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STATUTORY INSTRUMENTS

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**1995 No. 1019**

**The Local Government Pension Scheme Regulations 1995**

**PART D**

**RETIREMENT BENEFITS**

*Adjustments to standard benefits*

**Surrender of part of retirement pension in favour of spouse or dependant**

**D14.**—(1) Subject to the following provisions of this regulation and to regulation D17, a person who—

- (a) has become entitled to receive payments in respect of a retirement pension, or
- (b) holds local government employment and has attained normal retirement age,

may surrender, as from the relevant date, in favour of his spouse or any dependant of his (“the beneficiary”), a part of the retirement pension which is or may become payable to him, and a person who has surrendered part of a retirement pension may surrender further parts of it.

(2) The part of the retirement pension surrendered on any occasion—

- (a) shall be an exact number of pounds, and
- (b) shall secure for the beneficiary a pension of at least £97.50 per annum.

(3) The surrendered part (together with any parts previously surrendered) shall not exceed—

- (a) the amount which would result in the reduction of the retirement pension to less than the rate of the pension which would become payable to the beneficiary, or
- (b) one third of the retirement pension, or
- (c) where Schedule D6 (former teachers) applies, one third of the retirement pension receivable after reduction under that regulation.

(4) Where a person who has made a surrender under this regulation dies, an annual pension at a rate which is (according to tables to be prepared from time to time by the Government Actuary) actuarially equivalent at the relevant date to the value of the surrendered part of the retirement pension becomes payable to the beneficiary.

(5) For the purposes of this regulation “the relevant date” means—

- (a) the date of becoming entitled to receive payments in respect of the retirement pension; or
- (b) in the case of a person who dies while still in local government employment, immediately before the date on which he died.

(6) Where the person surrendering holds local government employment and has attained normal retirement age, references in paragraphs (2) and (3) to the retirement pension are references to the retirement pension which would become payable if he were to cease to hold his employment on the day on which the surrender takes effect.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(7) Schedule D4 shall have effect for the purpose of making further provision as respects the procedure for surrenders under this regulation.