of his accrued pension, and
- (b) to receive a lump sum equal to the amount of his accrued retiring allowance,

such sums being adjusted in accordance with paragraphs (2) to (6) and (10).

(2) In calculating the amount of an accrued pension and the amount of an accrued retiring allowance as described in paragraph (1), the actual period of reckonable service shall be increased by whichever is the shortest of the following periods—

- (a) a period that, when added to his reckonable service, would amount to the maximum period of reckonable service to which he would have become entitled had he continued to be employed until normal retiring age, or
- (b) a period equivalent to his reckonable service, or
- (c) a period of fifteen years.

(3) The benefit in respect of the additional period of service shall be calculated at the same rate as is applicable for service rendered on the last day of the employment terminated in consequence of a notice of election.

(4) The period so added shall be aggregated with any period of his reckonable service entailing reduction of the relevant pension or retiring allowance because of a retirement pension payable under section 30 of the National Insurance Act 1965 (which provides for flat-rate retirement pension by virtue of own insurance).

(5) In calculating the amount of the annual sum which is equal to the accrued pension of a person duly entitled, no account shall be taken of any reduction falling to be made in that pension by reason of the provisions of any Act relating to National Insurance until the person reaches the age at which under his relevant superannuation scheme the pension would have been so reduced.

(6) Where a person accepts the offer of a temporary or an acting appointment referred to in paragraph 2 of Schedule 2 which is pensionable under the relevant superannuation scheme, and the appointment is concurrent with an employment which is subsequently terminated in consequence of a notice of election, then in calculating the increase of reckonable service under paragraph (2) the reckonable service in relation to the accrued pension and accrued retiring allowance attributable to the temporary or acting appointment shall not be aggregated with the reckonable service in relation

to the accrued pension and accrued retiring allowance attributable to the employment terminated in consequence of the notice of election.

(7) The employment of a person duly entitled shall terminate on 31st March 1974, unless he agrees with his employing authority as described in paragraph (8).

(8) A person duly entitled may agree with the employing authority that his employment shall terminate before 31st March 1974 if he will, on or before such termination, have attained the age of fifty and have to his credit five years' reckonable service.

(9) The sums described in paragraph (1) shall be payable with effect from the day immediately following the date of termination ascertained in accordance with paragraphs (7) and (8).

(10) If under his relevant superannuation scheme a person would have been entitled to surrender a proportion of any pension which might have become payable to him in favour of his spouse or any dependant, then if he so desires and informs the new authority by notice in writing accordingly within one month after the payment date, he may surrender a proportion of so much of the benefit payable under these regulations as is payable by way of an annual sum on the like terms and conditions and in consideration of the like payments by the fund authority as if the said annual sum were a pension to which he had become entitled under the relevant superannuation scheme.

Benefit payable to widow or dependant

6.—(1) Where a person duly entitled dies on or after the payment date, payments in accordance with this regulation shall be made to or for the benefit of the widow, child or other dependant or to the personal representatives of that person or, as the case may be, to trustees empowered by him to stand possessed of any benefit under the relevant superannuation scheme.

(2) If the widow, child or other dependant of that person has become, or but for termination of that person's employment in consequence of the notice of election would have been, entitled to a pension under the relevant superannuation scheme, the widow, child or other dependant, as the case may be, shall be entitled to receive—

- (a) where the scheme provides for a prescribed proportion, benefits calculated on the same basis as the method prescribed by the scheme as if the benefits under regulation 5(1)(a) payable to the person duly entitled immediately before his death were a pension payable under the scheme, or
- (b) where the scheme does not provide for a prescribed proportion, an annual sum as provided by paragraph (3).

(3) The sum mentioned in paragraph (2)(b) shall, subject to the provisions of paragraph (4), be an annual sum equal to the annual amount of the pension to which the widow, child or other dependant of the person duly entitled would have become entitled if he had died immediately before termination of his employment in consequence of the notice of election, having then complied with any requirements of the relevant superannuation scheme as to a minimum period of qualifying service or contribution and completed any payments in respect of added years which he was then in the course of making.

(4) The calculation referred to in paragraph (3) shall be made on the basis of the method prescribed by the relevant superannuation scheme of the person in question for the calculation of benefits for a widow, child or other dependant and insofar as the age at which he died is relevant for the purposes of the said calculation, the calculation shall be made by reference to his age at the date of death.

(5) Benefits payable to or for the benefit of a widow, child or other dependant under this regulation shall cease to be payable when a corresponding pension under the relevant superannuation scheme would have ceased to be payable; and where the scheme provides for payment of the pension to any person on behalf of a child or other dependant, benefits payable under this regulation to a child or other dependant shall be paid to that person on behalf of the child or dependant in the like manner and for the like period as is provided in the scheme.

(6) In this regulation “prescribed proportion” means the proportion which, by the provisions contained in the relevant superannuation scheme of a person duly entitled, the pension payable to his widow, child or other dependant is to bear to his pension.

Benefit where death grant would have been payable

7.—(1) If the widow, the personal representatives of a person duly entitled or trustees empowered by such a person to stand possessed of any benefit under his relevant superannuation scheme might have become entitled to a death grant under that scheme, she or they, as the case may be, shall be entitled to receive a sum calculated in accordance with paragraph (2).

(2) The amount of the sum referred to in paragraph (1) shall be ascertained in accordance with the method of calculation prescribed by the scheme for the ascertainment of death grant as if the person duly entitled had died immediately before termination of his employment in consequence of the notice of election, subject to the following modifications—

- (a) account shall be taken of any additional period of service credited to him under regulation 5(2) to the extent of the period between the termination of employment in consequence of the notice of election, and the person's death;
- (b) if the aggregate of reckonable service and the additional period of service specified in subparagraph (a) above is less than the period of qualifying service prescribed by the scheme for the receipt of a death grant, the said sum shall not exceed the proportion of the death grant calculated as aforesaid which the aggregate of service bears to the minimum period of qualifying service or period prescribed by the scheme; and
- (c) there shall be deducted from the sum described above the amount of any benefits paid to the person under these regulations, or where any part of such benefit has been surrendered under regulation 5(10), the amount which would have been so paid but for such a surrender.

(3) For the purpose of calculating a death grant under this regulation, any benefit payable under regulation 6(2)(a) to or for the benefit of the widow, child or other dependant shall be deemed to be a pension payable to or for the benefit of the widow, child or dependant, as the case may be.