
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART B

MEMBERSHIP

Joining and leaving the Scheme

Applications for membership

B10.—(1) Subject to the following provisions of this Part, a person who wishes to become a member of the Scheme shall apply to do so by notice given in writing to his employer or future employer.

(2) Subject to paragraph (3), an employee is deemed to have made an application to become a member, unless—

- (a) before commencing his employment, or
- (b) in the case of a person to whom this paragraph began to apply after he commenced his employment, before the date on which it began to apply to him,

he notified his employer in writing that he did not wish to become a member of the Scheme.

(3) Paragraph (2) does not apply—

- (a) to a person who is an eligible employee by virtue of regulation B7,
- (b) to a person whose employment is of a casual nature, or
- (c) a person who has previously been a member of the Scheme but has ceased to be a member after giving notification under regulation B12.

(4) Where a person who has ceased to be employed in an employment in which he was a member at the time of cessation commences a new employment in which he is eligible for membership, he is deemed to have made an application to become a member unless, before commencing his new employment, he notified his employer in writing that he did not wish to be a member of the Scheme.

(5) An application for membership may be withdrawn at any time before the applicant becomes a member.

Admission to the Scheme

B11.—(1) A person who has or is deemed to have applied under regulation B10 and is eligible to be a member of the Scheme shall become a member of it on the appropriate day.

(2) In this regulation, “the appropriate day” means—

- (a) in the case of a person who has applied under regulation B10(1) at least one month before the date on which he commences his employment (or such lesser period before that date as his employer allows), the date on which he commences his employment or such later date as he has specified in his application;

- (b) in any other case where an application is made under that regulation, the first day of the first payment period following the application;
- (c) in the case of a person who is deemed to have applied under regulation B10(2)—
 - (i) if he is a person to whom that paragraph applied on the date when he commenced his employment, that date, and
 - (ii) otherwise, on the date on which it began to apply to him.

(3) In paragraph (2)(b), “payment period” means a period of service to which the employee’s payment of wages or salary relates.

Leaving the Scheme

B12.—(1) Subject to the provisions of these regulations, a person shall cease to be a member of the Scheme if—

- (a) he wishes to do so, or
- (b) he ceases to be eligible for membership.

(2) A person who wishes to cease to be a member of the Scheme shall so notify his employer in writing.

(3) Subject to paragraphs (5) and (6), a person giving a notification under paragraph (2) shall cease to be a member of the Scheme—

- (a) in a case where a date of cessation (being a date not earlier than the date of the notification) is specified in the notification, from that date, and
- (b) otherwise, from the first day of the first, or if the LGPS employer so determines, the second payment period following the notification.

(4) In paragraph (3)(b), “payment period” means a period of service to which the employee’s payment of wages or salary relates.

(5) Where a person gives a notification under paragraph (2) within three months after first becoming a member of the Scheme, he shall be treated as never having been a member.

(6) Where—

- (a) a person to whom regulation C8 (absence on reserve forces service) applies has given notification under paragraph (2) before ceasing his former employment or beginning his leave of absence in order to perform his relevant service (within the meaning of that regulation), and
- (b) he is still a member immediately before he commences his relevant service,

then, subject to paragraph (7), the notification shall be of no effect.

(7) A person may elect that paragraph (6) is not to apply, by notice given in writing to the appropriate administering authority before the end of the period of 12 months beginning with the end of his relevant service (or within such longer period as they may allow), and they shall take all practicable steps to secure that a person entitled to make such an election is notified of his entitlement.

(8) Any contributions paid by a person with respect to a period during which, by virtue of a notification under paragraph (2), he is not a member of the Scheme shall be returned to him.

Rejoining the Scheme

B13.—(1) Subject to paragraph (3), a person who has once given a notification under regulation B12 may subsequently apply to become a member of the Scheme again.

(2) An application under paragraph (1) shall be made by notice in writing given to the applicant’s employer or future employer.

(3) A person who has made an application under paragraph (1) and subsequently gives another notification under regulation B12(2) may only make a further application under paragraph (1) if his employer or future employer consents or—

- (a) he is beginning a new employment with a new employing authority by virtue of which he is eligible to be a member of the Scheme, and
- (b) he applies before or within the period of three months beginning with the day on which he begins that employment.

(4) Regulation B11 shall apply to an application under paragraph (1) as it applies to an application under regulation B10(1).