
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART D

RETIREMENT BENEFITS

Entitlement to immediate payment of benefits on retirement

Retirement on or after NRD

D5. Subject to the following provisions of this Part, if a member who ceases to hold a local government employment—

- (a) has a statutory pension entitlement, and
- (b) has attained normal retirement age,

he is entitled—

- (i) to a standard retirement pension, and
- (ii) to a standard retirement grant,

which are payable immediately on his ceasing to hold that employment.

Early entitlement to retirement benefits: redundancy etc.

D6.—(1) Subject to the following provisions of this Part, if a member who ceases to hold a local government employment—

- (a) has a statutory pension entitlement,
- (b) has attained the age of 50, and
- (c) satisfies one of the conditions mentioned in paragraph (2),

he is entitled—

- (i) to a standard retirement pension and
- (ii) to a standard retirement grant,

which are payable immediately on his ceasing to hold that employment, unless paragraph (3) applies.

(2) The conditions mentioned in paragraph (1)(c) are—

- (a) that the employing authority certify that he has ceased to hold the local government employment—
 - (i) by reason of redundancy, or
 - (ii) in the interests of the efficient exercise of their functions, or
- (b) that he was one of the holders of a joint appointment and his appointment has been terminated because the other ceased to hold his appointment.

(3) Where—

- (a) the member's entitlement is by virtue of his satisfying the condition mentioned in paragraph (2)(a),
- (b) regulation 9 of the Local Government (Compensation for Redundancy) Regulations 1994(1) applies to him, and
- (c) notification of compensation has been given to him under regulation 15 of those regulations,

he may by notice in writing to his employing authority waive his right under paragraph (1) to immediate payment of the standard retirement pension and standard retirement grant.

Early entitlement to retirement benefits: ill-health

D7.—(1) Subject to the following provisions of this Part, where a member who ceases to hold a local government employment—

- (a) has a statutory pension entitlement, and
- (b) is incapable of discharging efficiently the duties of that employment by reason of permanent ill-health or infirmity of mind or body,

he is entitled—

- (i) to a standard retirement pension, and
- (ii) to a standard retirement grant,

which are payable immediately on his ceasing to hold that employment.

(2) Where the member's total period of membership is at least 5 years, he is to be treated for the purposes of this regulation as being entitled to count as a period of membership an additional period calculated in accordance with Schedule D3.

Ill-health retirement grants

D8.—(1) Where a member who ceases to hold a local government employment—

- (a) is incapable of discharging efficiently the duties of that employment by reason of permanent ill-health or infirmity of mind or body,
- (b) regulation D7 does not apply to him because he does not have a statutory pension entitlement, but
- (c) his total period of membership is at least one year,

then, subject to paragraph (3), he is entitled to be paid a lump sum ("an ill-health retirement grant").

(2) The amount of the ill-health retirement grant is the lesser of—

- (a) one twelfth of the member's pensionable remuneration, multiplied by the length in years of his total period of membership, or
- (b) three eightieths of his pensionable remuneration, multiplied by the length in years of the total period of membership he would have been entitled to count if—
 - (i) he had continued as a member of the Scheme until the age of 65, and
 - (ii) any added period payments had been completed.

(3) Paragraph (1) does not apply if—

- (a) the member ceased to hold his employment in consequence of any such offence or misconduct as are mentioned in regulation C21(4),

- (b) apart from this regulation, the member is entitled to any payment out of the appropriate pension fund, other than an injury allowance under regulation 7 of the Benefits regulations or a return of contributions, or
- (c) the member has received—
 - (i) any return of contributions (other than one in respect of which a payment was made under regulation E20(3) of the 1974 regulations),
 - (ii) a grant under regulation E20 of the 1974 regulations, or
 - (iii) has been granted any gratuity under Part K of the 1986 regulations, section 18 of the Act of 1953, or any local Act;

and where the grant to which a member would be entitled under paragraph (1), calculated in accordance with paragraph (2), is no more than the net amount he would receive if a return of contributions were made to him (including an increase under regulation K17 where that regulation applies), he shall instead be entitled to such a return of contributions (so increased where appropriate).

(4) If a person to whom this regulation applies is granted a gratuity under Part K of the 1986 regulations or under a local Act before an ill-health retirement grant is paid to him, he shall cease to be entitled to an ill-health retirement grant.

(5) Without prejudice to any subsequent decision under regulation J3 (decisions as to benefits), the appropriate administering authority shall notify a person who falls within paragraph (1) (other than one to whom paragraph (3)(a) applies), in writing and as soon as is reasonably practicable, of the amount of the ill-health retirement grant to which, subject to paragraph (4), he would be entitled if he were and remained a person to whom this regulation applies.

Retirement at or after 60 but before NRD

D9.—(1) Subject to the following provisions of this Part, if a member who ceases to hold a local government employment after attaining the age of 60 but before his NRD satisfies the relevant conditions, he is entitled—

- (a) to a standard retirement pension (reduced in accordance with regulation D13), and
- (b) to a standard retirement grant (so reduced),

which are payable immediately on his ceasing to hold that employment.

(2) The conditions referred to in paragraph (1) are—

- (a) that the member fulfils one of the following requirements, namely—
 - (i) he has a statutory pension entitlement; or
 - (ii) he is treated by virtue of regulation K23(2) as having ceased to hold the employment on becoming subject in it to an approved non-local government scheme; and
- (b) that he duly makes an election for his retirement benefits to be payable immediately on his ceasing local government employment.

(3) An election under this regulation shall be made by notice in writing to the employing authority given within the period of three months beginning with the day on which the member ceases to hold local government employment or, as the case may be, is treated as doing so.

No double entitlement.

D10.—(1) Where (apart from this regulation) any person would be entitled to a retirement pension or to a retirement grant under two or more regulations in respect of the same period of membership—

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- (a) he may elect by notice in writing, given to the employing authority before the expiry of the period of three months beginning with the day on which he becomes so entitled, under which provision he is to be paid those benefits; and
 - (b) if he makes no such election, the employing authority may notify him in writing of the provision.
- (2) Paragraph (1) is without prejudice to regulations D17, D19 and D20 and section 13(6) of the Pension Schemes Act 1993(2).