
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART J

DETERMINATIONS AND APPEALS

Decisions as to status of employees

- J2.**—(1) A LGPS employer shall decide in relation to each of their employees who is a member—
- (a) whether he is an officer or a manual worker,
 - (b) whether he is a whole-time, a variable-time or a part-time employee,
 - (c) which of his emoluments are remuneration on which contributions are payable, and
 - (d) if he is a part-time employee—
 - (i) the proportion which is contractual minimum hours of employment in each week bear to those of a comparable whole-time employment, and
 - (ii) if paragraph (4)(iii) of regulation B3 applies to his contractual hours, the average number of those hours for the purposes of that paragraph.
- (2) In relation to any employment in which a person is a member, the appropriate administering authority are to decide—
- (a) what previous service or employment (if any) he is entitled to count as a period of membership or a period to which Part II of Schedule B6 applies,
 - (b) whether any, and if so what, periods of service as a part-time employee are included in such a period,
 - (c) what proportion of whole-time service his service during any such period represents,
 - (d) whether a payment in lieu of contributions has been made or equivalent pension benefits have been assured under Part III of the National Insurance Act 1965⁽¹⁾ in respect of any period of non-participating employment,
 - (e) what rate of contribution the employee is liable to pay to the appropriate pension fund,
 - (f) whether he is entitled to count as a period of membership—
 - (i) any, and if so how many, added years, or
 - (ii) any, and if so what, additional period, and
 - (g) whether for the purposes of Schedule C5 he is a Class A member, a Class B member or a Class C member (within the meaning of that Schedule).
- (3) The questions specified in paragraph (1) shall be decided as soon as is reasonably practicable after—
- (a) the person becomes a member, or

(1) 1965 c. 51.

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- (b) any change occurs in the number of the member's regular or usual hours of employment, or
 - (c) any other material change occurs in or relation to the employment.
- (4) The questions specified in paragraph (2) shall be decided as soon as is reasonably practicable after the person becomes a member of the Scheme in respect of the relevant employment.