
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART D

RETIREMENT BENEFITS

Overriding provisions (contracting-out and Finance Act requirements, etc.)

Equivalent pension benefits

D19.—(1) If when a member ceased to hold a local government employment—

- (a) he was not entitled in relation to that employment to a retirement pension under regulation D5, D6, D7, D9 or D11, and he receives a return of contributions,
- (b) the whole or some part of his period of membership was in service in a non-participating employment or in service which relates to employment with a non-local government employer in a non-participating employment,
- (c) a period of his service in a non-participating employment came to an end by reason—
 - (i) of the repeal of section 56(1) of the National Insurance Act 1965⁽¹⁾, or
 - (ii) of the provisions of regulation 2(2) of the National Insurance (Non-participation-Assurance of Equivalent Pension Benefits) Regulations 1960⁽²⁾ (as modified by regulation 9(2)(a) or (b) of the National Insurance (Non-participation-Transitional Provisions) Regulations 1974⁽³⁾); and
- (d) at some time during the settlement period (within the meaning of regulation 2 of those Regulations of 1974) he became, and has remained, assured of equivalent pension benefits,

then he is entitled in relation to that employment to an annual retirement pension payable at the rate of the equivalent pension benefits applicable to him in respect of any period of membership in service in a non-participating employment or which relates to service with a non-local government employer in a non-participating employment.

(2) A retirement pension to which a person has become entitled by virtue of paragraph (1) is payable from the first date on which he—

- (a) has attained state pensionable age, and
- (b) is no longer in any local government employment.

(3) For the purposes of these regulations a member to whom this regulation applies shall be treated as having ceased to hold the employment in respect of which he receives a return of contributions on the day before the date of receipt.

⁽¹⁾ 1965 c. 51; section 56(1) was repealed by the Social Security Act 1973 (c. 38), section 100(2)(b), Schedule 28.

⁽²⁾ S.I. 1960/1103.

⁽³⁾ S.I. 1974/2057.

Status: This is the original version (as it was originally made).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