
STATUTORY INSTRUMENTS

1973 No. 1260

The Local Government (Retirement of Chief Officers) Regulations 1973

PART IV

ADJUSTMENT OF BENEFIT

Benefits payable under relevant superannuation scheme

8.—(1) Any benefit payable under these regulations to or in respect of a person duly entitled shall be reduced, in accordance with paragraphs (2) to (6), to take account of any benefits payable to or in respect of him under the relevant superannuation scheme.

(2) Subject to the provisions of paragraph (5), the benefit payable under these regulations to or in respect of a person duly entitled which relates to his actual reckonable service (before any addition is made under the provisions of regulation 5(2) shall be reduced by amounts equivalent to any benefits payable under the scheme which relate to the same service.

(3) Subject to the provisions of paragraphs (4) and (5), the benefit payable under these regulations to or in respect of a person duly entitled which relates to the additional period of service reckonable by virtue of regulation 5(2) shall be reduced by an amount equivalent to any further benefits payable under the scheme to or in respect of that person which are attributable to any service rendered by him that begins after termination of the employment in consequence of a notice of election; and for the purposes of this paragraph—

- (a) if, in calculating the period of service after termination of the employment, that period exceeds the additional period of service, the excess service and the benefits attributable thereto shall be disregarded, and
- (b) if the amount of benefits attributable to the period of service after termination of the employment exceeds the amount of benefit payable under these regulations which is attributable to an additional period of service of the same length, no reduction shall be made in respect of that excess.

(4) In making any reduction under paragraph (3), the amount of pension or, as the case may be, lump sum payable under the scheme relating to the service which subsequently becomes reckonable and is to be taken into account shall be the amount of that pension or lump sum reduced by a fraction of such pension or lump sum, where—

- (i) the numerator of the fraction is equivalent to the aggregate of the amount of increases which would have been awarded under the provisions of the Pensions (Increase) Act 1971, during the period beginning with the day following the termination of the employment in consequence of a notice of election and ending on the day the person becomes entitled (whether immediately or on the happening of some event) to the further benefits under the scheme, on an official pension (within the meaning of that Act) of £100 a year which commenced from the first mentioned day, and
- (ii) the denominator of the fraction is equivalent to the aggregate of an official pension of £100 and the amount of the increases so determined.

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(5) If any benefit payable under these regulations includes a lump sum, and a lump sum is payable under the scheme, whether immediately or on the happening of some event, the benefit which would (apart from this paragraph) be payable under these regulations, whether by instalments or lump sum or both, shall in the aggregate be reduced by the lump sum payable under the scheme.

(6) For the purposes of this regulation—

- (a) no account shall be taken of any sum payable in consequence of the surrender by a person duly entitled of part of his benefits under any provision in that behalf in the scheme with a view to obtaining or increasing allowances for his widow, child or other dependant; and the person duly entitled shall be deemed to have received during any period the amount of benefits which he would have received but for the surrender; and
- (b) if the benefits payable under the scheme described in paragraphs (2) and (3) are transferred at the request of that person to another pension scheme by means of a transfer value, the reductions described in those paragraphs shall apply as if those benefits were payable with effect from the date on which they would otherwise have become payable.