
STATUTORY INSTRUMENTS

2008 No. 239

**The Local Government Pension Scheme
(Administration) Regulations 2008**

PART 3

CONTRIBUTIONS

Contributions during child-related leave

18.—(1) If a person who is a member, or has applied to be a member, goes on maternity, paternity or adoption leave, the person must make contributions as respects any part of the period of maternity, paternity or adoption absence for which the person is a member and entitled to receive pay (including statutory pay).

(2) But that pay does not include any amount that reduces the member's actual pay on account of possible entitlement to statutory pay.

(3) Such contributions must be made at the contribution rate on that pay.

(4) If a person who is a member or has applied to be a member—

- (a) goes on ordinary maternity leave, paternity leave or ordinary adoption leave; and
- (b) is not entitled to receive pay (including statutory pay) for all or any part of that period of leave,

the person shall be treated for the purposes of these Regulations and the Benefits Regulations as if the person had paid contributions under paragraph (1) for the unpaid period of that leave and on the pay that the person would have received during that period but for the absence.

(5) If a person who is a member or has applied to be a member—

- (a) is on maternity or adoption leave (other than ordinary maternity or adoption leave), and
- (b) for all or part of the period of maternity or adoption absence is not entitled to receive pay (including statutory pay) but is a member,

the person may make contributions at the contribution rate as respects the unpaid period of that absence as if the person's pay in the employment were equal to the adjusted pay.

(6) The adjusted pay shall be the pay the person was entitled to receive immediately before the unpaid period first began (including statutory pay) but—

- (a) not including any amount that reduces actual pay on account of the person's possible entitlement to statutory pay; and
- (b) disregarding any amount the person receives on account of a day's work carried out under regulation 12A of the Maternity and Parental Leave etc. Regulations 1999⁽¹⁾ or regulation 21A of the Paternity and Adoption Leave Regulations 2002⁽²⁾ that exceeds any maternity, paternity or parental leave pay due for that day.

(1) S.I. 1999/3312; regulation 12A was inserted by S.I. 2006/2014, regulations 3, 9.

(2) S.I. 2002/2788; regulation 21A was inserted by S.I. 2006/2014, regulation 4.

(7) A member to whom paragraph (5) applies may continue to pay contributions under regulation 25 (additional voluntary contributions) which the member was paying immediately before the leave began.

(8) If an active member goes on maternity, paternity or adoption leave, the member must continue to make any payments the member was making under regulation 23 of these Regulations (additional regular contributions) or regulation 55 of the 1997 Regulations (payments to increase total membership) on the pay the member would have received during the period but for the leave.

(9) In this regulation—

“ordinary adoption leave” means leave under section 75A of the Employment Rights Act 1996⁽³⁾;

“ordinary maternity leave” means leave under section 71 of that Act ⁽⁴⁾;

“paternity leave” means leave under regulations 4 or 8 of the Paternity and Adoption Leave Regulations 2002;

“period of maternity, paternity or adoption absence” means any period throughout which a member is absent from duty because the member is exercising the right to take—

- (a) ordinary maternity or adoption leave;
- (b) additional maternity or adoption leave under section 73 or 75B of the Employment Rights Act 1996⁽⁵⁾; or
- (c) paternity leave; and

“statutory pay” means any statutory maternity, paternity or adoption pay payable under the Social Security Contributions and Benefits Act 1992⁽⁶⁾.

(3) 1996 c.18. Section 75A was inserted by section 3 of the Employment Act 2002 (c.22).

(4) Section 71 was substituted by Part 1 of Schedule 4 to the Employment Relations Act 1999 (c.26).

(5) Section 73 was substituted by Part 1 of Schedule 4 to the Employment Relations Act 1999 and section 75B was inserted by section 3 of the Employment Act 2002.

(6) 1992 c.4.