
STATUTORY INSTRUMENTS

1997 No. 1143

The Local Government Superannuation (Scottish Environment Protection Agency) (Scotland) Regulations 1997

Provisions in relation to a person to whom regulation G5 applies

4. The principal Regulations shall be amended by inserting after Schedule 16 the following:—

“SCHEDULE 16A

Regulation G5

PROVISIONS IN RELATION TO FORMER EMPLOYEES OF HM INDUSTRIAL POLLUTION INSPECTORATE AND SCOTTISH OFFICE TRANSFERRING TO SEPA

1. The following provisions of this Schedule shall have effect in relation to a person to whom regulation G5 applies.

2. In relation to such a person who—

- (a) if a man, had service which under the PCSPS Rules was reckonable service prior to 1st June 1972; or
- (b) if a woman, had service which under the PCSPS Rules was reckonable service prior to 1st June 1972 or after 31st May 1972 but before 6th April 1988,

regulations E3(7) to (11) and, in regulation E11(3), the definition of D shall apply as if—

- (i) references to reckonable service included references to that reckonable service; and
- (ii) the reference to payment under regulation C8 which has been or is to be treated as having been completed included a reference to any contribution paid or treated as paid under the PCSPS Rules which would have reduced the potential lump sum contribution under rule 4.18 of the PCSPS Rules in the case of a man or rule 4.23c in the case of a woman.

3. Even in a case where a transfer value is not accepted by the fund authority under regulation J8 in relation to a person to whom regulation G5 applies—

(a) that person shall, for the purposes of—

- (i) regulation E2(1)(b)(i) (permanent ill-health etc.);
- (ii) regulation E2(1)(c)(i) (entitlement to preserved benefits);
- (iii) regulation E3(12) (entitlement to additional period under Schedule 10 in cases of early retirement on grounds of ill-health);
- (iv) regulation E4(2) (entitlement to ill-health lump sum retiring allowance); and
- (v) regulation E5(1)(c)(i) (entitlement to widow's pension),

be entitled to count as a period to which regulations D2, D3(6), D8A, D10, D11(1) and (3) and E29 apply the period which he would have been entitled to count under regulation J9(1)(b) if a transfer value had been accepted under regulation J8 in relation to him and his accrued rights under the Principal Civil Service Pension Scheme; and

- (b) the additional period in relation to him referred to in regulation E3(12) shall be a period calculated as mentioned in paragraph 2 of Schedule 10, but on the assumption that his relevant reckonable service includes the period which he would have been entitled to count as a period of reckonable service under regulation J9(1)(a) if a transfer value had been accepted under regulation J8 in relation to him (“the PCSPS period”).

4. Where the Scottish Environment Protection Agency is paying, in recognition of the difference between the contribution rates of members of the Principal Civil Service Pension Scheme and pensionable employees, a supplement to any person, the amount of the supplement shall not be included in remuneration for the purposes of these Regulations.

5.—(1) If a person ceases to hold a local government employment and—

- (a) (i) his reckonable service and any qualifying service when added together amount to not less than two years, or
(ii) a transfer value from the trustees or managers of a personal pension scheme or self-employed pension arrangement has been and remains credited to the appropriate pension fund in relation to him; and
(b) he has attained the age of 50,

he is entitled, in respect of his SEPA service—

- (i) to a retirement pension (calculated in accordance with regulation E3 and reduced in accordance with sub-paragraph (3) below) and
(ii) a retiring allowance (so calculated and so reduced),

which are payable to him, on his so requesting the administering authority in writing, either immediately on his ceasing to hold that employment or, at his option, at any time before he attains the age of 60.

(2) If a person to whom sub-paragraph (1)(a) applies has not attained the age of 50 when he ceases to hold the local government employment, he is entitled in respect of his SEPA service—

- (i) to a retirement pension (calculated in accordance with regulation E3 and reduced in accordance with sub-paragraph (3) below) and
(ii) a retiring allowance (so calculated and so reduced),

which are payable to him, on his so requesting the administering authority in writing, either immediately on his attaining the age of 50 or, at his option, at any time before he attains the age of 60.

(3) Subject to regulation E1, for the purposes of sub-paragraphs (1) and (2) a person’s retirement pension and retiring allowance are reduced by the appropriate percentage for the person’s pension advancement period.

(4) In sub-paragraph (3)—

- (a) “the person’s pension advancement period” means the period remaining from the date from which the benefits become payable to the date of the person’s 60th birthday; and
(b) “the appropriate percentage” means the percentage shown in tables produced from time to time by the Government Actuary for the purpose of calculating the reduction in a person’s pension under sub-paragraph (3).

6. A person who has entered into a contract under the PCSPS Rules to purchase an additional period of membership under the Principal Civil Service Pension Scheme shall be entitled, for so long as he is in continuous pensionable employment of the Scottish Environment Protection Agency following his transfer to their employment as described in regulation G5(1)(c), to continue to make additional periodic payments as if they were made pursuant to an election made under regulation C5 or C6 of these Regulations and in respect of the same additional period

of membership and in the same amount as required under the Principal Civil Service Pension Scheme, and Schedules 4 and 5 shall not apply.

7. A person who has elected under the Principal Civil Service Pension Scheme to pay contributions to an additional voluntary contributions scheme may continue, for so long as he is in continuous pensionable employment of Scottish Environment Protection Agency following his transfer to their employment as described in regulation G5(1)(c), to make voluntary contributions on the same terms as if the payment of contributions were made under regulation C9A of these Regulations and by notice under paragraph 1(1) of Schedule 7A.

8. The provisions of Schedule 7A, where applicable, shall have effect in relation to contributions payable under an additional voluntary contributions scheme referred to in paragraph 7 as if references in that Schedule to contributions under regulation C9A and notice under paragraph 1(1) (except the reference in paragraph 9 to a new election under regulation C9A by notice under paragraph 1 in relation to his new employment) were references to contributions to that additional voluntary contributions scheme and notice given to contribute to that scheme.

9. These Regulations—

- (a) shall have effect in relation to a person to whom regulation G5 applies as if they conferred on him rights relating to service overseas corresponding to those which he would have enjoyed if he had remained subject to the PCSPS Rules; and
- (b) shall continue so to have effect so long as the person is in continuous pensionable employment of the Scottish Environment Protection Agency following his transfer to their employment as described in regulation G5(1)(c).

10. In relation to a person to whom regulation G5 applies regulation J8(1) shall have effect as if for the words “within 12 months of entering local government employment” there were substituted the words “within 12 months of the coming into force of the Local Government Superannuation (Scottish Environment Protection Agency) (Scotland) Regulations 1997”.

11.—(1) A person shall be entitled to treat his relevant employment as if it had been a period of pensionable employment for the purposes of calculating his pensionable remuneration.

(2) In sub-paragraph (1) “relevant employment” in relation to a person means his employment in the civil service of the State immediately before his transfer to the employment of the Scottish Environment Protection Agency, as described in regulation G5(1)(c), by virtue of which he was a member of the Principal Civil Service Pension Scheme.

12. Rules 1.6a and 1.7 of the PCSPS Rules shall continue to apply for the purposes of calculating a person’s pensionable remuneration and the provisions of regulation E22 shall be modified accordingly in relation to him.

13. For the purposes of this Schedule “the PCSPS Rules” means the rules constituting the Principal Civil Service Pension Scheme.”.