
STATUTORY INSTRUMENTS

2013 No. 2356

The Local Government Pension Scheme Regulations 2013

PART 1

Membership, contributions and benefits

Membership

Active membership

3.—^[F1](1) Subject to regulation 4 (restriction on eligibility for active membership), a person is eligible to be an active member of the Scheme—

- (a) if working in local government service; or
- (b) if—
 - (i) by virtue of regulation 2(1C) (introductory: potential eligibility for membership) the Scheme may potentially relate to that person;
 - (ii) a determination under section 25(5) of the Public Service Pensions Act 2013 has been made in respect of that person; and
 - (iii) that person's employer has designated that person, or a class of employees to which that person belongs, as being eligible for membership of the Scheme.]

^[F2](1A) The following functions are delegated to administering authorities—

- (a) the function of making a determination under section 25(5) of the Public Service Pensions Act 2013 (“a determination”), in relation to persons of the description in regulation 2(1C); and
- (b) the function of publishing a list under section 25(9) of that Act of the persons to whom the Scheme relates by virtue of a determination.]

(2) In the case of a person eligible for membership ^[F3]by virtue of regulation 2(1B)(b)], the person specified in the second column corresponding to that member is deemed to be that member's Scheme employer for the purposes of these Regulations.

(3) Subject to paragraph (4), a person eligible to be an active member of the Scheme in an employment becomes an active member on the day that person's employment begins or (if later) the day the person becomes eligible for membership.

(4) A person who would, apart from this paragraph, be an active member of the Scheme by virtue of paragraph (3) who is employed under a contract of employment of less than three months does not become a member on the day specified in paragraph (3) but becomes an active member—

- (a) on the member's automatic enrolment date,
- ^[F4](b) on the first day of the payment period following an application to become a member, or]
- (c) on the first day of the payment period following an extension to the contract of employment to be for three months or more

whichever is the earliest.

Changes to legislation: The Local Government Pension Scheme Regulations 2013, Section 3 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5) Where an administering authority enters into an admission agreement with an admission body—

- (a) the admission agreement must comply with the requirements specified in paragraphs 3 to 12 of Part 3 of Schedule 2; and
- (b) these Regulations apply to the admission body and to employment with the admission body in the same way as if the admission body were a Scheme employer listed in Part 2 of Schedule 2.

(6) A person who is eligible to be an active member in an employment, but who is not an active member in that employment—

- (a) may apply in writing to the person's Scheme employer to join the Scheme, and becomes an active member in that employment on the first day of the payment period following the application; but in any event,
- (b) becomes an active member in an employment on the automatic enrolment date or automatic re-enrolment date relating to that employment.

(7) Subject to paragraph (8) and regulation 5(5) (person whose membership is less than three months treated as never having been a member), an active member has qualifying service for a period of two years if—

- (a) that member has spent two years as an active member;
- (b) a transfer value payment has been received in respect of rights accrued in a different occupational pension scheme or under a European pensions institution and the length of service in respect of which that person accrued benefits in that scheme was two or more years;
- (c) the aggregate of the period the person has spent as an active member of the Scheme and of a different occupational pension scheme or European Pensions Institution in respect of which a transfer value payment has been accepted, is two years;
- (d) a transfer value payment has been received in respect of rights accrued in a scheme or arrangement that does not permit a refund of contributions to the member;
- (e) the member has paid National Insurance contributions whilst an active member and ceases active membership after the end of the tax year preceding that in which the member attains pensionable age;
- (f) the member already holds a deferred benefit or is in receipt of a pension (other than a survivor's pension or pension credit member's pension) under these Regulations;
- (g) a transfer value payment has been made to a qualifying recognised overseas pension scheme; ^{F5}...
- (h) the member ceases active membership at age 75; [^{F6}or,
- (i) the member dies.]

(8) The following periods do not count as periods of qualifying service for the purposes of these Regulations—

- (a) any period for which contributions have been returned to the member;
- (b) any period of membership derived from a non-contributory pension scheme or arrangement from which a transfer payment has been received and which is attached to the membership in respect of which contributions have been returned under regulation 18 (rights to return of contributions).
- (c) any period in respect of which rights have been transferred to another registered pension scheme other than a qualifying recognised overseas pension scheme;

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- (d) any period in respect of which the member has been deprived of benefits under regulation 91 (forfeiture of pension rights after conviction for employment-related offences).

Textual Amendments

- F1** Reg. 3(1) substituted (14.5.2018) by [The Local Government Pension Scheme \(Amendment\) Regulations 2018 \(S.I. 2018/493\)](#), regs. 1(2), **4(1)**
- F2** Reg. 3(1A) inserted (14.5.2018) by [The Local Government Pension Scheme \(Amendment\) Regulations 2018 \(S.I. 2018/493\)](#), regs. 1(2), **4(2)**
- F3** Words in reg. 3(2) substituted (14.5.2018) by [The Local Government Pension Scheme \(Amendment\) Regulations 2018 \(S.I. 2018/493\)](#), regs. 1(2), **4(3)**
- F4** Reg. 3(4)(b) substituted (with effect in accordance with reg. 1(2)(a) of the amending S.I.) by [The Local Government Pension Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/755\)](#), regs. 1(2), **3**
- F5** Word in reg. 3(7)(g) omitted (with effect in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Local Government Pension Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/755\)](#), regs. 1(2), **4**
- F6** Reg. 3(7)(i) and word inserted (with effect in accordance with reg. 1(2)(b) of the amending S.I.) by [The Local Government Pension Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/755\)](#), regs. 1(2), **4**

Modifications etc. (not altering text)

- C1** Reg. 3(3) restricted (1.4.2014) by [The Local Government Pension Scheme \(Transitional Provisions, Savings and Amendment\) Regulations 2014 \(S.I. 2014/525\)](#), regs. 1(3), **5(3)**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 30(13) inserted by [2016 c. 12 Sch. 6 para. 5\(1\)\(a\)](#)
- reg. 68A inserted by [2016 c. 12 Sch. 6 para. 5\(1\)\(b\)](#)