
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART D

RETIREMENT BENEFITS

Preliminary definitions

“Pensionable remuneration”

D1.—(1) A person’s pensionable remuneration, in relation to a local government employment, is his remuneration for so much of the relevant period as he is entitled to count as a period of membership in relation to that employment.

(2) For the purposes of this regulation, the relevant period is—

- (a) the year ending with the day on which the person ceases to be a member; or
- (b) such other period as in accordance with Schedule D1 is to be regarded as the relevant period.

(3) Paragraph (1) has effect subject to the further provisions concerning pensionable remuneration in that Schedule and in Schedule C5 (limitations on contributions and benefits), and the provisions of paragraph 6 of Schedule M2 (modifications of regulations in respect of certain former contributory employees).

“Standard retirement pension” and “standard retirement grant”

D2.—(1) Subject to paragraphs (2) and (3), in these regulations, in relation to any person—

- (a) “standard retirement pension” means a pension payable at an annual rate equal to one eightieth of his pensionable remuneration, multiplied by the length in years of his total period of membership; and
- (b) “standard retirement grant” means a lump sum of an amount equal to three eightieths of his pensionable remuneration, multiplied by the length in years of his total period of membership.

(2) In the case of a person who—

- (a) is entitled under regulation B16, B17 or C9 or paragraph 2(a) or 5 of Schedule C6 to count an additional period as a period of membership, and
- (b) had at the appropriate time (within the meaning of regulation C10(7)) attained the age of 45 years,

then—

- (i) the standard retirement pension is increased by one two hundred and fortieth of his pensionable remuneration, multiplied by the length in years of that additional period of membership, and

(ii) that additional period of membership is excluded from his total period of membership for the purposes of calculating the standard retirement grant.

(3) Paragraphs (1) and (2) are subject to regulations D7(2), D13, D17(5), D19(1), paragraph 3 of Schedule B6 and Schedule C5 (limitations on contributions and benefits); and paragraph (1)(b) is subject to the provisions of Schedule D2 (Part I of which relates to the preservation of rights under the 1974 regulations to increases in retirement grants and Part II of which relates to the reduction in retirement grants on account of contingent spouses' pensions).

“Statutory pension entitlement”

D3. For the purposes of these regulations, a person has a “statutory pension entitlement” if—

- (a) his total period of membership is not less than two years, or
- (b) a transfer value from the trustees or managers of a personal pension scheme or self-employed pension arrangement has been and remains credited to the appropriate pension fund in relation to him.

References to members leaving employment to include optants-out

D4. In this Part any reference to a member ceasing to hold a local government employment (except the reference in regulation D7) includes a reference to a person who was a member in such an employment but ceased to be so by virtue of a notification under regulation B12(2) (leaving the Scheme) ceasing to hold that employment, and other references in these regulations shall be construed accordingly.