
STATUTORY INSTRUMENTS

1986 No. 24

The Local Government Superannuation Regulations 1986

PART F

WAR SERVICE

Election as to war service

F3.—(1) A person with war service in relation to whom the conditions specified in paragraphs (2) to (10) are satisfied, or the personal representatives of a deceased employee, may by notice given in accordance with regulation F5 elect that this regulation shall apply in relation to him.

(2) One at least of the following must be the case:

- (a) he became before 1st July 1950 entitled to participate in the benefits of a superannuation fund maintained under Part I of the Act of 1937 or under a local Act or by a body specified in Column 1 of Schedule 15 to the 1974 regulations, or
- (b) he became before 1st July 1950 a participant in a scheme which was a relevant scheme within the meaning of regulation G14 of the 1974 regulations or a relevant policy scheme within the meaning of regulation P13 of the Local Government Superannuation (Scotland) Regulations 1974⁽¹⁾, and is a person to whom regulation G14 of the 1974 regulations applied, or
- (c) a period beginning before 1st July 1950 was, or falls to be treated as having been, reckonable by him otherwise than by virtue of interchange rules as non-contributing or contributing service, or a period of contribution, for the purposes of the former regulations or of a local Act scheme, or
- (d) sub-paragraph (c) is not the case, but he is a person to whom regulation D4 of the 1974 regulations applied, and—
 - (i) his period of previous employment (within the meaning of that regulation) began before 1st July 1950, and
 - (ii) an application was made by or in respect of him under regulation D4 or D4A of the 1974 regulations, or
- (e) he successfully completed before 1st July 1950, or was on 30th June 1950 undergoing and later successfully completed—
 - (i) a course of training for the Royal Sanitary Institute's Certificate in Public Health Inspection, or
 - (ii) a course of training for a diploma or other qualification in the social sciences at or before the commencement of which he obtained a conditional offer of appointment as a probation officer and within 6 months after completing which he was so appointed, or

⁽¹⁾ S.I. 1974/812; relevant amending instruments are S.I. 1975/638, 1978/425.

- (iii) a course of training leading to the issue by the Institute of Municipal Engineers of a testamur of general proficiency, or
- (iv) a course of training sponsored by the former Kent County Council at their Lamorbey Park Adult Education Centre, leading to the award of a diploma for youth employment officers, or
- (v) a course of training leading to the award of a diploma qualifying the holder for appointment to the staff of occupational centres for, and of education departments of institutions for, mental defectives,

and not later than 6 months after completing the course of training he became entitled or a participant as mentioned in sub-paragraph (a) or (b) or, as the case may be, a period began which was reckonable, or falls to be treated as having been reckonable, as mentioned in sub-paragraph (c), or

- (f) none of the foregoing is the case, but a transfer value was accepted and received in relation to him by an administering authority or a former local authority before 1st April 1978 and a scheme is designated under regulation F5(2)(b).

(3) He must on 1st April 1978 have been—

- (a) an employee entitled to participate in the benefits of a superannuation fund maintained under the 1974 regulations, or
- (b) a participant in a scheme which was a relevant scheme within the meaning of regulation G14 of those regulations, or
- (c) entitled to receive payments in respect of an annual pension out of a superannuation fund maintained under those regulations, or
- (d) entitled to an annual pension under regulation E2(1)(c) of those regulations, or
- (e) a person to whom regulation E1S of those regulations applied.

(4) Except where paragraph (2)(e) or (f) is the case, there must since the date specified in paragraph (12) have been a continuous period of 12 months or more throughout which none of the following was the case:

- (a) he was entitled or a participant as mentioned in paragraph 2(a) or (b), or
- (b) the period mentioned in paragraph (2)(c) or (d)(i) was running, or
- (c) he was undergoing such a course of training as is mentioned in paragraph (2)(e), or
- (d) he was entitled or a participant as mentioned in paragraph (3), or
- (e) he was entitled to receive payments in respect of a pension out of a superannuation fund mentioned in paragraph (2)(a), or
- (f) he was a person to whom regulation E1S, section 6 of the Act of 1953 or section 31 of the Act of 1937 applied.

(5) Where paragraph (2)(e) is the case, paragraph (4) applies—

- (a) with the substitution for the date specified in paragraph (12) of the date (being a date later than 30th June 1950) on which he became entitled or a participant as mentioned in paragraph (2)(a) or (b), or, as the case may be, a period began which was reckonable, or falls to be treated as having been reckonable, as mentioned in paragraph (2)(c), and
- (b) with the substitution for the reference in paragraph (4)(b) to the period mentioned in paragraph (2)(c) or (d)(i) of a reference to such a period as is mentioned in sub-paragraph (a).

(6) Where paragraph (2)(f) is the case, paragraph (4) applies with the substitution for the date specified in paragraph (12) of the date (being a date later than 30th June 1950) on which he last became entitled or a participant as mentioned in paragraph (2)(a) or (b).

(7) If he is a person to whom regulation D1(2) of the 1974 regulations applied in respect of any service after the end of his war service, he must have repaid to the appropriate administering authority the sum or amount there mentioned.

(8) If he is an employee entitled to participate in the benefits of a superannuation fund maintained under these regulations, he must not be entitled to reckon more than 45 years' reckonable service, disregarding reckonable service before attaining the age of 60 years beyond a total of 40 years.

(9) If he has become entitled to receive payment in respect of an annual pension out of a superannuation fund maintained under these regulations (including a pension which is for the time being subject to reduction or suspension under regulation E15), no more than 45 years' service must have been taken into account in calculating the amount of that pension.

(10) In the case of a deceased employee, paragraph (2)(d)(ii) shall for the purposes of paragraph (1) be deemed to be satisfied even though the application was made after his death.

(11) Where paragraph (2)(f) applies and the scheme designated under regulation F5(2)(b) is not a scheme specified in Schedule 14, or a water company scheme, war service is for the purposes of paragraph (1) to be assumed.

(12) The date mentioned in paragraph (4) is the date before 1st July 1950 and after the end of his war service when, as the case may be—

- (a) he became entitled or a participant as mentioned in paragraph (2)(a) or (b), or
- (b) the period mentioned in paragraph (2)(c) or (d)(i) began.