

---

STATUTORY INSTRUMENTS

---

**1995 No. 1019**

**The Local Government Pension Scheme Regulations 1995**

**PART B**

**MEMBERSHIP**

*Membership periods*

**Periods of membership: “total period of membership”**

**B14.**—(1) For the purposes of these regulations, in relation to any member the following periods count as periods of membership, in relation to an employment in which he is a member—

- (a) any period for which he has paid (or is treated as having paid) contributions under regulation C4, C5 or C6, (but subject to the provisions of regulation C7(5) and (6));
- (b) any period during which he is absent from duty by reason of illness or injury (whether or not he has paid such contributions for it);
- (c) any period which he is entitled to count as such by virtue of regulation C8;
- (d) any period which he is entitled to count as such by virtue of regulation B7(6), B16, B17, or C9;
- (e) any period which he is entitled to count as such by virtue of regulation K14(1)(a);
- (f) any other period which he is entitled to count as such under paragraph 7 of Schedule M4 and, in particular—
  - (i) any period he became entitled to count as reckonable service by virtue of regulation D1(1)(b) to (h) of the 1974 regulations, or regulation D4 to D7, D8A, D9 or D13 or Part F of the 1986 regulations,
  - (ii) any period of added years,
  - (iii) any period which by virtue of the interchange rules became reckonable under the former regulations,
- (g) any other period which he is entitled to count as such under Schedule C6.

(2) For the purposes of these regulations, a member’s “total period of membership” is the aggregate of the periods he is entitled to count under paragraph (1) (disregarding any period which he is entitled to count under more than one of paragraphs (a) to (g), but subject—

- (a) to Part I of Schedule B6 (which provides for the exclusion of certain periods of membership for certain purposes);
- (b) to Part II of that Schedule (which provides for the inclusion for certain purposes in the total period of membership of certain periods, which are not periods of membership in relation to the employment in which a person is a member, as respects certain benefits in respect of that employment); and

- (c) to Schedule C5 (which provides for the limitation of periods, of membership for certain purposes).

**Length of period of membership: calculation of benefit**

- B15.**—(1) For the purpose of calculating the amount of any benefit under these regulations—
- (a) a period of membership in excess of a number of complete years shall be counted as the appropriate fraction of a year (and accordingly references to the length in years of membership shall be taken as references to the number of complete years and any fraction of a year in the period of membership); and
  - (b) subject to paragraph (3), a period of membership in part-time service in local government employment shall be treated as though it had been a proportionately reduced period of membership in whole-time local government employment.
- (2) In paragraph (1)— “the appropriate fraction” means the fraction of which—
- (a) the numerator is the number of complete days comprised in the excess; and
  - (b) the denominator is 365; and

“proportionately reduced” means reduced in the proportion which the number of contractual hours during the period of part-time service in the employment, bears to the number of contractual hours of that employment if it were on a whole-time basis.

- (3) Paragraph (1)(b) does not apply to the calculation of an increase in retirement grant under paragraph 1 of Schedule D2 (preservation of right under the 1974 regulations to increase in standard retirement grant), or in determining a member’s total period of membership for the purposes of regulation D7(2) (qualification for enhancement of pension in cases of ill-health) and is subject to paragraph 4 of Schedule D3 (additional membership in such cases).

**Special power of employing authority to increase period of membership.**

**B16.**—(1) Subject to paragraphs (2) and (3), if the body employing an employee who is eligible to be a member of the Scheme (in these regulations referred to as “the employing authority”) are satisfied that, having regard to the interests of the efficient exercise of their functions, there are exceptional reasons for doing so they may resolve to add an additional period of membership to a member’s period of membership.

- (2) A resolution under paragraph (1)—
- (a) may only be passed before or within 6 months after the person becomes a member in the authority’s employment, and
  - (b) may not be passed after he has attained the age of 59 years, unless he did so after becoming such a member.

(3) The additional period is to be specified in the resolution and is not to exceed the maximum period which would be applicable under regulation C10(1) (taking the references in regulation C10(6)(a) and

- (b) to the date of the election as references to the date of the resolution and, in the case of a person who at the date of the resolution had not become a member in the employment of the authority, treating him as if he had on that date become such a member on the scale of remuneration at which the employment was offered to him).

(4) Where the employing authority have passed a resolution under paragraph (1) and the member—

- (a) remains in his employment under that authority until his NRD (within the meaning of regulation C3(1)),

- (b) on ceasing to hold that employment before his NRD is incapable of discharging efficiently the duties of the employment by reason of permanent ill-health or infirmity of mind or body, or
- (c) dies while in that employment,

the additional period specified in the resolution may be counted as a period of membership.

(5) In any other case where the employing authority have passed such a resolution the member is entitled to count as a period of membership the appropriate proportion of the additional period of membership specified in the resolution.

(6) In paragraph (5) “the appropriate proportion” means the proportion which the period during which the member has been in the employment of the employing authority bears to the period during which the member would have been in that employment if he had remained in it until his NRD (within the meaning of regulation C3(1)).

### **Special power of City of London bodies to increase period of membership**

**B17.**—(1) Where a member who is employed by a City of London employing body

- (a) was immediately before 1st October 1977 a contributor of the superannuation fund maintained by the Common Council under their local Act scheme;
- (b) on 1st October 1977 became a member; and
- (c) on ceasing to hold his employment under the City of London employing body becomes entitled to a retirement pension (otherwise than by virtue of regulation D9 or D11),

the body may, in consideration of special circumstances, resolve to add an additional period of membership of not more than 10 years to his period of membership.

(2) On passing a resolution under paragraph (1) a City of London employing body (other than the Common Council) shall immediately send a copy of it to the Common Council.

(3) In this regulation “City of London employing body” means—

- (a) the Common Council,
- (b) the magistrates' courts committee for the City of London,
- (c) the probation committee for the City of London probation area, or
- (d) the Board of Governors of the Museum of London.