
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART D

RETIREMENT BENEFITS

Entitlement to deferred benefits: (“preserved benefits”)

Further provisions about preserved benefits

D12.—(1) A person who is entitled to preserved benefits under regulation D11(1) ceases to be entitled to them—

- (a) if—
 - (i) the whole of the aggregate amount of his contributions to the appropriate pension fund has been returned to him (with or without interest) under regulation C21 of these regulations or regulation C12 of the 1986 regulations or regulation C8 of the 1974 regulations, and
 - (ii) after receiving the return of contributions, he has no further right to count any period of membership to which a transfer value accepted under regulation K13 of the regulations or regulation J8 of the 1986 regulations or regulation N7 of the 1974 regulations relates,
- (b) if rights in respect of the period of membership he was entitled to count in relation to the employment he ceased to hold have been transferred to a non-local government scheme, a personal pension scheme, a self-employed pension arrangement, a retirement annuity contract or an appropriate policy by virtue of the payment of a transfer value,
- (c) if he re-enters local government employment (unless he elects to remain entitled to those benefits), or
- (d) if the body who employed him in the employment which he ceased to hold certify under paragraph 4 of Schedule D1 that on ceasing to hold it he suffered a material reduction in remuneration.

(2) An election by a person for the purposes of paragraph (1)(c) shall be made by giving notice in writing—

- (a) before the expiry of the period of three months beginning with the date on which he re-enters local government employment, or
- (b) such longer period as the administering authority or, where there is a change of fund, the administering authorities of both funds, may allow,

to the appropriate administering authority or, where there is such a change, to both of them.