
STATUTORY INSTRUMENTS

1997 No. 1612

The Local Government Pension Scheme Regulations 1997

PART II

PRIMARY PROVISIONS

CHAPTER III

CONTRIBUTIONS

Members with lower rate rights

- 14.**—(1) A member has lower rate rights for regulation 12 if he falls within paragraph (2) or (3).
- (2) A member falls within this paragraph if—
- (a) immediately before the commencement date he was entitled to contribute to the Scheme at the rate of five per cent., and
 - (b) since that date either—
 - (i) he has remained in continuous employment in the same capacity and a member, or
 - (ii) he has been continuously employed in local government employment.
- (3) A member falls within this paragraph if he is—
- (a) a continuously-employed manual worker who immediately before the commencement date was in a local government employment in which he was entitled to contribute to the Scheme at the rate of five per cent. by reason of being a manual worker (as defined in regulation C4 of the 1995 regulations), or
 - (b) a statutory transferee who was so entitled immediately before he left the Scheme on statutory transfer and has applied to his employing authority to continue to be so entitled before the expiry of the period of 30 days beginning with the date he rejoins the Scheme or such longer period as they may allow, or
 - (c) a continuously-employed local Act member.
- (4) A continuously-employed manual worker is a person—
- (a) who on or after the commencement date has been transferred from the employment he held immediately before that date to another local government employment which is described by his employer as a manual employment, or
 - (b) who on or after that date has been transferred more than once and all of whose employments since that date have been local government employments which are so described.
- (5) A statutory transferee is a person who—
- (a) left the Scheme by reason of his employment being transferred by virtue of an enactment to a person who was not a Scheme employer; and

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- (b) has rejoined the Scheme on a further transfer by virtue of an enactment to a person who is a Scheme employer and for whom he is employed in the same capacity as that in which he was employed immediately before he left the Scheme.
- (6) A continuously-employed local Act member is a person who has remained since before the commencement date continuously in employment which has entitled him to contribute to the Scheme at the rate of five per cent. by reason of rights under a local Act scheme.
- (7) For this regulation whether a person's employment is continuous must be determined in accordance with Chapter I of Part XIV of the Employment Rights Act 1996⁽¹⁾, but any period not exceeding one month and one day when he is not employed may be disregarded.

⁽¹⁾ 1996 c. 18.