
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART D

RETIREMENT BENEFITS

Entitlement to immediate payment of benefits on retirement

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

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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.