STATUTORY INSTRUMENTS

2001 No. 770

PENSIONS

The Local Government Pension Scheme (Miscellaneous) Regulations 2001

Made - - - - -	*7th March 2001*
Laid before Parliament	*12th March 2001*
Coming into force - -	*2nd April 2001*

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972(**a**) and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned, the local authorities with whom consultation appeared to him to be desirable and such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Miscellaneous) Regulations 2001.

(2) These Regulations shall come into force on 2nd April 2001 but—

(a) regulations 5, 8, 24 and 26 shall have effect from 1st April 1998;

(b) regulations 4(a), 20 and 21 shall have effect from 1st October 1999;

(c) regulations 3, 4(b) and (c) and 25 shall have effect from 13th January 2000.

(3) In regulation 29, expressions which are also used in the Local Government Pension Scheme Regulations 1997(**b**) have the same meaning as they have in those Regulations and "best value arrangement" shall have the meaning given to that expression in regulation 5(17)(b) of those Regulations.

Amendment of the Local Government Pension Scheme Regulations 1997

2. The Local Government Pension Scheme Regulations 1997 shall be amended in accordance with regulations 3 to 27 of these Regulations.

Agreements to enable employees of non-Scheme employers to be members

3. In regulation 5(**c**)—

(a) after paragraph (3)(g) insert the sub-paragraph—

"(ga) a company for the time being subject to the influence of a body listed in Schedule

(**a**) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).
(**b**) S.I. 1997/1612, amended by S.I. 1998/1238, 2118, 1999/1212, 3438, 2000/1005, 1164, 3025.
(**c**) Regulation 5 was substituted by S.I. 1999/3438, regulation 3 and amended by S.I. 2000/1005, regulation 3.

[DETR 2095]

2 (other than a local authority) as described in section 69 of the Local Government and Housing Act 1989(**a**) as if references in that section to a local authority were references to the listed body;";

(b) in paragraph (8), after "eligible employees of the transferee admission body" insert "specified by that body"; and

(c) in paragraph (17)(j)—

(i) after sub-paragraph (i) delete "or",

(ii) after sub-paragraph (ii) add—

"(iii) not referred to in sub-paragraph (i) or (ii) but is a party to the best value arrangement, or

(iv) a body or authority which performs the functions referred to in the section 15 direction or the section 497A directions".

Further restrictions on eligibility

4. In regulation 6(**b**)—

(a) in paragraph (1), at the beginning insert "Subject to regulation 130C";

(b) in paragraph (3), delete from "unless" to the end of that paragraph; and

(c) delete paragraphs (4) to (8).

Periods of membership: "total membership"

5. In regulation 9(2), after "regulations 10, 11 and 32" insert ", Schedule 4".

Normal retirement

6. In regulation 25—

(a) in paragraph (3), delete "who was not a member immediately before the commencement date"; and

(b) delete paragraphs (4) and (6).

Other early leavers: deferred retirement benefits and election for early payment

7. In regulation 31(7) for "payable from his NRD without reduction" substitute "without reduction, payable from his NRD or from such earlier date on or after his 60th birthday as the member elects on which the sum of the items referred to in sub-paragraphs (a) to (c) of paragraph (4) is 85 years or more".

Re-employed and rejoining deferred members

8. In regulation 32—

(a) in paragraph (5)

(i) in sub-paragraph (a), for "19(1), 20(2) and (3), 27(3), 28(1) and (2) and 31(4)" substitute "20(2) and (3), 28(2), 29 and 31(4)"; and

(ii) delete "and" at the end of sub-paragraph (a) and insert after that paragraph—

"(aa) for the purpose only of calculating whether the member has the necessary total membership—

(i) referred to in regulation 19(1) (a) to be entitled to benefits under this Chapter,

(ii) referred to in regulation 27(3)(a) to be entitled to an ill-health grant, or

(iii) referred to in regulation 28(1)

the unaggregated periods of membership shall be taken into account, and"; and

(b) in paragraph (9), delete "(but excluding any unaggregated period)".

Concurrent employments

9. After regulation 32, insert—

(**a**) 1989 c. 42.

(**b**) Regulation 6 was amended by S.I. 1999/1212, regulation 5 and S.I. 1999/3438, regulation 4.

"Concurrent employments

32A.—(1) Where a person—

(a) ceases to be an active member in one employment in respect of which he has at least two years' total membership ("the first employment"); and

(b) continues as an active member in another employment he held concurrently with the first employment

he may elect to have his former membership in respect of the first employment aggregated with his membership in that other employment.

(2) If he so elects, the provisions of regulation 32 shall apply as if references to—

(a) his former membership or former active membership were references to his membership from his first employment;

(b) the new employment were references to his concurrent employment; and

(c) the employment in which he becomes an active member again were references to that concurrent employment.

(3) In the case of a person to whom this regulation applies, the period of membership which will be aggregated with his membership from the concurrent employment will be equal to his membership from his first employment, as reduced under regulation 11(4) if the first employment was part-time, multiplied by the fraction—

$$\frac{\text{whole-time rate of pay in the first employment}}{\text{whole-time rate of pay in concurrent employment}}$$

where the rate of pay in each case is the annual rate of pay on the last day of the first employment.".

Meaning of "eligible child"

10. In regulation 44, for sub-paragraph (1), substitute—

"(1) The eligible child of a deceased member is—

(a) the deceased's legitimate or adopted child, or

(b) a child who was wholly or mainly dependent on the deceased at the time of his death or, where the child is born after the member's death, who would have been so dependent if he had been born before or on the date of the deceased member's death,

but does not include a child who was born on or after the first anniversary of the date of the deceased's death.".

Payments to increase total membership

11. In regulation 55, for paragraph (10) substitute—

"(10) If a member continues paying the additional contributions until—

(a) his NRD, or

(b) if earlier, his last birthday before the date after his 60th birthday when the sum of the items referred to in sub-paragraphs (a) to (c) of regulation 31(4) is 85 years or more,

the whole of the additional period may be counted as part of his total membership.".

Election for pension in lieu of retirement grant

12. In regulation 58(1), delete the words "has attained the age of 50 and".

Retirement benefits

13. In regulation 64(2), for "as soon as reasonably practicable" substitute "at any time prior to the 75th birthday of the member".

Special circumstances where revised actuarial valuations and certificates must be obtained

14. In regulation 78, for paragraph (2A)(**a**) substitute—

"(2A) But where it is not possible for any reason to obtain revised contributions from the outgoing admission body, or from an insurer or any person providing a guarantee or indemnity on behalf of that admission body, the administering authority may obtain a further revision of any rates and adjustment certificate for the fund, showing—

(a) in the case where the outgoing admission body is a transferee admission body within the meaning of regulation 5(17)(i), the revised contributions due from the body which is the transferor Scheme employer within the meaning of regulation 5(17)(j) in relation to that outgoing admission body, and

(b) in any other case, the revised contributions due from each employing authority who contributes to the fund.".

Rights to return of contributions

15. In regulation 87(4), for the words "to such period of membership as is appropriate in accordance with guidance issued by the Government Actuary" substitute—

"to a period of membership equal to the period of membership in the employment which has ceased, as reduced under regulation 11(4) if the employment which has ceased was part-time, multiplied by the fraction—

$$\frac{\text{whole-time rate of employment which has ceased}}{\text{whole-time rate of employment which is continuing}}$$

where the rate of pay in each case is the annual rate of pay on the last day of employment in the employment which has ceased.".

Notice of decision by appointed person under regulation 100

16. In regulation 101(3)—

(a) after sub-paragraph (c) delete "and"; and

(b) after sub-paragraph (d) add—

"; and

(e) a statement that OPAS (the Pensions Advisory Service)(**b**) is available to assist members and beneficiaries of the Scheme in connection with any difficulty with the Scheme which remains unresolved and the address at which OPAS may be contacted.".

Notice of decisions by the Secretary of State where a disagreement is referred to him

17. In regulation 103(3)(e), for "difficulties which they have failed to resolve with the Secretary of State" substitute "any difficulty with the Scheme which remains unresolved".

Right to count credited period

18. In regulation 122(4), after "and his NRD" insert "or, if earlier, the date on or after the member's 60th birthday on which the sum of the items referred to in sub-paragraphs (a) to (c) of regulation 31(4) is 85 years or more".

Changes of fund

19. In regulation 125—

(a) in paragraph (2), for "but see paragraph (3)" substitute "but see paragraphs (3) and (3A); and

(b) for paragraph (3), substitute the following—

(**a**) Paragraph (2A) of regulation 78 was inserted by S.I. 1999/1212, regulation 14 and amended by S.I. 1999/3438, regulation 6.

(**b**) OPAS Limited is a company limited by guarantee under the Companies Act 1985 (c. 6): registered number 2459671.

"(3) Where paragraph (2) applies as respects 10 or more members by virtue of a single event, the amount of the payment under that paragraph shall be determined by agreement between the actuary appointed by the administering authority by which the payment must be made and the actuary appointed by the administering authority to which it must be made.

(3A) Where the actuaries cannot agree on the amount within 12 months of the date of transfer or, where there is more than one date of transfer, the date of the last transfer which relates to the single event, the matter shall be referred to a third actuary, chosen by agreement between the actuaries or, in default of agreement, by the President of the Institute of Actuaries, and his determination shall be final.

(3B) The costs of determining the amount to be transferred shall be paid in equal shares by the members' former appropriate fund and the members' new appropriate fund.".

Eligibility

20. After regulation 130B(**a**), insert the following—

"Employees in the Rent Service Agency

130C.—(1) A person may be an active member if he is employed in the service of the Secretary of State's function of providing rent officers with clerical and other assistance as mentioned in regulation 2 of the Transfer of Undertakings (Protection of Employment) (Rent Officer Service) Regulations 1999(**b**) and—

(a) immediately before 1st October 1999 he was a member, or eligible to be a member, of the Scheme and was employed by a local authority for the purposes of providing rent officers with clerical and other assistance, and

(b) on 1st October 1999 he became employed in the civil service of the State for the purposes of providing such clerical and other assistance.

(2) For the purposes of these regulations every member within paragraph (1) is deemed to be in employment with the London Pensions Fund Authority.

(3) A person described in paragraph (1) may be a member notwithstanding that he is in employment in the civil service of the State and regulation 6(1) shall not apply.".

Rent Officers

21. In regulation 131, after paragraph (9), insert the following—

"(9A) A person who has been appointed as a rent officer in England in pursuance of a scheme under section 63 of the Rent Act 1977(**c**) must be treated after 30th September 1999 as being in employment with the London Pensions Fund Authority.

(9B) This paragraph applies to a person who—

(a) was, or was eligible to be, an active member of the Scheme on 30th September 1999 by reason of his appointment as a rent officer; and

(b) is appointed on or after 1st October 1999 as a rent officer in England by the Secretary of State in pursuance of his powers under the Administration of the Rent Officer Service (England) Order 1999(**d**)

without a break in the continuity of the appointment referred to in sub-paragraph (a).

(9C) For the purposes of paragraph (9B), "a break in the continuity of appointment" means a period of more than one month when the person was not appointed as a rent officer.

(9D) A person to whom paragraph (9B) applies is eligible to remain or become a member of the Scheme and must be treated as being in employment with the London Pensions Fund Authority.".

(**a**) Regulation 130B was inserted by S.I. 2000/1164, regulation 5.
(**b**) S.I. 1999/2511.
(**c**) 1977 c. 42; section 63 was amended by sections 120 and 140(2) of, Part I of Schedule 14 to, and Schedule 18 to, the Housing Act 1988 (c. 50); subsection (9), as added by paragraph 13(3) of Schedule 8 to the Local Government and Housing Act 1985 (c. 51), was substituted by regulations 2 and 4 of the Local Government Changes (Rent Act) Regulations 1995 (S.I. 1995/2451). There are other amendments to section 63 not relevant to this instrument.
(**d**) S.I. 1999/2403.

Separate employments etc.

22. In regulation 132(2)—

(a) in sub-paragraph (a), after "local government elections" insert "or at elections for the National Assembly for Wales"; and

(b) in sub-paragraph (b) for "employment in the duties of a returning officer at an Assembly election which are required by regulations made under paragraph 2 to Schedule 1 to the European Assembly Elections Act 1978(**a**) to be discharged by an acting returning officer" substitute "as a regional or local returning officer at a European Parliamentary election".

Former members of the Metropolitan Civil Staffs Superannuation Scheme

23. For regulation 144A(**b**) substitute—

"*Former members of the Metropolitan Civil Staffs Superannuation Scheme*

Former members of the Metropolitan Civil Staffs Superannuation Scheme

144A. Schedule 7 (Former members of the Metropolitan Civil Staffs Superannuation Scheme) shall have effect.".

Persons employed in the Meat Hygiene Service

24. After regulation 144A, insert—

"*Meat Hygiene Service*

Meat Hygiene Service

144B.—(1) The NRD of a person to whom this paragraph applies shall be 60 and—

(a) regulations 25, 31(7), 55(10), 56(6), 66(10), 83, 93(2) and 122(4) shall be construed accordingly, and

(b) references to "65" or "65th birthday" in regulations 27(5)(**c**), 28(3), 46(8)(b) and 52(2)(c) shall be construed as references to "60" and "60th birthday".

(2) Regulation 31(4) shall not apply to such a person.

(3) Paragraph (1) applies to a person who became a member of the Scheme as a consequence of being specified in, or being included in a specified class of employees specified in, an admission agreement made on or after 24th October 1994 and before 4th March 1997 between the London Pensions Fund Authority and the Minister of Agriculture, Fisheries and Food.".

Definitions

25. In Schedule 1, in the definition of "admission body" for "5(8)" substitute "5(3)".

Excluded membership

26. In Schedule 3, in the second column of paragraph 3 of the Table, after "All regulations" add "but see regulation 32(5)(aa)".

Former members of the Metropolitan Civil Staffs Superannuation Scheme

27. After Schedule 6, add the Schedule 7 set out in the Schedule to these Regulations.

The Local Government Pension Scheme (Transitional Provisions) Regulations 1997

28. The Local Government Pension Scheme (Transitional Provisions) Regulations 1997(**d**) shall be amended by the insertion after regulation 18 of the following regulation—

(**a**) 1978 c. 10.
(**b**) Regulation 144A was inserted by S.I. 2000/1164, regulation 7.
(**c**) Paragraph (5) was added to regulation 27 by S.I. 1999/1212, regulation 10(b).
(**d**) S.I. 1997/1613, amended by S.I. 1998/2118, 1999/1212.

"**Election for pension in lieu of retirement grant and election for lump sum in lieu of pension**

18A.—(1) This regulation applies to a person who immediately before the commencement date was a deferred member.

(2) Regulations 58 and 59 of the 1997 Regulations apply to a person to whom this regulation applies with the following modifications.

(3) In regulations 58(1) and 59(1)(a) for "Part II" substitute "Part D of the 1995 regulations".

(4) In regulation 58(1) for "regulation 27" substitute "regulation D7 of the 1995 regulations".

(5) In regulation 58(6) for "these Regulations" substitute "the 1995 regulations".

(6) In regulation 59(5) for "Schedule 4" substitute "Schedule C5".".

Admission agreements

29.—(1) This Regulation applies where—

(a) a transferee Scheme employer has entered into a best value arrangement with a transferee admission body on or after 1st April 1999 and before the date on which these Regulations come into force;

(b) within three months of the date on which these Regulations come into force, the transferee Scheme employer and the transferee admission body enter into an admission agreement which satisfies the requirements of regulation 5(**a**) of the Local Government Pension Scheme Regulations 1997; and

(c) the condition referred to in paragraph (4) is satisfied.

(2) Where this regulation applies, the admission agreement may provide that a period of employment by the transferee admission body before the date of the agreement counts as a period of membership for the purposes of the Local Government Pension Scheme Regulations 1997 for the employees covered by the admission agreement.

(3) The period of employment shall be such period as the actuary to the relevant fund shall determine.

(4) The condition referred to in paragraph (1) is that the transferee admission body pays into the relevant fund increased contributions to meet the cost of the increase in membership.

Right to opt out

30.—(1) Where—

(a) apart from this regulation, the amendments made by these Regulations would place any relevant beneficiary in a worse position than that in which he would otherwise be, and

(b) that relevant beneficiary so elects by notice in writing given to the appropriate administering authority within the period of six months beginning with the date on which these Regulations come into force,

then the Local Government Pension Scheme Regulations 1997 and The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 shall have effect in relation to him as if those amendments had never been made.

(2) For the purposes of paragraph (1), a relevant beneficiary is a person to whom any benefit is or may become payable being a benefit payable to or in respect of a person who—

(a) ceased to hold an employment in respect of which he was a member (whether or not he had subsequently recommenced any such employment), or

(b) died while in such employment,

before the date on which these Regulations come into force.

(**a**) Regulation 5 was substituted by S.I. 1999/3438, regulation 3 and amended by S.I. 2000/1005, regulation 3.

Revocations

31. Regulations 14(b) of the Local Government Pension Scheme (Miscellaneous Provisions) Regulations 1999(**a**), regulation 6(b) of the Local Government Pension Scheme (Amendment etc.) Regulations 1999(**b**) and regulation 7 of the Local Government Pension Scheme (Greater London Authority etc.) Regulations 2000(**c**) are revoked.

Signed by authority of the Secretary of State

Beverley Hughes
Parliamentary Under Secretary of State
7th March 2001 Department of the Environment, Transport and the Regions

(**a**) S.I. 1999/1212.
(**b**) S.I. 1999/3438.
(**c**) S.I. 2000/1164.

SCHEDULE

Regulation 27

SCHEDULE TO THE LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 1997

"SCHEDULE 7

Regulation 137A

FORMER MEMBERS OF THE METROPOLITAN CIVIL STAFFS SUPERANNUATION SCHEME

General

1. This paragraph applies to any member—

(a) who was a member of the Metropolitan Civil Staffs Superannuation Scheme immediately before 1st April 2000;

(b) whose name is listed in the Schedule to the Metropolitan Police District (School Crossing Patrols) Transfer Scheme 2000 or in Schedule 2 to the Metropolitan Police District (Boundary Changes) (Essex) Transfer Scheme 2000, the Metropolitan Police District (Boundary Changes) (Hertfordshire) Transfer Scheme 2000 or the Metropolitan Police District (Boundary Changes) (Surrey) Transfer Scheme 2000(**a**); and

(c) who is a member of the Scheme by reason of the transfer of his contract of employment on 1st April 2000 to a London borough council or a county council under those Transfer Schemes.

2.—(1) These Regulations apply to a person to whom paragraph 1 applies ("a former MCSSS member") with these modifications to regulation 31.

(2) Omit paragraph (2).

(3) After paragraph (3), insert—

"(3A) The pension and retirement grant are paid without actuarial reduction to a member who is aged 60 or more at the date of retirement.".

(4) In paragraph (4), for the words from the beginning of the paragraph to "is less than 85 years" substitute—

"Unless, at the date of retirement, the member is aged 55 or more but less than 60 and has total membership of at least 25 years".

3. Any period of service as a member of the Metropolitan Civil Staffs Superannuation Scheme, and any other period of service which, under the Metropolitan Civil Staffs Superannuation Scheme, is treated as a period counting towards the membership period required to qualify for any benefit under that Scheme, which a former MCSSS member has, shall count towards the membership period required before the person is entitled to any benefit under these Regulations and such service shall be counted as its actual length.

School Crossing Patrols

4.—(1) In the case of a former MCSSS member who was appointed prior to 1st April 2000 by the Commissioner of Police of the Metropolis under section 26 of the Road Traffic Regulation Act 1984(**b**) to patrol school crossings and was performing that service when he transferred to the Scheme, these Regulations shall apply with these additional modifications.

(2) He may remain an active member of the Scheme until his 75th birthday or, if earlier, the date on which his period of total membership is 45 years (in the case of a Class B or Class C member) or 40 years (in the case of a Class A member).

(3) In regulation 28(3) (enhanced membership period in cases of ill health), regulation 52(2)(c) (power of employing authority to increase total membership) and paragraph 8(2)(b) of Schedule 4 (maximum addition under regulations 53 and 55), for "65" substitute "75".

(4) Omit regulations 9(1A), 20(4A), 25A and 38(5A)(**c**)."

(**a**) Schemes made by the Commissioner of Police of the Metropolis and the Receiver for the Metropolitan Police District as required by directions dated 25th January 2000 given by the Secretary of State for the Home Department under section 409(2) of the Greater London Authority Act 1999 (c. 29).

(**b**) 1984 c. 27; section 26 is amended with effect from 1st April 2000 by the Greater London Authority Act 1999 (c. 29), section 288.

(**c**) Regulations 9(1A), 20(4A), 25A and 38(5A) were added by S.I. 1999/1212.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 to 27 amend the Local Government Pension Scheme Regulations 1997 which comprise the Local Government Pension Scheme ("the Scheme"). Certain of the regulations take effect on various dates before the Regulations come into force (as set out in regulation 1).

The amendments are—

Regulation 3 makes certain amendments to regulation 5 (admission agreements). These enable employees of a wider category of bodies, who are not Scheme employers and who provide services or assets in connection with the exercise of a function of a Scheme employer, to become members of the Scheme;

Regulation 4 amends regulation 6 by removing the provision allowing entry to the Scheme after age 65.

Regulation 5 makes a minor drafting amendment to regulation 9(2) (periods of membership).

Regulations 6 and 7 clarify the provisions in connection with the normal retirement age under the Scheme and early retirement. Regulation 6 amends regulation 25 defining normal retirement and regulation 7 amends regulation 31 dealing with early leavers. Regulation 11, which amends regulation 55 (payments to increase total membership), and regulation 18, which amends regulation 122 (right to count credited period), make amendments consequential upon these changes.

Regulation 8 amends regulation 32 to clarify the treatment of aggregated and non-aggregated periods of membership. Regulation 26 makes a consequential amendment to the Table in Schedule 3 (Excluded Membership).

Regulation 9 adds a new regulation 32A (concurrent employments) to provide a method of calculating membership where one of two concurrent employments terminates and the member elects to keep the periods of service aggregated for the purposes of calculating benefits.

Regulation 10 amends regulation 44, which defines an eligible child for the purpose of children's pension rights. Also the test of financial dependency required in the case of a child who is not the legitimate or adopted child of a member is extended to include a child born after the death of a member, who would have been dependent on that member had the member not died before the birth.

Regulation 12 amends regulation 58 and removes the requirement for a member to be 50 before he can exercise the right to elect for pension in lieu of retirement grant.

Regulation 13 amends regulation 64 (use of additional voluntary contributions) to allow a longer period after retirement before the value of the additional voluntary contributions must be used to pay for a pension. This is to take advantage of a change in Inland Revenue practice.

Regulation 14 amends regulation 78 (special circumstances where a revised actuarial valuation and certificate must be obtained) to allow the actuary to provide, in certain circumstances, that where an outgoing admission body cannot pay revised contributions to a fund, that liability is borne by the Scheme employer who is a party to the admission agreement.

Regulation 15 amends regulation 87 (rights to return of contributions) by substituting a formula for the calculation of the period of membership the contributions can buy for the existing provision that the period will be calculated in accordance with guidance issued by the Government Actuary.

Regulations 16 and 17 amend provisions in regulations 101 and 103 respectively (resolution of disputes) in connection with the information which must be given to members about the Pensions Advisory Service in the internal dispute resolution procedure. These changes are necessitated by the Occupational Pension Schemes (Disclosure of Information) Regulations 1999 (S.I.1999/3198).

Regulation 19 amends regulation 125 (changes of fund) to provide that where a transfer involves ten or more members, the calculation of the transfer amount is to be by way of agreement between fund actuaries with reference to a third actuary to resolve disagreements.

Regulations 20 and 21 make provision in connection with Rent Service Agency staff and rent officers respectively following reorganisation of that Service.

Regulation 22 amends the terminology used in regulation 132 (separate employments) in references to various elections.

Regulation 23 replaces provisions in connection with former members of the Metropolitan Civil Staffs Superannuation Scheme. It refers to the new Schedule added to the Local Government Pension Scheme Regulations 1997 as Schedule 7 by regulation 27 of these regulations.

Regulation 24 makes special provision, by adding a new regulation, for members employed in the Meat Hygiene Service who were previously members of the Principal Civil Service Pension Scheme.

Regulation 25 makes a minor drafting amendment to Schedule 1.

Regulation 28 amends the Local Government Pension Scheme (Transitional Provisions) Regulations 1997 by adding a provision allowing a person who was a deferred member of the Scheme on 31st March 1998 to elect for a pension in lieu of his retirement grant or to elect for a lump sum in lieu of part of his pension.

Regulation 29 makes provision in connection with an admission agreement where the admission body provides services or assets in connection with the exercise of a function of a Scheme employer. In the circumstances set out in that regulation, it allows a certain period of employment to count as a period of membership for the purposes of the Scheme.

Section 12 of the Superannuation Act 1972 provides that regulations made under section 7 of that Act may have retrospective effect. Regulation 30 allows certain persons who would be placed in a worse position by amendments made in these Regulations to elect for the amendments not to apply in their case.

Regulation 31 is a revoking provision.

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2001 No. 770

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