

SCHEDULES

SCHEDULE 1

Regulation 2.

INTERPRETATION

“The Act of 1922” means the Local Government and other Officers’ Superannuation Act 1922(1);

“The Act of 1937” means the Local Government Superannuation Act 1937(2);

“The Act of 1953” means the Local Government Superannuation Act 1953(3);

“The Acts of 1937 to 1953” means the Local Government Superannuation Acts 1937 to 1953(4);

“The 1974 regulations” means the Local Government Superannuation Regulations 1974(5);

“The 1986 regulations” means the Local Government Superannuation Regulations 1986(6);

“The 1995 regulations” means the Local Government Pension Scheme Regulations 1995(7);

“Active member” has the same meaning as in section 124(1) of the Pensions Act 1995(8);

“Actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries;

“Added years” has the meaning given in Schedule A1 to the 1995 regulations;

“Additional voluntary contributions provision” is a provision of an occupational pension scheme approved under section 591 of the Taxes Act, which provides for the payment by employees of voluntary contributions;

“Additional voluntary contributions scheme” means a scheme approved under section 591 of the Taxes Act, to which an employer is not a contributor and which provides benefits additional to those provided by an occupational pension scheme;

“Administering authority” means a body required to maintain a pension fund under these Regulations;

“Admission agreement” has the meaning given in regulation 5(2);

“Admission agreement employee” means such an employee as is mentioned in regulation 5(10);

“Admission body” means a body mentioned in regulation 5(8);

“Appropriate administering authority” means the body maintaining the appropriate fund;

“Appropriate fund”, in relation to a member, has the meaning given in regulation 74;

(1) 1922 c. 59.

(2) 1937 c. 68.

(3) 1953 c. 25.

(4) 1937 c. 68, 1939 c. 18, 1953 c. 25.

(5) S.I. 1974/520; amended by other instruments listed in Part III of Schedule 20 to the Local Government Superannuation Regulations 1986 (S.I. 1986/24).

(6) S.I. 1986/24; amended by other instruments listed in Schedule M5 to the Local Government Superannuation Regulations 1995 (S.I. 1995/1019).

(7) S.I. 1995/1019.

(8) 1995 c. 26.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Appropriate policy” means a policy of insurance or annuity contract which provides an annuity which satisfies requirements prescribed under section 95(2)(c) of the Pension Schemes Act 1993⁽⁹⁾;

“Appropriate personal pension scheme” means a personal pension scheme for which there is in force a certificate issued in accordance with regulations made under section 7 of the Pension Schemes Act 1993;

“Approved AVC body” means a building society or a person operating an approved scheme which provides benefits in respect of persons who have paid contributions in addition to those provided in relation to them under an occupational pension scheme;

“Approved non-local government employment” means employment in which a person participates in an approved non-local government scheme;

“Approved non-local government scheme” means a non-local government scheme which is—

- (a) approved under Part XIV of the Taxes Act; or
- (b) approved by the Commissioners of Inland Revenue for the purposes of these Regulations;

“Approved scheme” has the meaning given in section 612 of the Taxes Act;

“Assisted”, in relation to an educational institution, has the same meaning as in the Education Act 1996⁽¹⁰⁾;

“AVCs” means contributions made under regulation 61;

“AVC insurance company” means—

- (a) a body authorised under section 3 or 4 of the Insurance Companies Act 1982⁽¹¹⁾ to carry on long term business,
- (b) an EC company which is lawfully carrying on long term business, or providing long term insurance, in the United Kingdom, or
- (c) a friendly society within the meaning of the Friendly Societies Act 1992⁽¹²⁾ (including any society which is to be treated as a registered friendly society by virtue of section 96(2) of that Act),

and paragraphs (a) and (b) of this definition must be interpreted as if they were contained in the Insurance Companies Act 1982;

“AVC pension policy” means a contract entered into on behalf of a member by the appropriate administering authority with an AVC insurance company for the payment by the company of pension benefits to the intended recipients of those benefits which are in addition to those payable under Part II and Chapters II and III of Part III of these Regulations;

“Away on jury service”, in relation to a person, means being away from work with permission given so that he could—

- (a) attend for jury service in pursuance of a summons under the Juries Act 1974⁽¹³⁾, or
- (b) attend as a juror at an inquest under the Coroners Act 1988⁽¹⁴⁾;

“Base rate” means the base rate for the time being quoted by the reference banks or, where there is for the time being more than one such base rate, the rate which, when the base rate quoted by each bank is ranked in a descending sequence of seven, is fourth in the sequence;

⁽⁹⁾ 1993 c. 48.

⁽¹⁰⁾ 1996 c. 56. *See* section 579(5) and (6).

⁽¹¹⁾ 1982 c. 50.

⁽¹²⁾ 1992 c. 40.

⁽¹³⁾ 1974 c. 23.

⁽¹⁴⁾ 1988 c. 13.

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“The Benefits regulations” means the Local Government Superannuation (Benefits) Regulations 1954 and 1955⁽¹⁵⁾;

“Building society” has the meaning given in the Building Societies Act 1986⁽¹⁶⁾;

“Cancelling notice”, in relation to a person’s relevant reserve forces service, means—

- (a) the agreement (by a member who has not waived his right to receive a return of contributions under regulation 87) to receive them; or
- (b) a notice in writing given by him to the appropriate administering authority not later than 12 months after the end of the period of service to which the notice relates (or within such longer period as they may allow) that the service should not be treated as relevant reserve forces service;

“City of London employing body” means—

- (a) the Common Council,
- (b) the magistrates’ courts committee for the City of London,
- (c) the probation committee for the City of London probation area, or
- (d) the Board of Governors of the Museum of London;

“Class A member”, “Class B member” and “Class C member” have the meanings given in paragraph 1(1) of Schedule 4 and “Class B membership” and “Class C membership” must be construed accordingly;

“Club scheme” means an occupational pension scheme which—

- (a) provides benefits calculated by reference to final pay;
- (b) (except where it is established and maintained in the Channel Islands or the Isle of Man) is approved by the Commissioners of Inland Revenue under Chapter I of Part XIV of the Taxes Act;
- (c) is open to new participants, or is a closed scheme the trustees or managers of which also provide an open scheme which is a club scheme for new employees of the same employer and of the same grade or level of post as the participants in the closed scheme; and
- (d) complies with reciprocal arrangements for the payment and receipt of transfer values with the schemes made under section 7 of the Superannuation Act 1972⁽¹⁷⁾;

“The Commencement date” means 1st April 1998;

“Common Council” means the Common Council of the City of London;

“The Communities’ scheme” means the pension scheme provided for officials and other servants of the Communities in accordance with regulations adopted by the Council of the European Communities;

“Community institution” includes a body treated as one of the Communities’ institutions for the purposes of the Communities’ scheme;

“Company under the control of a body listed in Schedule 2” has the same meaning as in section 68 or, as the case may be, section 73 of the Local Government and Housing Act 1989⁽¹⁸⁾ (except that any direction given by the Secretary of State must be disregarded, and any references to a local authority treated as references to such a body);

“Continuity conditions” has the meaning given in paragraph 1(1) of Schedule 4;

⁽¹⁵⁾ S.I. 1954/1048, 1955/1041.

⁽¹⁶⁾ 1986 c. 53.

⁽¹⁷⁾ 1972 c. 11.

⁽¹⁸⁾ 1989 c. 42.

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“Contracted-out employment” has the same meaning as in the Pension Schemes Act 1993 and “contracted-out”, in relation to a scheme, must be construed in accordance with that Act;

“Contractual hours”—

- (a) in relation to an employee (other than an employee with non-cyclical fluctuating hours), means the number of hours specified in his contract of employment as his contractual hours for the purposes of the Scheme; and
- (b) in relation to an employee with non-cyclical fluctuating hours, means the number of hours calculated as his contractual hours for the purposes of the Scheme in accordance with the provisions of his contract of employment;

“Contractual weeks”, in relation to an employee, means the number of weeks in every period of 12 months for which, assuming he is not away on unpaid leave, pay is payable to him;

“Contract of employment” includes terms of office;

“Contributory employee” means a person who was entitled to participate in the benefits of a pension fund maintained under Part I of the Act of 1937;

“Deferred member” has the same meaning as in section 124(1) of the Pensions Act 1995, except as provided in regulation 32(3) and (5);

“Earnings factors” means the earnings factors referred to in section 14 of the Pension Schemes Act 1993;

“Eligible child” has the meaning given in regulation 44;

“Employee” includes a permanent, temporary or casual employee;

“Employing authority” means a body employing an employee who is eligible to be a member;

“Employment” includes office;

“Enactment” includes an instrument made under an Act;

“Equivalent pension benefits” has the meaning given by section 57(1) of the National Insurance Act 1965⁽¹⁹⁾ and “EPB pension” must be construed accordingly;

“Fees” includes other payments in the nature of fees;

“Final pay” must be construed in accordance with regulation 21;

“Final pay period” must be construed in accordance with regulations 21 and 22;

“Former local authority” means a body, other than a Scheme employer, which was a local authority within the meaning of the Act of 1937 as originally enacted;

“The former regulations” means—

- (a) those of the enactments and instruments referred to in paragraph 5(1) of Schedule 7 to the Superannuation Act 1972⁽²⁰⁾ and applying to England and Wales that were in force immediately before 1st April 1974,
- (b) the Local Government Superannuation (Miscellaneous Provisions) Regulations 1973⁽²¹⁾, and
- (c) the Local Government Superannuation (Miscellaneous Provisions) (No. 2) Regulations 1973⁽²²⁾;

“FSAVC scheme” means a scheme approved by virtue of section 591(2)(h) of the Taxes Act;

“Guaranteed minimum” means the guaranteed minimum as defined in sections 14 and 17 of the Pension Schemes Act 1993 (minimum pensions for earners, widows and widowers), so far

(19) 1965 c. 51.

(20) 1972 c. 11.

(21) S.I. 1973/313.

(22) S.I. 1973/1996.

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as it is attributable to earnings factors for the tax year 1988–89 or for subsequent tax years, increased in accordance with the requirements of section 109 of that Act (annual increase of guaranteed minimum pensions);

“Ill-health pension” and “ill-health grant” must be construed in accordance with regulation 27;

“Independent school” has the same meaning as in the Education Act 1996(23);

“Inner London area” has the same meaning as in section 2 of the Justices of the Peace Act 1979(24);

“The Insurance Acts” means the National Insurance Acts 1965 to 1973(25);

“Justices’ clerk (inner London area)” means a person who, under section 24D, 25 or 34B of the Justices of the Peace Act 1979, has been or is deemed to have been appointed by the magistrates’ court committee for the inner London area or the inner London magistrates’ courts committee to be a justices’ clerk;

“Justices’ clerk (outside the inner London area)” means a person who, under section 24D or 25 of the Justices of the Peace Act 1979, has been or is deemed to have been appointed by a magistrates’ courts committee (other than the committee for the inner London area) to be a justices’ chief executive or, as the case may be, a justices’ clerk;

“Levying body” has the meaning given in section 74 of the Local Government Finance Act 1988(26);

“Local Act contributor” means a person who was entitled to participate in the benefits of a pension fund maintained under a local Act scheme;

“Local Act scheme” has the meaning given in section 8 of the Superannuation Act 1972, except that where it refers to any time before 25th March 1972 it has the same meaning as in the Act of 1937;

“Local authority” has the same meaning as in the Local Government Act 1972(27);

“Local education authority” has the same meaning as in the Education Act 1996;

“Local government area” has the same meaning as in section 270 of the Local Government Act 1972;

“Local government employment” means—

- (a) in relation to any time before 1st April 1974, employment by virtue of which the person employed was, or is deemed to have been, a contributory employee or a local Act contributor, and
- (b) in relation to any time after 31st March 1974, means employment by virtue of which the person employed is or has been, or is or has been deemed to be a member, or a pensionable employee (within the meaning of the 1986 regulations) or a local Act contributor;

“Lower earnings limit” has the same meaning as in the Pension Schemes Act 1993;

“Maintained”, in relation to an educational institution, has the same meaning as in section 34 of the Education Act 1996(28);

“Member” has the same meaning as in section 124(1) of the Pensions Act 1995(29);

(23) 1996 c. 56.

(24) 1979 c. 55; section 25 was substituted by and sections 24D and 34B were inserted by the Police and Magistrates’ Courts Act 1994 (c. 29), sections 74, 76, 91, Schedule 8, paragraph 15.

(25) 1965 c. 51, 1966 c. 6, 1969 c. 44, 1971 c. 50, 1972 c. 57, 1973 c. 42.

(26) 1988 c. 41.

(27) 1972 c. 70; section 270 was amended by the Local Government (Wales) Act 1994 (c. 19), section 1.

(28) 1996 c. 56.

(29) 1995 c. 26.

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“Maternity rights returner” is a woman who exercises a right to return to work after being away from work wholly or partly because of pregnancy or confinement;

“Money purchase benefits” has the same meaning as in the Pension Schemes Act 1993;

“Non-cyclical fluctuating hours” means hours which the employing authority are entitled to require the employee to work in a contractual week in any case where those hours vary in a way which is not cyclical;

“Non-local government scheme” means an occupational pension scheme or other arrangements for superannuation, not being—

- (a) a local Act scheme; or
- (b) an occupational pension scheme provided—
 - (i) in the Acts of 1937 to 1953 and the regulations made under those Acts, or
 - (ii) in the Local Government Superannuation (Scotland) Acts 1937 to 1953⁽³⁰⁾ and the regulations made under those Acts, or
 - (iii) in regulations made under section 7 of the Superannuation Act 1972;

“Normal retirement age” has the meaning given in regulation 25(5);

“NRD” has the meaning given in regulation 25(3);

“Occupational pension scheme” means an occupational pension scheme within the meaning of section 1 of the Pension Schemes Act 1993 other than—

- (a) a retirement benefits scheme (as defined in section 611 of the Taxes Act) which is not of a description mentioned in section 596(1)(a), (b) or (c) of that Act,
- (b) an additional voluntary contributions scheme,
- (c) an appropriate policy,
- (d) a personal pension scheme, or
- (e) a self-employed pension arrangement;

“Official pension” has the meaning given in the Pensions (Increase) Act 1971⁽³¹⁾;

“Part-time employee” means an employee—

- (a) whose contract of employment provides that he is such an employee for the Scheme, or
- (b) who is neither a whole-time employee nor a variable-time employee;

“Passenger transport authority” means a metropolitan county passenger transport authority established by section 28 of the Local Government Act 1985⁽³²⁾;

“Passenger transport executive” means the Executive for a designated area within section 9(1) of the Transport Act 1968⁽³³⁾;

“Payment in lieu of contributions” means a payment made in lieu of contributions under Part III of the National Insurance Act 1965⁽³⁴⁾;

“Payment period” has the meaning given in regulation 7(4);

“Pay” must be construed in accordance with regulation 13;

“Pensioner member” has the meaning given in section 124(1) of the Pensions Act 1995⁽³⁵⁾;

⁽³⁰⁾ 1937 c. 69, 1939 c. 18, 1953 c. 25.

⁽³¹⁾ 1971 c. 56.

⁽³²⁾ 1985 c. 51.

⁽³³⁾ 1968 c. 73; section 9(1) was substituted by the Transport Act 1985 (c. 51), section 57, Schedule 3, and amended by section 58(1) of that Act.

⁽³⁴⁾ 1965 c. 51.

⁽³⁵⁾ 1995 c. 26.

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“Personal pension scheme” means a personal pension scheme (within the meaning of section 1 of the Pension Schemes Act 1993) which has been approved under Chapter IV of Part XIV of the Taxes Act or provisionally approved under section 655(5) of that Act;

“Period of maternity absence” means any period throughout which a woman—

- (a) is absent from duty by reasons of pregnancy or confinement; and
- (b) may exercise the right under her contract of employment to return to work;

“Precepting authority” has the meaning given in section 144 of the Local Government Finance Act 1988**(36)**;

“Preserved benefits” means benefits to which a person—

- (a) becomes entitled under regulation 31,
- (b) was entitled immediately before 1st April 1986 by virtue of regulation E2(1)(c) of the 1974 regulations,
- (c) was entitled immediately before 2nd May 1995 by virtue of regulation E2(1)(c) of the 1986 regulations, or
- (d) was entitled immediately before the commencement date by virtue of regulation D11 of the 1995 regulations,

and which have not had an election made in respect of them under regulation 32(1) nor have yet become payable;

“Principal civil service pension scheme” has the meaning given in section 2(10) of the Superannuation Act 1972**(37)**;

“Probation committee” means a probation committee constituted or deemed to have been constituted by section 3 of the Probation Service Act 1993**(38)**;

“Probation officer” means a probation officer appointed or deemed to have been appointed by a probation committee under section 4 of the Probation Service Act 1993;

“Prospective member” means a person who under his contract of service or these Regulations—

- (a) may, if he wishes or his employer consents, become a member or will be able to do so if he continues in the same employment sufficiently long, or
- (b) will become a member unless he chooses not to do so;

“Public airport company” has the same meaning as in section 16 of the Airports Act 1986**(39)**;

“Public transport company” has the same meaning as in section 72 of the Transport Act 1985**(40)**;

“Reference banks” means the seven largest institutions for the time being which—

- (a) are authorised by the Bank of England under the Banking Act 1987**(41)**;
- (b) are incorporated in and carrying on within the United Kingdom a deposit-taking business (as defined in section 6, but subject to any order under section 7 of that Act); and
- (c) quote a base rate in sterling;

and for this definition the size of an institution at any time is to be determined by reference to the gross assets denominated in sterling of that institution, together with any subsidiary (as

(36) 1988 c. 41.

(37) 1972 c. 11.

(38) 1993 c. 47.

(39) 1986 c. 31.

(40) 1985 c. 67.

(41) 1987 c. 22.

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defined in section 736 of the Companies Act 1985⁽⁴²⁾), as shown in the audited end-of-year accounts last published before that time;

“Registration officer” means—

- (a) a superintendent registrar or registrar of births and deaths,
- (b) a registrar of births and deaths exercising any of the functions of a registrar of marriages, or
- (c) a person provided by and at the expense of a local authority to act as a deputy superintendent registrar or deputy registrar of births and deaths;

“Relevant reserve forces service” means service (other than service for the purposes of training only or service for a period in respect of which a cancelling notice has been served)—

- (a) in pursuance of any notice or directions given under any enactment which provides for the calling out on permanent service, or the calling into actual service, or the embodiment of, any reserve or auxiliary force, or members of such a force, or the recall of service pensioners;
- (b) in pursuance of any obligation or undertaking to serve when called upon as a commissioned officer; or
- (c) rendered by virtue of section 14(1) or 34 of the Reserve Forces Act 1980⁽⁴³⁾,

and paragraph (b) applies whether or not the obligation or undertaking is legally enforceable, but not in the case of an obligation or undertaking to accept a permanent commission or a commission for a fixed term or to serve for the purposes of periodical training;

“Reserve forces pay”, in relation to any person, is the total of—

- (a) his pay for performing relevant reserve forces service (including marriage, family and similar allowances), and
- (b) any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951⁽⁴⁴⁾;

“Reserve forces service leave”, in relation to a person, means being away from work—

- (a) after—
 - (i) he has left the employment in which he is an active member; or
 - (ii) he has been granted leave of absence from such an employment, in order to perform reserve forces service,
- (b) without having agreed to receive a return of contributions under regulation 87, and
- (c) without having elected that the absence is not to count as such by giving notice in writing to the appropriate administering authority not later than 12 months after the end of the period of reserve forces service to which the notice relates (or within such longer period as they may allow);

“Reserve or auxiliary force” means the whole or part of the Royal Navy Reserve (including the Royal Fleet Reserve), the Royal Marines Reserve, the Territorial Army, the Army Reserve, the Air Force Reserve, the Royal Air Force Volunteer Reserve or the Royal Auxiliary Air Force;

“Revenue agreement”, in relation to a member, means agreement in writing by the Commissioners of Inland Revenue given after an application to them by the member's appropriate administering authority that he may be treated as a Class B member or a Class C

⁽⁴²⁾ 1985 c. 6.

⁽⁴³⁾ 1980 c. 9.

⁽⁴⁴⁾ 1951 c. 65.

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member by virtue of his membership before 1st June 1989 or, as the case may be, 17th March 1987 of a scheme approved under Chapter I of Part XIV of the Taxes Act;

“Revenue permitted maximum” means the permitted maximum, within the meaning of section 590C(2) of the Taxes Act;

“SCAVCs” means contributions made under regulation 68;

“The Scheme” means the occupational pension scheme constituted by these Regulations, the Transitional regulations and the 1995 regulations (so far as they continue to operate);

“Scheme employer” means a body specified in Schedule 2 (but see regulation 5(10) and Chapter I of Part V);

“Section 75 body” means a body to which section 75 of the Local Government Finance Act 1988(45) applies;

“Scheme managers” means—

- (a) in relation to a statutory scheme, the Minister of the Crown or police or fire authority administering the scheme; and
- (b) in any other case, the person responsible for the management of the scheme;

“Self-employed pension arrangement” has the same meaning as in the Pension Schemes Act 1993;

“Service”—

- (a) in Chapter VI of Part IV means service or employment with any employer, and
- (b) elsewhere, means service with a Scheme employer,

and service rendered by an employee of a Scheme employer whose services are placed at the disposal of a Minister of the Crown or a government department in pursuance of any enactment is to be treated as service with the Scheme employer;

“Service pensioner” means a person in receipt of a pension (other than a pension awarded in respect of disablement) granted—

- (a) in respect of service in the Royal Navy, the Royal Marines, the regular army and the regular air force or any reserve or auxiliary force which has been called out on permanent service or which has been embodied, or
- (b) in respect of that and other service;

“Standard contribution rate” must be construed in accordance with regulation 12;

“State pensionable age” means pensionable age within the meaning of section 122 of the Social Security Contributions and Benefits Act 1992(46);

“Superannuable membership” has the meaning given in regulation 10(2);

“The Taxes Act” means the Income and Corporation Taxes Act 1988(47);

“Tax year” means the 12 months beginning with 6th April in any year;

“Teachers scheme” means an occupational pension scheme made under section 9 of the Superannuation Act 1972(48) (superannuation of teachers);

“The Transitional Regulations” means the Local Government Pension Scheme (Transitional Provisions) Regulations 1997(49);

(45) 1988 c. 41.

(46) 1992 c. 4.

(47) 1988 c. 1.

(48) 1972 c. 11.

(49) S.I. 1997/1613.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Total membership” and “total period of membership” must be construed in accordance with regulation 9(2);

“Trade dispute” has the meaning given in section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992⁽⁵⁰⁾;

“Trade dispute absence” means absence from duty, otherwise than with leave, for a period of one or more days during and because of a trade dispute;

“Unaggregated period”, in relation to a period of membership, has the meaning given in regulation 32(6) and “aggregated” shall be construed accordingly;

“Upper earnings limit” has the same meaning as in the Pension Schemes Act 1993;

“Variable-time employee” means an employee whose contract of employment provides that he is such an employee for the Scheme and—

- (a) whose pay is calculated by reference to his duties (rather than necessarily by reference to the number of hours he has worked), or
- (b) whose duties only have to be performed on an occasional basis;

“Voluntary school” has the same meaning as in the Education Act 1996⁽⁵¹⁾;

“Whole-time employee” means an employee whose contract of employment provides—

- (a) that he is such an employee for the Scheme, or
- (b) that his contractual hours are not less than the number of contractual hours for a person employed in that employment on a whole-time basis.

⁽⁵⁰⁾ 1992 c. 52.

⁽⁵¹⁾ 1996 c. 56.