
STATUTORY INSTRUMENTS

1986 No. 24

The Local Government Superannuation Regulations 1986

PART G

MODIFICATION IN SPECIAL CASES

Employees of magistrates' courts committees

G1. In their application to a person employed by a magistrates' courts committee these regulations have effect—

- (a) in any case, subject to the modifications in paragraphs 1 to 6, and
- (b) in the case of a justices' clerk (outside the inner London area), subject also to the modifications in paragraphs 7 and 8,

of Part I of Schedule 15.

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

G2. In their application to a person who is a pensionable employee by virtue of regulation B1(13) these regulations have effect—

- (a) in any case, subject to the modifications in paragraphs 1 and 2, and
- (b) in the case of a justices' clerk (inner London area), subject also to the modifications in paragraphs 3 and 4,

of Part II of Schedule 15.

Employees of probation committees

G3. In their application to a person employed by a probation committee these regulations have effect subject to the modifications in Part III of Schedule 15.

Coroners

G4. In their application to a coroner who is by virtue of regulation B1(14) a pensionable employee these regulations have effect subject to the modifications in Part IV of Schedule 15.

Certain employees of City of London employing bodies

G5. In their application to persons who were existing contributors or former contributors within the meaning of the Local Government Superannuation (City of London) Regulations 1977(1) these regulations have effect subject to the modifications in Part V of Schedule 15.

Certain former contributory employees

G6.—(1) This regulation applies to a person who—

(a) immediately before 1st April 1974 was a contributory employee to whom the Acts of 1937 to 1953 and the regulations made under them applied either—

(i) as modified or extended by, or

(ii) together with,

any local Act or scheme, and

(b) became on 1st April 1974 a pensionable employee under a scheduled body,

and in relation to such a person the provisions which applied as mentioned in sub-paragraph (a) are referred to in this regulation as his former superannuation scheme.

(2) Where any provision of the person's former superannuation scheme which was similar to a provision in the Table below would have been more beneficial than the provision in the Table, these regulations have effect, for the appropriate period, as if the former provision had applied.

TABLE

- | |
|--|
| 1. Paragraph (a) of the definition of “remuneration” in Schedule 1 (exclusion of payments for non-contractual overtime). |
| 2. Regulation C2 (payment and amount of employee's contributions). |
| 3. Regulation E2(1)(a) (pensionable age). |
| 4. Regulation E15 (reduction of pension of re-employed pensioner). |
| 5. Regulation E20 (allocation of part of pension), but only where no election was made under regulation E19 of the 1974 regulations. |
| 6. Regulation E22 (pensionable remuneration). |
| 7. Regulation B8 (age of compulsory retirement). |

(3) If the person—

(a) having ceased to be employed during the appropriate period by reason of his voluntary resignation, becomes entitled to receive a payment under regulation C12 (return of contributions), and

(b) if his former superannuation scheme had still applied to him, would have been entitled under it to receive a return of contributions together with interest,

he is entitled to receive out of the appropriate superannuation fund interest on so much of the amount payable to him under regulation C12 as is equal to the contributions paid by him in respect of service before 1st April 1972 to any superannuation fund under Part I of the Act of 1937 or under a local Act scheme.

(4) Interest under paragraph (3) is to be calculated, to the date on which the person ceased to be employed, at the same rate and with the same rests as if it had been payable under his former superannuation scheme.

(5) If—

(a) the person dies during the appropriate period, and

(b) under his former superannuation scheme a death gratuity would have been calculated by reference to a fraction of his average remuneration (within the meaning of the Benefits regulations) greater than three eightieths,

the amount of the death grant payable under regulation E11 is increased by $A \times B \times (C - D)$, where—

A is the length in years of his reckonable service before 1st April 1972,

B is his pensionable remuneration,

C is the fraction mentioned in paragraph (b), and

D is three eightieths.

(6) The appropriate period for the purposes of this regulation is the period of application specified in the relevant provision of the person's former superannuation scheme, or if no period is so specified, the period during which he continues in the employment of the scheduled body mentioned in paragraph (1)(b).

Former clerks of the peace etc.

G7.—(1) A person—

(a) to whom paragraph 13(2) of Schedule 10 to the Courts Act 1971(2) (“paragraph 13(2)”) applied, and

(b) who immediately before 1st March 1986 was under regulation J10 of the 1974 regulations contributing to the appropriate superannuation fund the amount specified in paragraph 13(2) (“the paragraph 13(2) amount”),

may, so long as he continues in the employment of the same body, continue to contribute the paragraph 13(2) amount.

(2) For the purpose of calculating the amount of any benefit, a person shall be treated as having received, for any period for which he has, under regulation J10 of the 1974 regulations or this regulation, contributed the paragraph 13(2) amount, the remuneration which he would have received but for the reduction by virtue of which paragraph 13(2) became applicable to him.

Power to agree notional remuneration

G8.—(1) A scheduled body may from time to time enter into an agreement with the bodies or persons representative of any class or description of employee of that authority specifying the method by which an amount representing the whole of the remuneration of a member of that class or, as the case may be, an employee of that description or such part of his remuneration as is specified in the agreement shall, in respect of the period during which the agreement remains in force, be determined.

(2) Where an employee of a scheduled body belongs to a class or description of employee in relation to which an agreement entered into by that body under paragraph (1) is in force, then in respect of the period during which that agreement remains in force and the employee in his employment under that body remains an employee of that class or description, the amount determined in relation to him in accordance with the method specified in the agreement as the amount representing the whole of his remuneration or, as the case may be, such part of his remuneration as is specified in the agreement, shall be deemed for the purposes of these regulations to be his remuneration or, as the case may be, such part of his remuneration as is so specified.

(3) Where a scheduled body enter into an agreement under paragraph (1) they shall send a written notification of that fact, which shall include a conspicuous statement directing the attention of the employee to the place at which he may obtain information about details of the agreement, to every employee of theirs who is a member of a class or, as the case may be, an employee of a description, to which the agreement relates.

(4) The notification required by paragraph (3) shall be sent—

(2) 1971 c.23; Schedule 10, paragraph 13, was repealed by the Superannuation Act 1972, Schedule 8.

- (a) in the case of a person in the employment of the scheduled body on the date on which the agreement was entered into, as soon as is reasonably practicable after that date; and
- (b) in the case of a person entering the employment of that body after that date, within 3 months after he has entered that employment.

Transfers from and to Scotland

G9.—(1) This paragraph applies where a person becomes employed in a local government employment after having ceased, at any time after 30th March 1972, to hold a relevant Scottish employment.

(2) Where paragraph (1) applies, these regulations or, as the case may be, the 1974 regulations shall be deemed to have become applicable to the person on the cessation of his relevant Scottish employment as if that employment had been local government employment but the appointed day for the purposes of the 1974 regulations had been 16th May 1974.

(3) In paragraphs (1) and (2) “relevant Scottish employment” means—

- (a) in relation to any time before 16th May 1974, employment by virtue of which the person was, or was deemed to be, a contributory employee within the meaning of the Local Government Superannuation (Scotland) Act 1937(3) or a local Act contributor within the meaning of that Act, and
- (b) in relation to any time after 15th May 1974, employment by virtue of which the person was, or was deemed to be, a pensionable employee within the meaning of the Local Government Superannuation (Scotland) Regulations 1974(4).

(4) In regulation E15 (reduction of retirement pension on re-employment) the reference in paragraph (1) to employment with any scheduled body is to be construed as including a reference to employment with any scheduled body within the meaning of the Local Government Superannuation (Scotland) Regulations 1974.

(5) In the case of a person who, after ceasing to be employed in a local government employment, has become employed in a local government employment within the meaning of the Local Government Superannuation (Scotland) Regulations 1974, Part Q of these regulations applies as if the latter employment had been a local government employment.

Overseas employment

G10.—(1) In relation to a person to whom regulation 3 of the Local Government Superannuation (Overseas Employment) Regulations 1985(5) applies and who has not made an election under paragraph (3) of that regulation, these regulations apply as if—

- (a) in regulation D2 (qualifying service) after paragraph (b) there were inserted the following:
 - “and
 - (c) any period which, if Part II of the Superannuation (Local Government and Overseas Employment) Interchange Rules 1969(6) had applied to him, would have been a period of overseas employment within the meaning of those rules.”;
 - and
- (b) in regulation E2 (entitlement to retirement pension and retiring allowance)—
 - (i) after paragraph (9)(c) there were inserted the following: “or

(3) 1937 c.69.

(4) S.I. 1974/812; to which there are amendments not relevant to these regulations.

(5) S.I. 1985/1922.

(6) S.I. 1969/975.

- (d) if the total of his reckonable service and qualifying service is less than 5 years.”, and
 - (ii) in paragraph (10) after the word “period” there were inserted the words “; but no such election may be made where paragraph (9)(d) applies”.
 - (2) In the case of such a person—
 - (a) preserved benefits are subject to reduction, but
 - (b) on a return to local government employment previous service becomes reckonable on repayment of returned contributions,
- as if regulations K1(7), D1(2) (with the substitution for “the appointed day” of “6th January 1986”) and D1(3) of the 1974 regulations had continued to have effect.