
STATUTORY INSTRUMENTS

1992 No. 172

PENSIONS

**The Local Government Superannuation
(Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>3rd February 1992</i>
<i>Laid before Parliament</i>		<i>7th February 1992</i>
<i>Coming into force</i>	- -	<i>28th February 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972⁽¹⁾ and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned, the local authorities with whom consultation appeared to him to be desirable and such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate, hereby makes the following Regulations:—

PART I
PRELIMINARY

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Superannuation (Amendment) Regulations 1992 and shall come into force on 28th February 1992, but—

- (a) Part II shall have effect as from 1st March 1986,
- (b) Part III shall have effect as from 6th April 1988,
- (c) Part IV shall have effect as from 1st April 1989,
- (d) Part V shall have effect as from 1st September 1989,
- (e) Part VI shall have effect as from 1st April 1990, and
- (f) Part VII shall have effect as from 17th September 1990.

(1) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).

(2) In these Regulations “the principal Regulations” means the Local Government Superannuation Regulations 1986(2), and unless the context otherwise requires any expression which is also used in the principal Regulations has the same meaning as in those Regulations.

PART II

AMENDMENTS HAVING EFFECT AS FROM 1st MARCH 1986

Entitlement to children’s short-term and long-term pensions

2. Regulation E8(3) of the principal Regulations is amended by substituting for the word “E5” the word “E5(1)”.

PART III

AMENDMENTS HAVING EFFECT AS FROM 6th APRIL 1988

Widow’s and widower’s pensions

3. The principal Regulations are amended by substituting for regulations E5, E6 and E7 the following:

“Entitlement to widow’s or widower’s short-term and long-term pensions

E5.—(1) If at the time of a person’s death that person—

- (a) was entitled to receive payments in respect of a retirement pension, or
- (b) would have been so entitled but for the operation of regulation E15 (reduction of certain retirement pensions), or
- (c) was a pensionable employee and—
 - (i) the total of the person’s reckonable service and any qualifying service was not less than two years, or
 - (ii) that person would if he or she had then ceased to be employed otherwise than by reason of death have become entitled to benefits by virtue of regulation E2(1)(d), or
 - (iii) neither (i) nor (ii) above applies, but a transfer value from the trustees or managers of a personal pension scheme or a self-employed pension arrangement has been and remains credited to the appropriate superannuation fund in relation to that person,

and that person leaves a widow, widows or widower, that widow or widower is entitled or, as the case may be, they are jointly entitled, subject to paragraphs (3) to (7), to a widow’s or widower’s short-term pension for three months or, if the death occurs after 5th April 1988 and the widow or widower has one or more eligible children in her or his care, for six months after that person’s death and then to a widow’s or widower’s long-term pension.

- (2) If at the time of a person’s death that person was not a pensionable employee and—
 - (a) was entitled to preserved benefits, or

- (b) was in a local government employment and would have been so entitled if he had ceased to hold that employment immediately before that time,
and leaves a widow, widows or widower, that widow or widower is entitled or, as the case may be, they are jointly entitled, subject to paragraphs (3) to (7), to a widow's or widower's long-term pension.
- (3) A widow is not entitled to any pension by virtue of paragraph (1) or (2) if—
- (a) her husband died before 6th April 1988, and
 - (b) when her husband died or became entitled to a retirement pension they were judicially separated.
- (4) A widow or widower is not entitled to any pension by virtue of paragraph (1)(a) or (b) or paragraph (2) if—
- (a) in the case of a widow, she was not her husband's wife at some time while he was in local government employment after 31st March 1972 and before the date on which he became entitled to a retirement pension, or
 - (b) the widow's or widower's spouse became entitled to a retirement pension by virtue of regulation E2(2).
- (5) Where but for paragraph (4)(a) a widow would have been entitled—
- (a) under paragraph (1) to a widow's short-term pension and a widow's long-term pension, or
 - (b) under paragraph (2) to a widow's long-term pension,
- she is entitled where sub-paragraph (a) applies to a short-term pension and a long-term pension and where sub-paragraph (b) applies to a long-term pension only, calculated in each case in accordance with regulation E6(5).
- (6) Except where paragraph (7) applies, where a widower or widow is entitled to a pension by virtue of this regulation—
- (a) he or she is not entitled to that pension during any subsequent marriage or any period of cohabitation outside marriage, and
 - (b) he or she is entitled to that pension from the end of any such marriage or period only if the appropriate administering authority in their discretion so decide.
- (7) Where a widower and a widow who are each entitled to a pension under this regulation marry each other or cohabit with each other outside marriage, only such one of them as the widower and widow may determine shall be entitled to his or her pension and the other shall cease to be entitled to his or her pension until the dissolution of the marriage, the ending of the cohabitation, or the death of the widower or widow.
- (8) In paragraphs (1) and (2), for the purpose of entitlement to a widower's pension—
- “retirement pension” means a retirement pension of which at least part is attributable to a period of reckonable service after 5th April 1988;
 - “local government employment” means local government employment of which at least part was employment after 5th April 1988; and
 - “preserved benefits” means preserved benefits of which at least part are attributable to a period of reckonable service after 5th April 1988.

Annual rates of widow's and widower's short-term and long-term pensions

E6.—(1) Subject to paragraphs (5) and (6), the annual rate of a widow's or widower's short-term pension is—

- (a) where regulation E5(1)(a) or (b) applies and any new employment for the purposes of regulation E15 (re-employed pensioners) was not a local government employment, the annual rate of the spouse's retirement pension immediately before the date of death, disregarding any reduction under regulation E15;
 - (b) where regulation E5(1)(c) applies and the local government employment was not a new employment for the purposes of regulation E15, a rate equal to the spouse's pensionable remuneration; and
 - (c) where regulation E5(1)(c) applies and the local government employment was such a new employment, a rate equal to—
 - (i) if the retirement pension was not reduced under regulation E15, the total of the spouse's pensionable remuneration in the new employment and the annual rate of the retirement pension, or
 - (ii) if the retirement pension was so reduced, the total of the spouse's pensionable remuneration in the new employment and the annual rate, if any, at which the retirement pension was payable.
- (2) Subject to paragraphs (5) and (6), the annual rate of a widow's or widower's long-term pension is—
- (a) where paragraph (1)(a) applies, half the annual rate of the spouse's retirement pension immediately before the date of death;
 - (b) where paragraph (1)(b) applies by virtue of regulation E5(1)(c)(i), half the annual rate of the retirement pension to which the spouse would have been entitled if on the date of death the spouse had become entitled under regulation E2(1)(b)(i) (permanent ill-health, etc.);
 - (c) where paragraph (1)(b) applies by virtue of regulation E5(1)(c)(iii), one one hundred and sixtieth of the spouse's pensionable remuneration multiplied by the length in years of the spouse's reckonable service;
 - (d) where paragraph (1)(b) applies by virtue of regulation E5(1)(c)(ii), half the annual rate of the retirement pension to which the spouse would have been entitled if on the date of death the spouse had become entitled under regulation E2(1)(d);
 - (e) where paragraph (1)(c) applies, the greater of—
 - (i) the total of half the annual rate of the spouse's retirement pension and half the annual rate of the retirement pension to which the spouse would have been entitled in respect of the new employment if on the date of death the spouse had become entitled under regulation E2(1)(b)(i), and
 - (ii) half the annual rate of the retirement pension to which the spouse would have been entitled if on the date of death the spouse had become entitled under regulation E2(1)(b)(i) and notice had been given under regulation E16; and
 - (f) where regulation E5(2) applies, half the annual rate of the retirement pension to which the spouse would have been entitled if on the date of death the spouse had become entitled under regulation E2(1)(b)(ii).
- (3) In paragraphs (1)(a) and (2)—
- (a) "retirement pension", for the purpose of calculating a widower's short-term or long-term pension, means a retirement pension calculated by reference to the length in years of the wife's period of reckonable service after 5th April 1988 and, if the widower was his wife's husband at some time while she was in a local government employment after 31st March 1972, by reference also to the length

- in years of any period treated for the purposes of paragraph (4) as a period of reckonable service after 5th April 1988;
- (b) the retirement pension mentioned in paragraph (2)(a) is to be taken to be the pension that would have been payable but for—
- (i) any increase under regulation E3(2) (certain cases where additional service is reckonable),
 - (ii) any reduction under regulation E3(14) (early payments) or E15 or E31 (National Insurance), and
 - (iii) any surrender under regulation E20;
- (c) any retirement pension mentioned in paragraph (2)(b) or (e) is to be taken to be the pension that would have been payable but for any surrender under regulation E20, and if the pension would have been increased under regulation E3(2) or reduced under regulation E31 no account is to be taken of that increase or reduction.
- (4) For the purposes of this paragraph any of the following periods shall be treated as being a period of reckonable service after 5th April 1988:
- (a) any additional period of service awarded after that date by virtue of regulation E3(12),
 - (b) any additional period of service which the person was entitled to reckon under regulation D4, D5 or D9 where the necessary payment was made or commenced after that date,
 - (c) any additional period of service which the person is entitled to reckon by virtue of a resolution passed under regulation D7 after that date,
 - (d) any additional period of service which is treated as reckonable service after that date by virtue of regulation D13(3), and
 - (e) any period of service which the person was entitled to reckon under regulation J9 where the relevant transfer value—
 - (i) was not a transfer value to which, by virtue of regulation 25(1)(b) of the Local Government Superannuation (Interchange) Regulations 1991(3), regulations 10 to 15 and 19 and 20 of those Regulations do not apply, and
 - (ii) was accepted after that date.
- (5) Where regulation E5(5) (post-retirement marriages) applies—
- (a) the references in paragraphs (1)(a), (2)(a), (c), (e) and (f), and the second reference in paragraph (1)(c)(i), to the retirement pension are to be construed as references to, and
 - (b) for the purposes of paragraph (1)(c)(ii), any annual rate at which the retirement pension was payable is to be taken not to have exceeded the rate of, the part of the pension which is attributable to service in contracted-out employment.
- (6) If greater than the annual rate calculated in accordance with paragraphs (1) to (5), the annual rate of a widow's pension is the rate obtained by multiplying one one hundred and sixtieth of her husband's pensionable remuneration by the length in years of the whole period of his service which was in contracted-out employment.

Widow's and widower's special short-term pension

E7.—(1) Subject to paragraph (4), if at the time of his or her death a person was a pensionable employee and he or she leaves a widow or widower but none of the conditions in regulation E5(1)(c) is satisfied, then unless when the person died that widow or widower was cohabiting with another person as man and wife, that widow or widower is entitled to a widow's or widower's special short-term pension at an annual rate equal to the person's pensionable remuneration.

(2) Where the deceased leaves no eligible child or there is no eligible child in the widow's or widower's care, the pension is payable for 3 months after the death.

(3) While there are any eligible children in the widow's or widower's care, the pension is payable for 6 months after the death.

(4) Where the person who dies is a woman (other than one to whom paragraph (1)(a) of regulation E12 applies or in respect of whom an election under paragraph (1)(b) or (2) (b) of that regulation has effect), this regulation shall only apply if her death occurs on or after 6th April 1988."

Entitlement to children's short term and long-term pensions

4. The principal Regulations are amended by substituting for regulation E8 the following:

"E8.—(1) Subject to paragraph (4A), if at the time of a person's death that person—

- (a) was entitled to receive payments in respect of a retirement pension, or
- (b) would have been so entitled but for the operation of regulation E15 (re-employed pensioners), or
- (c) was a pensionable employee,

and leaves one or more eligible children, they are, subject to paragraphs (3) and (4), entitled to or to the benefit of a children's short-term pension for 6 months after the death and then a children's long-term pension until they cease to be children.

(2) Subject to paragraph (4A), if at the time of a person's death that person was not a pensionable employee and—

- (a) was entitled to preserved benefits, or
- (b) was in a local government employment and would have been so entitled if he had ceased to hold that employment immediately before that time,

and leaves one or more eligible children, they are, subject to paragraph (4), entitled to or to the benefit of a children's long-term pension until they cease to be children.

(3) No children's short-term pension is payable while—

- (a) a widow's short-term pension is payable under regulation E5(1);
- (b) a widower's short-term pension is payable under regulation E5(1), unless the rate of the children's short-term pension would be greater than that of the widower's short-term pension; or
- (c) a widow's or widower's special short-term pension is payable under regulation E7(1),

unless the child is not in the care of the widow or widower, in which case the children's short-term pension is payable for 3 months after the death and then a children's long-term pension is payable.

(4) There is no entitlement to any pension by virtue of paragraph (1)(a) or (b) or paragraph (2) if the deceased became entitled to a retirement pension by virtue of regulation E2(2).

(4A) Where the person who dies is a woman (other than one to whom paragraph (1)(a) of regulation E12 applies or in respect of whom an election under paragraph (1)(b) or (2) (b) of that regulation has effect), this regulation shall only apply if her death occurs on or after 6th April 1988.”

Amounts of children’s short-term and long-term pensions

5. Regulation E9 of the principal Regulations is amended—

(a) by substituting for paragraphs (1) and (2) the following:

“(1) Subject to paragraph (2), the annual rate of a children’s short-term pension is the rate at which a widow’s short-term pension would have been payable by virtue of regulation E5(1) or, as the case may be, the rate at which a widower’s short-term pension would have been payable under that regulation if regulation E6(3)(a) were disregarded.

(2) Where a widow’s short-term pension is payable by virtue of regulation E5(5) or a widower’s short-term pension is payable by virtue of regulation E5(1), and the child is in the care of the widow or widower, the children’s short-term pension rate specified in paragraph (1) is reduced by the rate of that pension.”;

(b) in paragraph (3), by substituting for the words “widow” and “widow's” in each place where they occur the words “widow or widower” and “widow’s or widower's” respectively;

(c) in paragraph (4)—

(i) by inserting at the beginning the words “Subject to paragraph (4A)”;

(ii) in sub-paragraph (a), by substituting for the words “in a local government employment” the words “a pensionable employee”;

(iii) in sub-paragraph (b), by inserting after the words “preserved benefits” the words “, or was at that time in a local government employment and would have been so entitled if he had ceased to hold that employment immediately before that time,”;

(d) by inserting after paragraph (4) the following:

“(4A) Unless the retirement pension determined under paragraph (4) would be greater, the retirement pension of a deceased person shall be taken to be that to which he would have been entitled if he were entitled to reckon the lesser of—

(a) 10 years' reckonable service;

(b) the reckonable service which he would have been entitled to reckon if he had continued to be employed until his 65th birthday.”

Payment of long-term pensions instead of short-term pensions

6. The principal Regulations are amended by inserting after regulation E9 the following:

“Payment of long-term pensions instead of short-term pensions E9A.

(1) Where, but for this regulation, a children’s short-term pension would be payable to or for the benefit of a child in the care of a parent to whom a widow’s or widower’s short-term pension would be payable (and for this purpose regulation E8(3) shall be disregarded), a children’s long-term pension and a widow’s or widower’s long-term pension shall be payable instead of those pensions if (having regard to regulation E8(3)) that would result in a greater aggregate pension.

(2) Where, but for this regulation, a children’s short-term pension would be payable to or for the benefit of a child who is not in the care of a parent to whom a widow’s or widower’s short-term pension is payable, a children’s long-term pension shall be payable instead if it would be greater.”.

Children’s special short-term pension

7. The principal Regulations are amended by deleting regulation E10.

Death grant

8. Regulation E11 of the principal Regulations(4) is amended—

- (a) in paragraph (9), by inserting after the word “widow's” the words “or widower's”;
- (b) by deleting paragraph (14)(5).

Adjustment of superannuation rights on death of certain re-employed pensioners

9. Regulation E18 of the principal Regulations is amended in paragraphs (2) and (3) by substituting for the word “widow's” the words “widow’s or widower's”.

Power to compound certain small pensions

10. Regulation E21 of the principal Regulations is amended—

(a) by substituting for paragraph (2)(b) the following:

“(b) any widow’s or widower’s long-term pension which, in the event of the pensionable employee dying and leaving a widow or widower, would be payable to that widow or widower in respect of all or part of the pensionable employee’s reckonable service, and

(c) any children’s long-term pension which, in the event of the pensionable employee dying and leaving an eligible child or eligible children, would be payable to or for the benefit of that child or those children in respect of the pensionable employee’s reckonable service,”; and

(b) in paragraphs (4) and (5) by substituting, in each place where they occur, for the word “widow” the words “widow or widower”, for the word “widow's” the words “widow’s or widower's”, and for the words “to her” the words “to the widow or widower”.

Pensionable remuneration

11. Regulation E22 of the principal Regulations is amended in paragraph (8) by substituting for the word “widow's” the words “widow’s and widower's”.

Gratuities

12. Regulation K1(3)(d) of the principal Regulations(6) is amended by inserting at the beginning the words “unless he was employed by a scheduled body on 1st April 1987 and had attained the age of 55 before that date,”.

(4) Regulation E11 was amended by S.I. 1991/2471, regulation 9.

(5) Regulation E11(14) was inserted by S.I. 1988/466, regulation 8.

(6) A new Part K was substituted by S.I. 1987/293, regulation 16, and regulation K1(3)(d) was inserted by S.I. 1988/466, regulation 9.

Injury allowances etc: death benefits

13. Regulation L6 of the principal Regulations is amended—

(a) by substituting for paragraphs (1) and (2) the following:

“(1) If a person to whom this Part applies dies as a result of the injury or disease—

(a) if that person leaves a widower or widow who qualifies under paragraph (2), he or she shall be entitled to an annual allowance or lump sum, and

(b) if that person leaves a dependant, the dependant shall be eligible for an annual allowance or lump sum.

(2) A widower or widow qualifies for an annual allowance or lump sum unless—

(a) his or her marriage to the person in question took place after that person ceased to be employed in relevant employment and that person was not subsequently employed in such employment, or

(b) at the date of death he or she was cohabiting with another person as man and wife.”;

(b) by substituting for paragraph (5) the following:

“(5) Except where paragraph (5A) applies, an allowance to a widower or widow shall cease if he or she remarries or cohabits with another person as man and wife, but if he or she again becomes a widower or widow or the marriage is dissolved or the cohabitation ceases the relevant body may restore the allowance for such period as they may determine.

(5A) Where a widower and a widow who are each entitled to an allowance under this regulation marry each other or cohabit with each other outside marriage, only such one of them as the widower and widow may determine shall be entitled to his or her allowance and the other shall cease to be entitled to his or her allowance until the dissolution of the marriage, the ending of the cohabitation, or the death of the widower or widow.”;

(c) by deleting paragraph (7).

Glossary of expressions

14. Schedule 1 to the principal Regulations is amended, in the definition of “Eligible child”, by substituting for the words “an employment in which he was a pensionable employee” the words “a local government employment”.

Calculation of transfer values

15. Paragraph 1 of Part I of Schedule 16 to the principal Regulations(7) is amended by substituting for the definition of “accrued rights” the following:

““accrued rights” means the rights which have accrued in respect of a person under these Regulations at the material date (or, in the case of a person as is described in regulation J2(11), those rights in respect of which the person’s application under regulation J2(2)(c) was made), or, if the person’s service is less than that specified in regulation E2(1)(c)(i), the rights which would have so accrued if that regulation had contained no requirement as to service; and for the purpose of determining the accrued rights in respect of a widow’s or widower’s pension of a person who was single on ceasing to be a pensionable employee all the person’s reckonable service shall be taken into account—

(7) Schedule 16 was amended by [S.I. 1991/2471](#), regulation 19.

- (a) in the case of a man, if any part of that reckonable service is reckonable by virtue of regulation J9(1)(a) of these Regulations or regulation N8(1)(a) of the 1974 Regulations;
- (b) in the case of a woman, if any part of that reckonable service is treated as reckonable service after 5th April 1988 by virtue of regulation J9(1)(a) and (2)(b) of these Regulations;

PART IV

AMENDMENTS HAVING EFFECT AS FROM 1ST APRIL 1989

Amount of retirement pension and retiring allowance

16. Regulation E3 of the principal Regulations is amended—

- (a) in paragraph (14)(a), by substituting for the words “E2(6) or (8)(a)” the words “E2(6) or (7)(a)”;
- (b) in paragraph (14)(b), by substituting for the words “E2(6)(c) or (8)(b)” the words “E2(6)(c) or (8)”.

PART V

AMENDMENTS HAVING EFFECT AS FROM 1ST SEPTEMBER 1989

Pensionable employment

17. Regulation B1(6A) of the principal Regulations⁽⁸⁾ is amended by inserting after the words “is a pensionable employee if” the words

- “(i) immediately before the school became a grant maintained school, he was employed by the local education authority, or
- (ii)”.

Fund apportionment

18. The Local Government Superannuation (Water) Regulations 1989⁽⁹⁾ are amended by inserting after regulation 10 the following:

“**10A.** No apportionment of the old main fund referred to in regulation 2 which is required to be made in consequence of regulation 10 shall be calculated before every apportionment of that fund which is required to be made in consequence of regulation 7 has been calculated.”.

⁽⁸⁾ Paragraph (6A) was inserted by S.I. 1989/372, regulation 2.

⁽⁹⁾ S.I. 1989/1462.

PART VI

AMENDMENTS HAVING EFFECT AS FROM 1ST APRIL 1990

Pensionable employees

- 19.** Regulation B1 of the principal Regulations is amended—
- (a) in paragraph (2), by substituting for the word “officer” the word “employee”;
 - (b) by deleting paragraph (3);
 - (c) in paragraph (17)(d), by substituting for the word “18” the word “16”.

Opting into pensionable employment

- 20.** Regulation B1A of the principal Regulations(10) is amended—
- (a) by inserting after paragraph (2) the following:

“(2A) A whole-time employee who commences his employment after 31st March 1990 shall, if he is eligible to make an election under paragraph (1), be deemed to have made such an election unless, before commencing his employment, he notifies the employing authority in writing that he does not wish to become a pensionable employee.”;
 - (b) by inserting after paragraph (3) the following:

“(3A) Subject to paragraph (4), where a person is deemed by virtue of paragraph (2A) to have made an election, the election shall have effect from the date on which he commences his employment with the employing authority.”.

Opting out of pensionable employment

- 21.** Regulation B1B of the principal Regulations(11) is amended—
- (a) in paragraph (2), by substituting for the words “paragraph (3)” the words “paragraphs (3) and (7)”;
 - (b) by inserting after paragraph (6) the following:

“(7) Where a person gives a notification under paragraph (1) within 3 months after first becoming a pensionable employee, he shall be treated as never having been a pensionable employee.

(8) Where a person first becomes a pensionable employee after 31st March 1990 and before 28th February 1992, paragraph (7) shall have effect as if he had first become a pensionable employee on 28th February 1992.”.

Power to admit employees of other bodies

- 22.** Regulation B3(4) of the principal Regulations is amended by substituting for the word “18” the word “16”.

Gratuities

- 23.** Regulation K1(3)(a) of the principal Regulations is amended by substituting for the word “18” the word “16”.

(10) Regulation B1A was inserted by [S.I. 1988/466](#), regulation 3(2).

(11) Regulation B1B was inserted by [S.I. 1988/466](#), regulation 3(2).

Pensions increase

24. Regulation P14(2) of the principal Regulations(12) is amended by inserting after sub-paragraph (c) the following:

“, and

- (d) where the last employing authority ceases after 31st March 1990 to be a body which is required by regulation P7 to contribute to that superannuation fund, the Schedule shall have effect in relation to so much of the cost of any such increase as, in the opinion of the fund’s actuary, has not already been provided for by contributions paid under that regulation.”.

Pensionable employees

25. Schedule 2 to the principal Regulations is amended—

- (a) in Part II, by substituting for the words “which is a local authority for the purposes of the Local Loans Act 1875.” the words “which is a precepting authority, as defined in section 144 of the Local Government Finance Act 1988(13), a levying body within the meaning of section 74 of that Act, or a body as regards which section 75 of that Act applies.”;
- (b) by deleting Part III;
- (c) in Part IV, by deleting sub-paragraphs (4)(a) and (5) of paragraph 1.

PART VII

HAVING EFFECT AS FROM 17TH SEPTEMBER 1990

Additional payments in respect of previous part-time service

26. Regulation C7A of the principal Regulations(14) is amended—

- (a) in paragraph (4)—
- (i) by substituting for the words “widower may on his behalf, by” the words “widower, may by”;
- (ii) by substituting for the words “in order to become” the words “in order that the eligible person may become”;
- (b) in paragraph (6)(a), by substituting for the words “six months” the words “two years”;
- (c) in paragraph (8), by substituting for the words “payable by or on behalf of an eligible person” the words “payable by an eligible person or his widow or widower”;
- (d) in paragraph (9), by substituting for the words “payable by or on behalf of that person” the words “payable by that person or his widow or widower”;
- (e) in paragraph (14), by substituting for the words “paragraph (15)” the words “paragraphs (15), (15A) and (15B)”;
- (f) by inserting after paragraph (15) the following:
- “(15A) Where an eligible person is paying instalments of equal amounts under paragraph (14) and, by virtue of paragraph (15) instalments of such amounts may no longer

(12) A new regulation P14 was substituted by [S.I. 1990/503](#), regulation 3(1).

(13) [1988 c. 41](#).

(14) Regulation C7A was inserted by [S.I. 1990/1709](#), regulation 3.

be paid, the amounts of any outstanding instalments shall be reduced to the maximum level permitted by paragraph (15) and the period for payment shall be extended, but not beyond the eligible person's 65th birthday, by such period as is necessary to enable the eligible person so far as is practicable to complete payment of the amount payable by him under paragraph (8).

(15B) Where—

- (a) by virtue of paragraph (15) the amount payable under paragraph (8) cannot be paid in full by the eligible person's 65th birthday, and
- (b) the eligible person is a pensionable employee, was a pensionable employee on 27th July 1989, and has been a pensionable employee continuously since that date,

the amount outstanding on that birthday may be paid in full to the appropriate administering authority in a single payment not later than three months after that birthday.

(15C) For the purposes of paragraph (15B), the reference to a person having continuously been a pensionable employee includes a reference to a person who, having ceased to be a pensionable employee—

- (a) becomes a pensionable employee again within one month of so ceasing, or
- (b) becomes a pensionable employee again within one month of returning to work in accordance with section 45(1) or (3) of the Employment Protection (Consolidation) Act 1978⁽¹⁵⁾ (which confers the right to return to work following pregnancy or confinement).”;
- (g) in paragraph (16), by substituting for the words “by or on behalf of him” the words “by him or his widow or widower”;
- (h) in paragraph (17), by substituting for the words “paragraph (12) or (16)” the words “paragraphs (12), (15B) or (16) or paragraph 8 of Schedule 4A”.

Payment for additional reckonable service of part-time employees

27. Schedule 4A to the principal Regulations⁽¹⁶⁾ is amended

- (a) in paragraph 1—
 - (i) by substituting for the words “by or on behalf of an eligible person” the words “by an eligible person or his widow or widower”;
 - (ii) in the definition of “A”, by substituting for the words “of his” the words “of the eligible person's”;
- (b) in paragraph 3—
 - (i) by deleting the words “by or on behalf of a person”;
 - (ii) by substituting for the words “he is entitled” the words “the eligible person is entitled”;
- (c) in paragraph 4, by substituting for the definitions of “L” and “M” the following:

“L is the aggregate of the total amount paid by way of instalments under paragraph (14) and the amount paid or payable by the employing authority under paragraph (12) or, as the case may be, (13) of regulation C7A;

M is the total sum payable by him and his employing authority under regulation C7A;”;

⁽¹⁵⁾ 1978 c. 44.

⁽¹⁶⁾ Schedule 4A was inserted by S.I. 1990/1709, regulation 8.

- (d) in paragraph 5, by substituting for the words “that regulation” the words “regulation C7A(8)”;
- (e) in paragraph 7, by substituting for the definitions of “X” and “Y” the following:
 - “X is the aggregate of the total amount paid by way of instalments under paragraph (14) and the amount paid or payable by the employing authority under paragraph (12) or, as the case may be, (13) of regulation C7A;
 - X is the total sum payable by him and his employing authority under regulation C7A.”

PART VIII

AMENDMENTS HAVING EFFECT AS FROM 28th FEBRUARY 1992

Payments to avoid reduction of retiring allowance and death grant

- 28.** Regulation C8 of the principal Regulations is amended—
- (a) in paragraph (1), by substituting for the words “E3(7) or (8)” the words “E3(7), (7A), (8) or (8A)”;
 - (b) by substituting for paragraph (3) the following:
 - “(3) A notice under paragraph (2) must specify whether the reckonable service in respect of which the reduction is to be avoided is the whole, and if not what part it is, of that person’s reckonable service—
 - (a) in the case of a male employee, or a female employee who has made an election under regulation E12(1)(b) or (2)(b), before 1st April 1972 or (in the case of a male) any earlier date on which he became a widower or was judicially separated, or on which his marriage was dissolved, and
 - (b) in the case of a female employee who has given notice under regulation E6(7), which is or is treated for the purposes of regulation E3(8B) as being reckonable service—
 - (i) before 1st April 1972;
 - (ii) after 31st March 1972 but before 6th April 1988.”;
 - (c) in paragraph (4)(a), by inserting after the words “1st April 1972,” the words “(in the case of a person described in paragraph (3)(a)) or before 6th April 1988 (in the case of a person described in paragraph (3)(b))”;
 - (d) in paragraph (6), by inserting after the word “applies” the words “or, where paragraph (3) (b) applies, giving notice under regulation E6(7)”;
 - (e) in paragraph (10), by substituting for the words “paragraph (11)” the words “paragraphs (11) and (12)”;
 - (f) by inserting after paragraph (11) the following:
 - “(12) Where—
 - (a) this regulation applies to a woman by virtue of regulation E12; and
 - (b) she has made an election under paragraph (2) above; and
 - (c) this regulation subsequently applies to her by virtue of regulation E3(7A) or (8A); and
 - (d) she makes a further election under paragraph (2) above,

any payments made under this regulation pursuant to the election referred to in subparagraph (b) above shall be deemed to have been made pursuant to that further election, and any additional sums payable by her pursuant to that further election shall be determined accordingly by the fund's actuary.”.

Additional contributions to increase reckonable service for the purposes of calculating a widower's pension

29. The principal Regulations are amended by inserting after regulation C8 the following regulation:

“Additional contributions to increase reckonable service for the purposes of calculating a widower's pension

C8A.—(1) This regulation applies to a married woman who—

- (a) is a pensionable employee, and
- (b) was not a pensionable employee on 27th July 1989 or has not been a pensionable employee continuously since that date, and
- (c) is entitled to reckon a period of reckonable service before 6th April 1988, and
- (d) has not attained the age of 64 years.

(2) Subject to paragraphs (3) to (6), a woman to whom this regulation applies may, by notice in writing given to the appropriate administering authority, elect to pay additional contributions to the appropriate superannuation fund in order to reckon all or part of her reckonable service before 6th April 1988 as reckonable service for the purposes of calculating a widower's long-term pension.

(3) A notice under paragraph (2) must specify whether the service to which it relates is the whole, and if not what part it is, of the woman's reckonable service which is or is treated for the purposes of regulation E3(8B) as being reckonable service—

- (a) before 1st April 1972;
- (b) after 31st March 1972 but before 6th April 1988.

(4) A notice under paragraph (2) may not be given in respect of a period of less than one year unless—

- (a) the whole of the woman's reckonable service before 6th April 1988, or
- (b) where she has previously given a notice in respect of part of that service, the remainder of it,

amounts to less than one year.

(5) Notice under paragraph (2) may be given on more than one occasion but, unless the appropriate administering authority otherwise agrees, it must be given not later than whichever is the latest of—

- (a) 12 months after 28th February 1992, or
- (b) if she marries or remarries after 28th February 1992, 12 months after the date of any such marriage, or
- (c) if her husband becomes permanently incapacitated by reason of ill-health or infirmity of mind or body and wholly or mainly dependent on her, 12 months after a medical certificate to that effect is submitted to the appropriate administering authority.

(6) Subject to paragraphs (7) and (8) and to Part IV of Schedule 5, additional contributions under this regulation shall be paid in accordance with Part III of that Schedule as if they were payable pursuant to a notice of election given under regulation C8, and Schedule 5 shall apply as if references in that Schedule to regulations C8, C8(11) and E6(7) included references to this regulation and paragraphs (7) and (2) of this regulation respectively.

(7) Payment in accordance with paragraph (6) may be discontinued if the woman satisfies the appropriate administering authority that its continuance would cause financial hardship.

(8) Contributions paid in accordance with paragraph (6) shall not in any year exceed such amount as, when added to all other payments made by the woman in that year under Part C, is equal to the limit specified in paragraph 21 of Schedule 6 to the Finance Act 1989.

(9) For the purposes of paragraph (1)(b), the reference to a woman having continuously been a pensionable employee includes a reference to a woman who, having ceased to be a pensionable employee—

- (a) became or becomes a pensionable employee again within one month of so ceasing, or
- (b) became or becomes a pensionable employee again within one month of returning to work in accordance with section 45(1) or (3) of the Employment Protection (Consolidation) Act 1978(17) (which confers the right to return to work following pregnancy or confinement)."

Reduction of added years reckonable on payment as reckonable service

30. Regulation D8 of the principal Regulations is amended—

- (a) in paragraph (1)(c), by inserting after the words "1974 regulations" the words "or regulation F3 of these Regulations";
- (b) in paragraph (2), by inserting after sub-paragraph (a) the following—
 - "(aa) where sub-paragraph (ii), (iii), (iv) or (v) of regulation F3(2)(e) applies, is 28th February 1992, and"

Previous service of certain variable-time employees

31. Regulation D10 of the principal Regulations is amended by inserting after the words "whole-time", in each place where they occur, the words "or part-time".

Amount of retirement pension and retiring allowance

32. Regulation E3 of the principal Regulations is amended—

- (a) by inserting after paragraph (7) the following:
 - "(7A) Subject to paragraph (10), where the person is a married woman and a widower's pension may become payable under regulation E5 in respect of a period of which notice has been given under regulation E6(7), the amount calculated in accordance with paragraphs (3) to (6) is reduced—
 - (a) by three one hundred and sixtieths of the pensionable remuneration multiplied by the length in years of any reckonable service of which notice has been given under regulation E6(7) and which is or is treated for the purposes of paragraph (8B) as being reckonable service before 1st April 1972, and

- (b) by one one hundred and sixtieth of the pensionable remuneration multiplied by the length in years of any reckonable service of which notice has been given under regulation E6(7) and which is or is treated for the purposes of paragraph (8B) as being reckonable service after 31st March 1972 but before 6th April 1988.”;
- (b) in paragraph (8), by substituting for the words:
- “where—
- (a) the person is a widower”
- the words:
- “where the person is a man, and—
- (a) he is a widower”;
- (c) by inserting after paragraph (8) the following:
- “(8A) Subject to paragraph (10), where the person is a woman and—
- (a) she is a widow, or
- (b) her marriage has been dissolved,
- and the death or dissolution occurred after 5th April 1988, the amount calculated in accordance with paragraphs (3) to (6) is reduced—
- (i) by three one hundred and sixtieths of the pensionable remuneration multiplied by the length in years of any reckonable service of which notice has been given under regulation E6(7) and which is or is treated for the purposes of paragraph (8B) as being reckonable service before 1st April 1972, and
- (ii) by one one hundred and sixtieth of the pensionable remuneration multiplied by the length in years of any reckonable service of which notice has been given under regulation E6(7) and which is or is treated for the purposes of paragraph (8B) as being reckonable service after 31st March 1972 but before 6th April 1988.
- (8B) For the purposes of this paragraph—
- (a) reckonable service—
- (i) which the person is entitled to reckon under regulation J9 where the relevant transfer value was accepted before 6th April 1988, or
- (ii) which the person is entitled to reckon under regulation J9 where, by virtue of regulation 25(1)(b) of the Local Government Superannuation (Interchange) Regulations 1991(18), regulations 10 to 15 and 19 and 20 of those Regulations do not apply to the relevant transfer value,
- shall be treated as being reckonable service after 31st March 1972 but before 6th April 1988; and
- (b) to the extent that reckonable service falling within any of the categories described in paragraph (8C), when aggregated with actual reckonable service after 31st March 1972 but before 6th April 1988, does not exceed 16 years and 5 days, it shall be treated as being reckonable service after 31st March 1972 but before 6th April 1988, but it shall otherwise be treated as being reckonable service before 1st April 1972.

- (8C) The categories of reckonable service referred to in paragraph (8B)(b) are reckonable service—
- (a) which the person is entitled to reckon under regulation D4, D5 or D9 where the necessary payment was made or commenced before 6th April 1988;
 - (b) which the person is entitled to reckon by virtue of a resolution passed under regulation D7 before 6th April 1988;
 - (c) which is treated as reckonable service before 6th April 1988 by virtue of regulation D13(3).”;
 - (d) in paragraph (10), by substituting for the words “paragraph (7) or (8)” the words “paragraph (7), (7A), (8) or (8A)”;
 - (e) in paragraph (11), by inserting at the end the words “or who has made such an election but to whom regulation E12(6) applies”.

Annual rates of widow’s and widower’s short-term and long-term pensions

33. Regulation E6 of the principal Regulations(19) is amended—

- (a) by substituting for paragraph (3)(a) the following:
 - “(a) “retirement pension”, for the purpose of calculating a widower’s short-term or long-term pension, means a retirement pension calculated by reference to the length in years of the wife’s period of reckonable service after 5th April 1988 and, if the widower was his wife’s husband at some time while she was in local government employment after 31st March 1972, by reference also to—
 - (i) the length in years of any period treated for the purposes of paragraph (4) as a period of reckonable service after 5th April 1988,
 - (ii) the length in years of any additional period of which notice has been given in accordance with paragraph (7), and
 - (iii) the length in years of any reckonable service in respect of which payment under regulation C8A has or is treated as having been completed;”;
- (b) by inserting after paragraph (6) the following:
 - “(7) A married woman who—
 - (a) is a pensionable employee, was a pensionable employee on 27th July 1989, and has since that date continuously been a pension-able employee, and
 - (b) is entitled to reckon a period of reckonable service before 6th April 1988, may, subject to paragraph (9) and in accordance with paragraph (10), give notice in writing to the appropriate administering authority of any additional period which she wishes to reckon for the purposes of calculating a widower’s long-term pension.
 - (8) For the purposes of paragraph (7), the reference to a woman having continuously been a pensionable employee includes a reference to a woman who, having ceased to be a pensionable employee—
 - (a) became or becomes a pensionable employee again within one month of so ceasing, or
 - (b) became or becomes a pensionable employee again within one month of returning to work in accordance with section 45(1) or (3) of the Employment Protection

(19) A new regulation E6 is substituted with effect from 6th April 1988 by regulation 3 above.

(Consolidation) Act 1978⁽²⁰⁾ (which confers the right to return to work following pregnancy or confinement).

(9) The additional period of which notice may be given by a woman under paragraph (7) shall not exceed the length of her reckonable service which is not, or is not treated for the purposes of paragraph (4) as being, reckonable service after 5th April 1988.

(10) Notice under paragraph (7) must be given not later than whichever is the latest of—

- (a) 12 months after 28th February 1992, or
- (b) if she marries or remarries after 28th February 1992, 12 months after the date of any such marriage, or
- (c) if her husband becomes permanently incapacitated by reason of

ill-health or infirmity of mind or body and wholly or mainly dependent on her, 12 months after a medical certificate to that effect is submitted to the appropriate administering authority.

(11) The appropriate administering authority may extend any of the time limits referred to in paragraph (10).

(12) Notice given under paragraph (7) shall be irrevocable, but subject to the provisions of this regulation notice may be given on more than one occasion.”.

Death grant

34. Regulation E11 of the principal Regulations is amended in paragraph (3)⁽²¹⁾ by substituting for the definition of “D” the following:

“D is—

- (i) where the person is a man, or is treated as a man by virtue of regulation E12, two eightieths of his pensionable remuneration multiplied by the length in years of any reckonable service before 1st April 1972 in respect of which a widow’s pension is payable under regulation E5, other than service in respect of which a return of contributions has been made or payment under regulation C8 has been or is to be treated as having been completed, or
- (ii) where the person is a woman, one one hundred and sixtieth of her pensionable remuneration multiplied by the length in years of any period of which notice was given under regulation E6(7) and which is treated for the purposes of regulation E3(8B) as reckonable service after 31st March 1972 but before 6th April 1988; plus three one hundred and sixtieths of her pensionable remuneration multiplied by the length in years of any further period of which notice was given under regulation E6(7) which is treated for the purposes of regulation E3(8B) as reckonable service before 1st April 1972 and in respect of which a widower’s pension is payable under regulation E5, other than service in respect of which a return of contributions has been made or payment under regulation C8 has been or is to be treated as having been completed.”.

Pensions of widowers etc

35. Regulation E12 of the principal Regulations is amended by inserting after paragraph (4) the following:

“(5) No election under paragraph (1)(b) or (2)(b) may be made on or after 28th February 1992.

⁽²⁰⁾ 1978 c. 44.

⁽²¹⁾ Regulation E11(3) was amended by S.I. 1989/371, regulation 5.

(6) Where a woman gives notice under regulation E6(7) that she wishes to reckon the whole of her reckonable service before 6th April 1988 for the purposes of calculating a widower's long-term pension, any previous election made by her under paragraph (1)(b) or (2)(b) shall cease to have effect."

Power to compound certain small pensions

36. Regulation E21 of the principal Regulations is amended—

- (a) in paragraph (1)(b), by substituting for the words "£78" the words "£195";
- (b) in paragraphs (4)(b) and (6)(b), by substituting for the words "£104" the words "£260".

Disregard of certain reckonable service in calculating amount of benefits

37. Regulation E29 of the principal Regulations is amended in paragraph (3) by substituting for the words "E3(7) or (8) (potential widow's pensions)" the words "E3(7), (7A), (8) or (8A) (potential widow's and widower's pensions)".

Election as to war service

38. Regulation F3(2)(e)(ii) of the principal Regulations is amended by substituting, for the words from "at or before" to "appointed", the words "within 6 months after completing which he was appointed as a probation officer".

Payment to avoid reduction of retiring allowance

39.—(1) Paragraph 1 of Schedule 5 to the principal Regulations is amended—

- (a) by substituting for the words from the beginning to "TABLE" the following:

"The amount to be paid by an employee who has under regulation C8 elected to make payment by a lump sum is—

- (a) where the employee is a man—

$$\frac{A \times B \times C}{100},$$

where—

A is the length, expressed in complete years and any fraction of a year, of the period of reckonable service specified in his notice of election,

B is his remuneration at the date of the election, and

C is the figure specified in column 2 of Table I below against his age on his birthday next following the date of the election;

- (b) where the employee is a woman—

- (i) who has made an election under regulation E12(1)(b) or (2)(b)—

$$\frac{4 \times A1 \times B \times C}{100},$$

or

- (ii) who has given notice under regulation E6(7)—

$$\frac{3 \times A2 \times B \times C}{100} + \frac{A3 \times B \times C}{100},$$

where—

A1 is the length, expressed in complete years and any fraction of a year, of the period of reckonable service before 1st April 1972 specified in her notice of election,

A2 is the length, expressed as above, of the period of reckonable service specified in her notice of election which is or is treated for the purposes of regulation E3(8B) as being reckonable service before 1st April 1972,

A3 is the length, expressed as above, of the period of reckonable service specified in her notice of election which is or is treated for the purposes of regulation E3(8B) as being reckonable service after 31st March 1972 but before 6th April 1988,

B is her remuneration at the date of election, and

C is the figure specified in column 2 of Table II below against her age on her birthday next following the date of election.

TABLE I

MEN”;

(b) by inserting after the Table the Table set out in Part I of the Schedule to these Regulations.

(2) Paragraph 6 of Schedule 5 to the principal Regulations is amended—

(a) by substituting for the words from the beginning to “TABLE” the following:

“The amount to be paid by way of additional contributions by an employee who has under regulation C8 elected to make payment in that manner is—

(a) where the employee is a man—

$$\frac{A \times B \times C}{100},$$

where—

A is the length, expressed in complete years and any fraction of a year, of the period of reckonable service specified in his notice of election,

B is his remuneration for the time being, and

C is the figure in Table I below appropriate to his age on his birthday next following the date of the election and to his specified birthday (within the meaning of paragraph 8);

(b) where the employee is a woman—

(i) who has made an election under regulation E12(1)(b) or(2)(b)—

$$\frac{4 \times A1 \times B \times C}{100},$$

or

(ii) who has given notice under regulation E6(7)—

$$\frac{3 \times A2 \times B \times C}{100} + \frac{A3 \times B \times C}{100},$$

where—

A1 is the length, expressed in complete years and any fraction of a year, of the period of reckonable service before 1st April 1972 specified in her notice of election,

A2 is the length, expressed as above, of the period of reckonable service specified in her notice of election which is or is treated for the purposes of regulation E3(8B) as being reckonable service before 1st April 1972,

A3 is the length, expressed as above, of the period of reckonable service specified in her notice of election which is or is treated for the purposes of regulation E3(8B) as being reckonable service after 31st March 1972 but before 6th April 1988,

B is her remuneration for the time being, and

C is the figure in Table II below appropriate to her age on her birthday next following the date of the election and to her specified birthday (within the meaning of paragraph 8).

TABLE I

MEN”;

- (b) by inserting after the Table the Table set out in Part II of the Schedule to these Regulations.

Additional reckonable service for ill-health

40. Paragraph 3 of Schedule 9 to the principal Regulations is amended by substituting for sub-paragraph (2) the following:]

“(2) Where this paragraph applies, the additional period shall be (A—B) or zero, whichever is the greater, where—

A is the additional period to which the person would be entitled under paragraph 2 if his relevant reckonable service included his relevant reckonable service or, as the case may be, his relevant service in relation to the previous employment, and

B is the length of the additional period which became reckonable in relation to the previous employment by virtue of regulation E3(12) or, as the case may be, the period by which his relevant service in relation to that employment is by virtue of sub-paragraph (3) to be deemed to have been increased.”.

Modifications to Part E where no right to retiring allowance etc.

41. Schedule 11 to the principal Regulations is amended—

- (a) by substituting for paragraph 3 the following:

“**3.** In regulation E11—

(a) in paragraph (1), for the words “paragraphs (9) to (11)” substitute “paragraph (10)”;

(b) in paragraph (1)(b), after the word “pension” insert “, other than a pension under regulation E2(2)”;

(c) in paragraph (4A), for the words “paragraphs (9) and (11)” substitute “paragraph (10)”;

(d) in paragraph (10), for the words “and (2)(a) apply” substitute “applies”; and

(e) delete paragraph (11).”

- (b) by substituting for paragraph 6 the following:

- “6. In regulation E11—
- (a) in paragraph (1), for the words “paragraphs (9) to (11)” substitute “paragraph (11)”;
 - (b) in paragraph (4A), for the words “paragraphs (9) and (11)” substitute “paragraph (11)”;
 - (c) delete paragraph (10).”
- (c) in paragraph 7—
- (i) by substituting for the words “paragraphs (2) to (4)” the words “paragraphs (2) to (5)”;
 - (ii) by substituting for the words “paragraphs (3) and (5)” the words “paragraphs (3) and (6)”;
- (d) by substituting for paragraph 9 the following:
- “9. In regulation E11—
- (a) in paragraph (1)(b), delete the words “in relation to which this paragraph applies”;
 - (b) delete paragraph (2);
 - (c) in paragraph (4), delete the words “Subject to paragraph (9),”;
 - (d) in paragraphs (4A) and (5)(a), for the words “and paragraph (2)(b) apply” substitute “applies”;
 - (e) in paragraph (5)(b), for the words “and paragraph (2)(a) apply” substitute “applies”;
 - (f) in paragraph (5), for the words from “the greater of” to the end of the paragraph substitute
“the greater of—
$$(B \times C2) - F \text{ and } \frac{C2}{F} \times (A - E).$$
”
 - (g) delete paragraphs (6) and (7);
 - (h) in paragraph (8), delete the words “Subject to paragraph (9),”;
 - (i) delete paragraph (9);
 - (j) in paragraph (12), delete the words “Subject to paragraph (13),”;
 - (k) delete paragraph (13).”

PART IX

MISCELLANEOUS AND GENERAL

Retrospective effect

42.—(1) Where—

- (a) a person was not entitled to make an election under regulation B1A of the principal Regulations before 28th February 1992, and
- (b) if regulation 19 had come into force on 1st October 1989, he would have been so entitled, and

(c) he gives notice of such an election within 3 months after 28th February 1992, the election may be expressed to have effect as if regulation 19 had come into force on 1st October 1989 and the notice had been given on the first day on which he would in that case have been entitled to give notice of the election or, where that day is 1st October 1989, to have effect from that date.

(2) The deletion by regulation 7 of regulation E10 of the principal Regulations shall not affect any benefits which have been paid or have become payable under that regulation before 28th February 1992, but where any such benefits have been paid on or after 6th April 1988 in respect of an eligible child following the death of that child's parent the amount of those benefits shall be set off against any increase in the benefits payable to or in respect of that child and in respect of that parent's death resulting from the amendments to regulations E8 and E9 of the principal Regulations made by regulations 4 and 5 and the insertion of regulation E9A of the principal Regulations by regulation 6.

Right to opt out

43.—(1) This regulation shall apply in the case of any person (“a relevant beneficiary”) to whom any benefit (including a return of contributions and any pension payable to a widow or widower or any dependant by virtue of a surrender) is or may become payable being a benefit (“a relevant benefit”) payable to, or in respect of, a person who before 28th February 1992—

- (a) ceased to hold an employment in respect of which he was a pensionable employee (whether or not he has subsequently recommenced any such employment); or
- (b) died while still in such an employment.

(2) If, in relation to a relevant benefit, a relevant beneficiary—

- (a) would be placed by any amendment made by these Regulations in a worse position than he would have been in if that amendment had not been made, and
- (b) so elects, by notice in writing given to the appropriate administering authority within the three month period beginning with 28th February 1992,

then, in the case of that beneficiary and in relation to that benefit, the principal Regulations shall have effect, subject to paragraph (3), as if these Regulations had not been made.

(3) If such an election as is mentioned in paragraph (2) above is made in relation to a benefit which is or may become payable in respect of a person who is employed in a local government employment, or if that person subsequently recommences service in such an employment, then—

- (a) the election shall have effect in relation to the benefit only to the extent that it accrues or has accrued—
 - (i) by virtue of periods of service rendered before the cessation referred to in paragraph (1) above (or, if there has been more than one such cessation, the last of them before 28th February 1992); or
 - (ii) by virtue of contributions paid in respect of any such periods of service; and
- (b) in determining entitlement to, or the amount of, the benefit to that extent, he shall (without prejudice to the application of this paragraph) be treated as if he had never recommenced service in such employment at any time after the cessation referred to in sub-paragraph (a) above;

and the principal Regulations shall apply accordingly.

Right of appeal

44. The provisions of Part N of the principal Regulations (determination of questions and appeals) shall apply in relation to rights and liabilities under regulations 42 and 43 as they apply in relation to rights and liabilities under the principal Regulations.

3rd February 1992

Michael Heseltine
One of Her Majesty's Principal Secretaries of
State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 39(2)(b)

TO BE INSERTED IN SCHEDULE 5 TO THE PRINCIPAL REGULATIONS

PART I

TABLE TO BE INSERTED IN PARAGRAPH 1 OF SCHEDULE 5

“TABLE II

WOMEN

(1) <i>Age on birthday next following election</i>	(2) <i>Figure to be used</i>
21	0.77
22	0.73
23	0.68
24	0.65
25	0.62
26	0.60
27	0.58
28	0.57
29	0.56
30	0.55
31	0.55
32	0.55
33	0.55
34	0.55
35	0.55
36	0.55
37	0.55
38	0.55
39	0.55
40	0.55
41	0.55
42	0.55
43	0.55
44	0.55
45	0.55
46	0.54

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) <i>Age on birthday next following election</i>	(2) <i>Figure to be used</i>
47	0.54
48	0.54
49	0.54
50	0.55
51	0.55
52	0.55
53	0.56
54	0.56
55	0.57
56	0.57
57	0.58
58	0.58
59	0.58
60	0.58
61	0.59
62	0.59
63	0.59
64	0.59”

PART II

TABLE TO BE INSERTED IN PARAGRAPH 6 OF SCHEDULE 5

“TABLE II

WOMEN

<i>Age on birthday next following election</i>	<i>Figure to be used by reference to the under-mentioned specified birthday</i>					
	60	61	62	63	64	65
21	0.015					
22	0.016					
23	0.016					
24	0.016					
25	0.017					

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<i>Age on birthday next following election</i>	<i>Figure to be used by reference to the under-mentioned specified birthday</i>					
	60	61	62	63	64	65
26	0.017					
27	0.018					
28	0.019					
29	0.019					
30	0.020					
31	0.021					
32	0.022					
33	0.023					
34	0.024					
35	0.024					
36	0.026					
37	0.027	0.025				
38	0.029	0.026	0.024			
39	0.030	0.027	0.026	0.024		
40	0.031	0.029	0.027	0.025	0.024	
41	0.033	0.030	0.028	0.026	0.025	0.024
42	0.035	0.032	0.030	0.028	0.026	0.025
43	0.038	0.034	0.031	0.029	0.027	0.026
44	0.040	0.036	0.034	0.031	0.029	0.027
45	0.043	0.039	0.036	0.033	0.030	0.029
46	0.046	0.041	0.038	0.035	0.032	0.030
47	0.050	0.045	0.041	0.037	0.034	0.032
48	0.054	0.048	0.044	0.040	0.037	0.034
49	0.060	0.053	0.048	0.043	0.040	0.037
50	0.066	0.058	0.052	0.047	0.043	0.040
51	0.074	0.064	0.057	0.051	0.046	0.043
52	0.083	0.071	0.063	0.056	0.050	0.046
53	0.095	0.080	0.070	0.062	0.055	0.050
54	0.112	0.092	0.079	0.069	0.061	0.055
55	0.135	0.108	0.091	0.078	0.068	0.061
56	0.169	0.129	0.106	0.089	0.076	0.068

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<i>Age on birthday next following election</i>	<i>Figure to be used by reference to the under-mentioned specified birthday</i>					
	60	61	62	63	64	65
57	0.225	0.162	0.127	0.104	0.087	0.076
58	0.337	0.216	0.159	0.125	0.102	0.087
59	0.672	0.325	0.212	0.156	0.122	0.102
60		0.651	0.317	0.207	0.152	0.122
61			0.636	0.311	0.203	0.152
62				0.609	0.301	0.202
63					0.598	0.303
64						0.602”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a number of amendments to the Local Government Superannuation Regulations 1986 (S.I. 1986/24) (“the principal Regulations”).

The Regulations are divided into nine Parts. Parts II to VII are made retrospective in effect by virtue of section 12 of the Superannuation Act 1972. Apart from minor and technical amendments, the effect of the Regulations is broadly as follows.

Part II, which has effect as from 1st March 1986 (when the previous regulations were consolidated) provides for a children’s short-term pension to be payable where a reduced widow’s short-term pension is payable.

Part III, which has effect as from 6th April 1988, is mainly concerned with widower’s and children’s pensions. The widower of a female pensionable employee who dies after 5th April 1988 is entitled to a pension based on her service after that date. Pensions are also payable to dependant children of female employees, and there is no longer a requirement that any employee should have completed a qualifying period of service before his children are entitled to a pension. Part III also allows injury allowances to be paid to widowers of female employees and makes minor amendments to the provisions relating to gratuities and transfer values.

Part IV, which has effect as from 1st April 1989, makes a consequential amendment which was inadvertently omitted from a relevant amending instrument.

Part V, which has effect as from 1st September 1989, enables certain employees of grant maintained schools to remain pensionable employees; and clarifies the procedure for apportioning the former water authorities’ superannuation fund following the privatisation of the water industry.

Part VI, which has effect as from 1st April 1990, enables manual workers to become pensionable employees without first completing 12 months’ service; enables employees to join the local

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government superannuation scheme at the age of 16 rather than 18; and provides that eligible employees will become pensionable employees unless they elect otherwise.

Part VII, which has effect as from 17th September 1990, clarifies and modifies the provisions relating to the purchase by current and former part-time employees of additional reckonable service.

Part VIII enables female employees to have their reckonable service before 6th April 1988 taken into account for the purpose of calculating a widower's pension. If they elect to do so, their lump sum retiring allowance will be reduced unless they also elect to pay additional contributions to avoid this. The Part also corrects minor anomalies in the principal Regulations and contains consequential amendments.

Part IX contains transitional provisions in connection with regulations 7 and 19; confers a right for a person, in certain circumstances, to opt that these Regulations shall not apply to him; and applies the appeal provisions of the principal Regulations.