
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART M

MISCELLANEOUS AND GENERAL PROVISIONS

Supplementary provisions

Right to opt out

M7.—(1) Where—

- (a) apart from this regulation, any provision of these regulations, which re-enacts with any modification any provision revoked by these regulations, would place any person to whom a relevant benefit is or may become payable in a worse position in relation to that benefit than that he would have been in if that modification had not been made, and
- (b) that person so elects, by notice in writing given to the appropriate administering authority within the period of six months beginning with the commencement date,

then, subject to paragraph (3), these regulations shall have effect, in relation to him and to that benefit, as if these regulations had re-enacted the revoked provision without modification.

(2) In this regulation—

“relevant benefit” means a benefit payable to, or in respect of, a person who before the commencement date—

- (a) ceased to hold an employment in respect of which he was a member (whether or not he has subsequently become a member again); or
- (b) died while in such employment; and

“benefit” includes a return of contributions and any pension payable to a widow, widower or any dependant by virtue of a surrender.

(3) If an election under paragraph (1) is made in relation to a benefit in respect of a person who is a member, or subsequently becomes a member again—

- (a) the election shall have effect in relation to the benefit only to the extent that it accrues or has accrued by virtue—
 - (i) of periods of membership before the cessation referred to in paragraph (2)(a) (or, if there has been more than one such cessation, the last of them before the commencement date); or
 - (ii) of contributions paid in respect of such periods of membership; and
- (b) in determining entitlement to, or the amount of, the benefit to that extent, he shall be treated as if he had never become a member again at any time after the cessation referred to in paragraph (2)(a) (but without prejudice to the application of this paragraph);

and these regulations shall have effect accordingly.