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STATUTORY INSTRUMENTS

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**1986 No. 24**

**The Local Government Superannuation Regulations 1986**

**PART F**

**WAR SERVICE**

**Interpretation etc**

**F1.**—(1) In this Part, unless the context otherwise requires—

“deceased employee” means a person with war service who died after 31st March 1978 and in relation to whom the conditions specified in regulation F3(2) to (8) were or are deemed to have been satisfied when he died;

“excess remuneration” means, in relation to a retired officer of the armed forces of the Crown who is re-employed in those forces, any service pension drawn in respect of such period of re-employment, or any addition to the normal pay attaching to the post in which the officer is re-employed which is granted by reason of the officer's former employment in those forces;

“non-effective pay” includes naval, military and air force pensions, retired pay, and gratuities (other than war gratuities to which section 23 of the Finance (No. 2) Act 1945(1), which exempted war gratuities from income tax, applies and gratuities paid to former members of the Palestine Police Force);

“occupational pension scheme” means any scheme or arrangement comprised in one or more instruments or agreements and having, or being capable of having, effect in relation to one or more descriptions or categories of employments so as to provide benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of earners with qualifying service in an employment of any such description or category; and

“public service scheme” means a water company scheme, the Universities' Superannuation Scheme, and any occupational pension scheme—

- (a) which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department, and
- (b) which includes provisions for any such whole-time service as is described in regulation F2(1), rendered before becoming entitled to participate in the scheme, to be reckonable as service in respect of which benefits are payable under the scheme;

“war service provisions”, in relation to a public service scheme, means provisions of the kind specified in paragraph (b) of the definition of the latter expression;

and references to war service are to be construed in accordance with regulation F2.

(2) Where by virtue of a determination or determinations given under one or more of the following, that is to say section 12(6) of the Act of 1937, section 7(3) of the Act of 1953 and regulation D4 of the 1974 regulations, a period comprising the whole or a part or parts of a person's

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(1) 1945 (9 & 10 Geo. 6) c.13.

indirect service was, or has fallen to be treated as having been, reckonable by him as non-contributing service for the purposes of the former regulations, then—

- (a) for the purposes of regulation F2(2)(b), the period shall be deemed to have been so reckonable only to the extent that its length exceeds that of his civilian indirect service, and
  - (b) if the period is not the whole of the indirect service—
    - (i) it shall for the purposes of regulation F3(2)(c) be deemed to have been a continuous period ending on the last day of the indirect service, and
    - (ii) none of the indirect service shall for the purposes of regulation F2(2)(d) be taken to be or to have been capable of being taken into account as there mentioned.
- (3) For the purposes of paragraph (2)—
- (a) a person's indirect service is the total of any service, employment and periods in respect of which determinations could have been given under any of the provisions mentioned in that paragraph, and
  - (b) a person's civilian indirect service is any of his indirect service that was not such whole-time service as is described in regulation F2(1).