This Statutory Instrument has been printed to correct errors in S.I. 2010/2090 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2011 No. 561

PENSIONS, ENGLAND AND WALES

The Local Government Pension Scheme (Benefits, Membership and Contributions) (Amendment) Regulations 2011

Made - - - -	*28th February 2011*
Laid before Parliament	*7th March 2011*
Coming into force - -	*1st April 2011*

These Regulations are made in exercise of the powers conferred by section 7 of the Superannuation Act 1972(**a**).

In accordance with section 7(5) of that Act, the Secretary of State has consulted (a) such associations of local authorities as appeared to the Secretary of State to be concerned; (b) the local authorities with whom consultation appeared to the Secretary of State to be desirable; and (c) such representatives of other persons likely to be affected by the Regulations as appeared to the Secretary of State to be appropriate.

The Secretary of State makes the following Regulations:

Citation, extent and commencement

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Benefits, Membership and Contributions) (Amendment) Regulations 2011.

(2) These Regulations extend to England and Wales(**b**) and shall come into force on 1st April 2011.

Amendment of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007

2. The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007(**c**) are amended in accordance with regulations 3 to 5.

3. In regulation 20 (early leavers: ill-health)(**d**)—

(a) for paragraph (4) substitute—

(**a**) 1972 c. 11.
(**b**) The Secretary of State's functions under section 7 of the Superannuation Act 1972 in so far as they were exercisable in relation to Scotland were devolved to Scottish Ministers by section 63 of the Scotland Act 1998 (c. 46) and article 2 of, and Schedule 1 to, the Scotland Act 1998 (Transfer of Functions to Scottish Ministers etc) Order 1999 (S.I. 1999/1750).
(**c**) S.I. 2007/1166, amended by S.I. 2008/1083, S.I. 2008/2425, S.I. 2009/3150, S.I. 2010/528 and S.I. 2010/2090.
(**d**) Regulation 20 was substituted by S.I. 2008/1083 and amended by S.I. 2010/2090.

"(4) If the authority determine that it is likely that he will be capable of undertaking gainful employment within three years of leaving his employment, or before reaching normal retirement age if earlier, his benefits—

(a) are those that he would have received if the date on which he left his employment were the date on which he would have retired at normal retirement age; and

(b) unless discontinued under paragraph (8), are payable for so long as he is not in gainful employment.";

(b) in paragraph (11)(aa), for "paragraph (8)(b)" substitute "paragraph (8)"; and

(c) in paragraph (14), for ""qualified in occupational health medicine" means an independent registered medical practitioner ("IRMP")" substitute—

""an independent registered medical practitioner ("IRMP") qualified in occupational health medicine" means a practitioner who is registered with the General Medical Council and —

(a) holds a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA state; and for the purposes of this definition, "competent authority" has the meaning given by section 55(1) of the Medical Act 1983(**a**); or

(b) is an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA state.".

4. In regulation 24 (survivor benefits: active members)(**b**), in paragraph (2A), for "pay" substitute "membership".

5. In regulation 31 (early payment of pension: ill-health)(**c**), for paragraph (3) substitute—

"(3) In this regulation, "gainful employment", "IRMP" and "permanently incapable" have the meaning as given to those expressions by regulation 20(14)."

Signed by authority of the Secretary of State for Communities and Local Government

Bob Neill
Parliamentary Under Secretary of State
28th February 2011 Department for Communities and Local Government

(**a**) 1983 c. 54; the definition of "competent authority" in section 55(1) was inserted by S.I. 2007/3101.
(**b**) Regulation 24 was amended by S.I. 2010/2090.
(**c**) Regulation 31 was substituted by S.I. 2008/1083 and amended by S.I. 2010/2090.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales, amend the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 ("the Benefits Regulations").

Regulation 2 introduces the amendments set out in regulations 3 to 5 relating to the Benefits Regulations.

Regulation 3 corrects amendments that were made to regulation 20 of the Benefits Regulations by the Local Government Pension Scheme (Miscellaneous) Regulations 2010 (S.I. 2010/2090). In regulation 20(4), sub-paragraphs (a) and (b) were omitted in error and are now re-inserted. A similar error occurred in regulation 20(14) and sub-paragraphs (a) and (b) which define the expression "qualified in occupational health medicine" are also now re-inserted.

Regulation 4 is a minor corrective amendment.

Following the amendments made by S.I. 2010/2090 to regulation 31(2) of the Benefits Regulations, regulation 5 is a consequential amendment to regulation 31(3) and replaces the expression "qualified in occupational health medicine" with "IRMP".

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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