
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART C

MEMBERS' CONTRIBUTIONS

Preliminary definitions

Meaning of “appropriate pension fund”

C1.—(1) In these regulations “appropriate pension fund” means—

- (a) subject to paragraph (b), in relation to an employee of an administering authority, the fund maintained by that authority;
- (b) in relation to the persons mentioned in Part I of Schedule C1, the fund maintained by the London Pensions Fund Authority;
- (c) in relation to the persons mentioned in Part II of Schedule C1, the funds mentioned in relation to them in that Part;
- (d) in relation to an employee of a company under the control of a body described in Part 1 of Schedule B1, the fund which, in accordance with this regulation, is the appropriate pension fund in relation to an employee of that body;
- (e) in relation to an admission agreement employee, the fund maintained by the administering authority who are a party to the admission agreement by virtue of which he is eligible to be a member;
- (f) in relation to a person whose case does not fall within paragraphs (a) to (e), the fund maintained by the administering authority within whose area lies the greater part of the area of his employing authority.

(2) Where paragraph (1)(d) of this regulation or paragraph 6(1)(a) of Schedule C1 applies to any employees of a LGPS employer, the Secretary of State may, after consultation with the bodies appearing to him to be concerned, by direction substitute as the appropriate pension fund in relation to those employees (or any of them) the fund maintained by some other administering authority (“the substituted fund”).

(3) A direction under paragraph (2) may—

- (a) require the making of financial adjustments between the funds, whether by way of a payment to the substituted fund or of a transfer of assets or both, or
- (b) contain provision as to the transfer of liabilities to the substituted fund and any other consequential and incidental matters.

(4) Where an administering authority have under regulation L3(1) established a further fund—

- (a) references in paragraphs (1) to (3) and in Schedule C1 to “the fund” are to be construed as references to the fund maintained by that authority under regulation L1, and

- (b) in relation to a person to whom these regulations apply by virtue of an admission agreement with a body identified in the notice required by regulation L3(2), the appropriate pension fund is the further fund.

(5) Except in regulation C24, references in these regulations to the making of contributions in respect of any person are, unless the context otherwise requires, references to the making of contributions to the fund which is the appropriate pension fund in relation to that person.

Meaning of “remuneration”

C2.—(1) Subject to paragraphs (2) and (3) and Schedule C5 (limitations on contributions and benefits), in these regulations “remuneration”, in relation to an employee, means the total of—

- (a) all the salary, wages, fees and other payments paid to him for his own use in respect of his employment, and
- (b) the money value of any benefits provided for him by reason of his employment,

and any other payment or benefit specified in his contract of employment as being a pensionable emolument.

(2) “Remuneration” does not include—

- (a) payments for non-contractual overtime;
- (b) any travelling or subsistence allowance or any other allowance paid to an employee in respect of expenses incurred in relation to the employment;
- (c) any payment made to an employee in consideration of loss of holidays;
- (d) any payment accepted by an employee in lieu of notice to terminate his contract of employment;
- (e) any payment made to an employee as an inducement not to terminate his employment before the payment is made;
- (f) subject to paragraph 7 of Schedule C2, the money value to the employee of the provision of a motor vehicle or any payment accepted by him in lieu of such provision; or
- (g) in the case of an employee or former employee of the Commission for the New Towns, any payment made to him, under any scheme relating to the termination of the employment of employees by the Commission, in respect of the completion before a specified date of specified functions.

(3) Schedule C2 shall have effect for the purpose of making further provision as to the meaning of “remuneration”(including provision for the amount of notional remuneration to be agreed collectively).

Meaning of “normal retirement age” and “NRD”

C3.—(1) In these regulations in relation to any member, “normal retirement date” or “NRD”, means

- (a) in the case of a member who by his 60th birthday has a total period of membership of at least 25 years, that birthday;
- (b) in the case of a member who first has such a total period of membership by a date after his 60th birthday but before his 65th birthday, the day after that date; and
- (c) in the case of a member who does not fall within paragraph (a) or (b), his 65th birthday;

and “normal retirement age” means his age at the commencement of his NRD.

(2) Where for any purpose of the regulations it is necessary to determine a person's NRD or normal retirement age before he attains that age, it shall be assumed that his local government employment and membership of the Scheme will be continuous.