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STATUTORY INSTRUMENTS

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**1986 No. 24**

**The Local Government Superannuation Regulations 1986**

**PART J**

**INTERCHANGE ETC.**

**Rights where a person transfers to the Communities' scheme and leaves without a right to either an immediate or prospective pension**

**J6.**—(1) This regulation has effect to confer rights on a person and those claiming through him where—

- (a) the person became employed by a Community institution after having been employed in local government employment, and
- (b) the scheme managers of the Communities' scheme were paid a transfer value under regulation J2 in relation to his previous service in local government employment, and
- (c) he ceased to be employed in his employment with the Community institution without the right to an immediate or prospective pension, and
- (d) his fund authority has been paid for the credit of their superannuation fund—
  - (i) a sum equal to the amount of the transfer value which the scheme managers received, and
  - (ii) compound interest on that sum calculated in accordance with regulation J7 for the period beginning with the date on which the transfer value was received by the scheme managers and ending on the date on which the fund authority was paid the sum required by (i) above (but no interest is to be paid if that period is less than 6 months).

(2) Where the person ceased to be employed in his local government employment before 31st March 1972, he and those claiming through him shall, subject to paragraph (3), have the same rights as they would have had by virtue of the Acts of 1937 to 1953 and the regulations made thereunder, the former regulations, any local Act scheme and these regulations (so far as applicable) if—

- (a) he had reached the age of 65 by the termination of his local government employment, and
- (b) he had sufficient service at that time to qualify him for a pension; and
- (c) the payment of the transfer value had not been requested or made.

(3) Paragraph (2) shall not confer any right to—

- (a) a return of contributions; or
- (b) the payment of any benefit for any period ending on or before the date on which he left his employment with the Community institution or, if later, the earliest date on which any benefit would have been payable if he had left his local government employment with the right to a retirement pension under regulation E2(1)(c).

(4) Where the person ceased to be employed in his local government employment on or after 31st March 1972 in circumstances in which he would, apart from regulations J2 to J5, have been entitled

to a pension (other than a pension under regulation E1(3)(b) or E2(2)) in respect of the service to which the transfer value relates, he and those claiming through him shall, subject to paragraph (6), have the same rights as they would have had by virtue of these regulations and any local Act scheme (so far as applicable) if the payment of the transfer value had not been requested or made.

(5) Where the person ceased to be employed in his local government employment on or after 31st March 1972 in circumstances in which he would not, apart from regulations J2 to J5, have been entitled to a pension (other than a pension under regulation E1(3)(b) or E2(2)) in respect of the service to which the transfer value relates, he and those claiming through him shall, subject to paragraph (6), have the same rights as they would have had by virtue of these regulations and any local Act scheme (so far as applicable) if—

- (a) on the termination of his local government employment he had been entitled to reckon an aggregate of 5 years' reckonable and qualifying service (or, if he was subject to a local Act scheme, 5 years' service which would have been taken into account under the scheme for the purpose of determining whether he was entitled to benefit), and
- (b) the payment of the transfer value had not been requested or made.

(6) Paragraphs (4) and (5) shall not confer any right to—

- (a) a return of contributions, or
- (b) the payment of any benefit for any period ending on or before the date on which he left his employment with the Community institution.

(7) For the purposes of this regulation references to those claiming through a person shall be construed as references to his widow, dependants, children and personal representatives so far as is appropriate in his particular case.