

2007 No. 1166	2007 No. 1166
Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007	Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 <i>modified for the Isle of Man</i>
Citation, commencement, interpretation and application	Citation, commencement, interpretation and application
1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.	1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.
(2) These Regulations apply in relation to England and Wales.	
(3) These Regulations shall come into force on 1st April 2008.	(3) These Regulations shall come into force on 1st April 2012 .
(4) In these Regulations—	(4) In these Regulations—
“the 1997 Regulations” means the Local Government Pension Scheme Regulations 1997;	“the 1997 Regulations” means the Local Government Pension Scheme Regulations 1997;
[“the Administration Regulations” means the Local Government Pension Scheme (Administration) Regulations 2008;] <i>ins. 2008/1083</i>	[“the Administration Regulations” means the Local Government Pension Scheme (Administration) Regulations 2008;] <i>ins. 2008/1083</i>
“the 1997 Scheme” means the occupational pension scheme constituted by the 1997 Regulations;	“the 1997 Scheme” means the occupational pension scheme constituted by the 1997 Regulations;
[“the Administration Regulations” means the Local Government Pension Scheme (Administration) Regulations 2008;] <i>ins. 2008/2425, om. 2009/3150</i>	
[“administering authority” has the meaning ascribed by Schedule 1 to the Administration Regulations;] <i>ins. 2008/1083</i>	[“administering authority” means Douglas Corporation;] <i>ins. 2008/1083</i>
“appropriate administering authority” means the body maintaining the appropriate fund;	“appropriate administering authority” means Douglas Corporation;
“appropriate fund”, in relation to a member, means the fund into which he pays contributions and from which he receives benefits;	“appropriate fund”, in relation to a member, means the pension fund maintained by Douglas Corporation;
[“deferred member” has the same meaning as in Schedule 1 to the Administration Regulations;] <i>ins. 2008/2425</i>	[“deferred member” has the same meaning as in Schedule 1 to the Administration Regulations;] <i>ins. 2008/2425</i>
“eligible child” has the meaning given by regulation 26;	“eligible child” has the meaning given by regulation 26;
“employing authority” means a body employing an employee who is eligible to be a member;	“employing authority” means a body employing an employee who is eligible to be a member;
“financial year” means the year ending 31st March;	“financial year” means the year ending 31st March;
[“IRMP” has the same meaning as given to that expression by regulation 20(14);]	[“IRMP” has the same meaning as given to that expression by regulation 20(14);]

<i>ins. 2010/2090</i>	<i>ins. 2010/2090</i>
["local government employment" means employment by virtue of which the person employed is or has been a member;] <i>ins. 2010/2090</i>	["local government employment" means employment by virtue of which the person employed is or has been a member;] <i>ins. 2010/2090</i>
"nominated cohabiting partner" has the meaning given by regulation 25;	"nominated cohabiting partner" has the meaning given by regulation 25;
"part-time employee" means an employee whose contract of employment provides—	"part-time employee" means an employee whose contract of employment provides—
(a) that he is such an employee for the Scheme, or	(a) that he is such an employee for the Scheme, or
(b) who is neither a whole-time employee nor a variable-time employee;	(b) who is neither a whole-time employee nor a variable-time employee;
[“pensioner member” has the same meaning as in Schedule 1 to the Administration Regulations:] <i>ins. 2008/2425</i>	[“pensioner member” has the same meaning as in Schedule 1 to the Administration Regulations:] <i>ins. 2008/2425</i>
“the Scheme” means the Local Government Pension Scheme 2008 constituted by these Regulations; “the Scheme” means the Local Government Pension Scheme 2008 constituted by these Regulations, the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 and the Administration Regulations; <i>subst. 2010/2090</i>	“the Scheme” means the Local Government Pension Scheme 2008 constituted by these Regulations; “the Scheme” means the Local Government Pension Scheme 2008 constituted by these Regulations, the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 and the Administration Regulations; <i>subst. 2010/2090</i>
“variable-time employee” means an employee whose contract of employment provides that he is such an employee for the Scheme and—	“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	(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; and	(b) whose duties only have to be performed on an occasional basis; and
“whole-time employee” means an employee whose contract of employment provides—	“whole-time employee” means an employee whose contract of employment provides—
(a) that he is such an employee for the Scheme, or	(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.	(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.
Active members <i>subst. 2008/1083</i>	Active members <i>subst. 2008/1083</i>
2.—(1) An employee of a body listed in—	2.—(1) An employee of a body listed in—

(a) Chapter 1 of Part 2 of;	(a) Chapter 1 of Part 2 of;																																																
(b) Chapter 1 of Part 5 of; or	(b) Chapter 1 of Part 5 of; or																																																
(c) Schedule 2 to	(c) Schedule 2 to																																																
the 1997 Regulations is an active member of the Scheme.	the 1997 Regulations is an active member of the Scheme.																																																
(2) But a person is not an active member unless he is employed under a contract of employment of more than three months' duration.	(2) But a person is not an active member unless he is employed under a contract of employment of more than three months' duration.																																																
(3) An active member of the 1997 Scheme is an active member of the Scheme for as long as he continues in Local Government Pension Scheme employment.	(3) An active member of the 1997 Scheme is an active member of the Scheme for as long as he continues in Local Government Pension Scheme employment.																																																
[2.—(1) The term “active member” in relation to the Scheme is to be construed in accordance with regulation 4(1) of, and Schedule 1 to, the Administration Regulations.	[2.—(1) The term “active member” in relation to the Scheme is to be construed in accordance with regulation 4(1) of ... the Administration Regulations.																																																
(2) An active member of the 1997 Scheme is an active member of the Scheme for as long as he continues to be [that person is] in employment which makes him eligible to be such in accordance with Part 2 of the Administration Regulations. <i>am. 2010/2090</i>	(2) An active member of the 1997 Scheme is an active member of the Scheme for as long as he continues to be [that person is] in employment which makes him eligible to be such in accordance with Part 2 of the Administration Regulations. <i>am. 2010/2090</i>																																																
(3) But a person is not an active member unless he [that person] is employed under a contract of employment for at least three months.] <i>am. 2010/2090</i>	(3) But a person is not an active member unless he [that person] is employed under a contract of employment for at least three months.] <i>am. 2010/2090</i>																																																
Contributions payable by active members	Contributions payable by active members																																																
3.—(1) Subject to paragraph (9), each active member shall make contributions to the Scheme at the contribution rate from his pensionable pay in each employment in which he is an active member.	3.—(1) Subject to paragraph (9), each active member shall make contributions to the Scheme at the contribution rate from his pensionable pay in each employment in which he is an active member.																																																
(2) Subject to paragraph (4), the contribution rate to be applied to his pensionable pay in any financial year is calculated on the basis of his pensionable pay in the previous financial year in accordance with the following table.	(2) Subject to paragraph (4), the contribution rate to be applied to his pensionable pay in any financial year is calculated on the basis of his pensionable pay in the previous financial year in accordance with the following table.																																																
<table border="1"> <thead> <tr> <th>Band</th> <th>Range</th> <th>Contribution rate</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>£0 £12,000</td> <td>5.5%</td> </tr> <tr> <td>2</td> <td>£12,001 £14,000</td> <td>5.8%</td> </tr> <tr> <td>3</td> <td>£14,001 £18,000</td> <td>5.9%</td> </tr> <tr> <td>4</td> <td>£18,001 £30,000</td> <td>6.5%</td> </tr> <tr> <td>5</td> <td>£30,001 £40,000</td> <td>6.8%</td> </tr> <tr> <td>6</td> <td>£40,001 £75,000</td> <td>7.2%</td> </tr> <tr> <td>7</td> <td>More than £75,000</td> <td>7.5%</td> </tr> </tbody> </table>	Band	Range	Contribution rate	1	£0 £12,000	5.5%	2	£12,001 £14,000	5.8%	3	£14,001 £18,000	5.9%	4	£18,001 £30,000	6.5%	5	£30,001 £40,000	6.8%	6	£40,001 £75,000	7.2%	7	More than £75,000	7.5%	<table border="1"> <thead> <tr> <th>Band</th> <th>Range</th> <th>Contribution rate</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>£0 £12,000</td> <td>5.5%</td> </tr> <tr> <td>2</td> <td>£12,001 £14,000</td> <td>5.8%</td> </tr> <tr> <td>3</td> <td>£14,001 £18,000</td> <td>5.9%</td> </tr> <tr> <td>4</td> <td>£18,001 £30,000</td> <td>6.5%</td> </tr> <tr> <td>5</td> <td>£30,001 £40,000</td> <td>6.8%</td> </tr> <tr> <td>6</td> <td>£40,001 £75,000</td> <td>7.2%</td> </tr> <tr> <td>7</td> <td>More than £75,000</td> <td>7.5%</td> </tr> </tbody> </table>	Band	Range	Contribution rate	1	£0 £12,000	5.5%	2	£12,001 £14,000	5.8%	3	£14,001 £18,000	5.9%	4	£18,001 £30,000	6.5%	5	£30,001 £40,000	6.8%	6	£40,001 £75,000	7.2%	7	More than £75,000	7.5%
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[(2) Subject to paragraph (4) the annual contribution rate to be applied	[(2) Subject to paragraph (4) the annual contribution rate to be applied																																																

to a person who becomes an active member is determined by his employing authority at the commencement of his membership on the basis of his pensionable pay in accordance with the following table.			to a person who becomes an active member is determined by his employing authority at the commencement of his membership on the basis of his pensionable pay in accordance with the following table, revised in accordance with paragraphs (2A) and (3).		
Band	Range	Contribution rate	Band	Range	Contribution rate
1	£0 to £12,000	5.5%	1	£0 to £12,000	5.5%
2	£12,001 to £14,000	5.8%	2	£12,001 to £14,000	5.8%
3	£14,001 to £18,000	5.9%	3	£14,001 to £18,000	5.9%
4	£18,001 to £30,000	6.5%	4	£18,001 to £30,000	6.5%
5	£30,001 to £40,000	6.8%	5	£30,001 to £40,000	6.8%
6	£40,001 to £75,000	7.2%	6	£40,001 to £75,000	7.2%
7	More than £75,000	7.5%]	7	More than £75,000	7.5%]
<i>subst. 2008/1083</i>			<i>subst. 2008/1083</i>		
			(2A) On 1st April 2012, the figures in the second column of the table in paragraph (2) (“Range”) are revised by — (a) first applying the appropriate increase for the year commencing 1st April 2009 and rounding the result down to the nearest £100, and (b) then making the same calculation in turn for the years commencing 1st April 2010, 1st April 2011 and 1st April 2012.		
(3) On 1st April 2009, and each subsequent anniversary thereof, the figures in the second column of the table in paragraph (2) (“Range”) are increased as if they were pensions to which the Pensions (Increase) Act 1971 applied.			(3) On 1st April 2009, and each subsequent anniversary thereof, the figures in the second column of the table in paragraph (2) (“Range”) are increased as if they were pensions to which the Pensions (Increase) Act 1971 applied.		
[(3) On 1st April 2009, and each subsequent anniversary [On the first day of the pay period in which 1st April 2009 falls, and on the first day of the pay period in which each subsequent 1st April falls], the figures in the second column of the table in paragraph (2) (“Range”) are increased by applying the appropriate increase and rounding the result down to the nearest £100.] <i>subst. 2008/1083, am. 2010/2090</i>			[(3) On the first day of the pay period in which 1st April 2013 falls, and on the first day of the pay period in which each subsequent 1st April falls, the figures referred to in paragraph (2A) are further revised by applying the appropriate increase and rounding the result down to the nearest £100.] <i>subst. 2008/1083</i>		
[(3A) In paragraph (3), “the appropriate increase” means the amount by which the figures would be increased with effect from 6th April of the relevant year if they were pensions to which the Pensions (Increase) Act 1971 applied.]			[(3A) In paragraph (3), “the appropriate increase” means the amount by which the figures would be increased with effect from 6th April of the relevant year if they were pensions to which the Pensions (Increase) Act 1971 applied.]		
[(3A) In paragraph (3), “the appropriate increase” means the amount by which the figures would be increased with effect from the first Monday falling on or after 6th April of the relevant year if they were			[(3A) In paragraph (3), “the appropriate increase” means the amount by which the figures would be increased with effect from the first Monday falling on or after 6th April of the relevant year if they were		

pensions beginning on 1st April 2008 to which the Pensions (Increase) Act 1971 applied.] <i>ins. 2008/1083, subst. 2010/2090</i>	pensions beginning on 1st April 2012 to which the Pensions (Increase) Act 1971 applied.] <i>ins. 2008/1083, subst. 2010/2090</i>
(4) Where a member is employed in any employment for part only of any financial year, the range (and the contribution rate) applicable to him are those that would have applied had he been so employed for the whole of that financial year.	(4) Where a member is employed in any employment for part only of any financial year, the range (and the contribution rate) applicable to him are those that would have applied had he been so employed for the whole of that financial year.
[(4) (a) Where there has been a permanent material change to the terms and conditions of a member's employment which affect his pensionable pay in the course of a financial year, his employing authority may determine that the contribution rate to be applied in his case is not to be calculated in accordance with paragraph (2). (b) In such a case, the authority shall inform the member of the contribution rate applicable to him, and the date from which it is to be applied.] <i>subst. 2008/1083</i>	[(4) (a) Where there has been a permanent material change to the terms and conditions of a member's employment which affect his pensionable pay in the course of a financial year, his employing authority may determine that the contribution rate to be applied in his case is not to be calculated in accordance with paragraph (2). (b) In such a case, the authority shall inform the member of the contribution rate applicable to him, and the date from which it is to be applied.] <i>subst. 2008/1083</i>
(5) Where a member is a part-time employee, his contributions shall be calculated by multiplying the contributions he would have paid had he been a full-time employee (calculated in accordance with paragraph (2)) by the proportion that the number of his weekly hours bears to the number of weekly hours that he would have worked had he been a full-time employee.	(5) Where a member is a part-time employee, his contributions shall be calculated by multiplying the contributions he would have paid had he been a full-time employee (calculated in accordance with paragraph (2)) by the proportion that the number of his weekly hours bears to the number of weekly hours that he would have worked had he been a full-time employee.
(6) But a term-time worker [But a whole time term-time worker] is not a part-time employee for the purposes of this regulation. <i>am. 2008/1083</i>	(6) But a term-time worker [But a whole time term-time worker] is not a part-time employee for the purposes of this regulation. <i>am. 2008/1083</i>
(7) In this regulation, "term-time worker" means a person whose contract of employment provides for a regular pattern of periods of work and periods of no work so as to result in a recognisable cycle of work consisting of one year (but is not limited to persons working in educational establishments).	(7) In this regulation, "term-time worker" means a person whose contract of employment provides for a regular pattern of periods of work and periods of no work so as to result in a recognisable cycle of work consisting of one year (but is not limited to persons working in educational establishments).
(8) The amount of an employee's pensionable pay for the purposes of this regulation is calculated in accordance with regulation 4.	(8) The amount of an employee's pensionable pay for the purposes of this regulation is calculated in accordance with regulation 4.
(9) In any event, an active member does not make any contributions after [on and after] the day before his 75th birthday. <i>am. 2010/2090</i>	(9) In any event, an active member does not make any contributions after [on and after] the day before his 75th birthday. <i>am. 2010/2090</i>
(10) A person who is an active member in more than one employment must make contributions for each of those employments [at the rate applicable to the sum of his pensionable pay in each such	(10) A person who is an active member in more than one employment must make contributions for each of those employments [at the rate applicable to the sum of his pensionable pay in each such

employment]. <i>am. 2008/1083</i>	employment]. <i>am. 2008/1083</i>
(11) His appropriate administering authority may decide the intervals at which the contributions are made. <i>om. 2010/2090</i>	(11) His appropriate administering authority may decide the intervals at which the contributions are made. <i>om. 2010/2090</i>
(12) For this regulation any reduction in pensionable pay by reason of the actual or assumed enjoyment by the member of any statutory entitlement during any period away from work shall be disregarded.	(12) For this regulation any reduction in pensionable pay by reason of the actual or assumed enjoyment by the member of any statutory entitlement during any period away from work shall be disregarded.
Meaning of “pensionable pay”	Meaning of “pensionable pay”
4.—(1) An employee’s pensionable pay is the total of—	4.—(1) An employee’s pensionable pay is the total of—
(a) all the salary, wages, fees and other payments paid to him for his own use in respect of his employment; and	(a) all the salary, wages, fees and other payments paid to him for his own use in respect of his employment; and
(b) any other payment or benefit specified in his contract of employment as being a pensionable emolument.	(b) any other payment or benefit specified in his contract of employment as being a pensionable emolument.
(2) But an employee’s pensionable pay does not include—	(2) But an employee’s pensionable pay does not include—
(a) payments for non-contractual overtime;	(a) payments for non-contractual overtime;
(b) any travelling, subsistence or other allowance paid in respect of expenses incurred in relation to the employment;	(b) any travelling, subsistence or other allowance paid in respect of expenses incurred in relation to the employment;
(c) any payment in consideration of loss of holidays;	(c) any payment in consideration of loss of holidays;
(d) any payment in lieu of notice to terminate his contract of employment; or	(d) any payment in lieu of notice to terminate his contract of employment; or
(e) any payment as an inducement not to terminate his employment before the payment is made.	(e) any payment as an inducement not to terminate his employment before the payment is made.
[(f) the amount of any supplement paid by the Environment Agency in recognition of the difference in contribution rates between members of the principal civil service pension scheme and the Scheme; or	
(g) any payment by way of compensation for the purposes of achieving equal pay in relation to other employees. [(g) any award of compensation (excluding any sum representing arrears of pay) for the purposes of achieving equal pay in relation to other employees.]] <i>ins. 2009/3150, subst. 2010/2090</i>	(g) any payment by way of compensation for the purposes of achieving equal pay in relation to other employees. [(g) any award of compensation (excluding any sum representing arrears of pay) for the purposes of achieving equal pay in relation to other employees.]] <i>ins. 2009/3150, subst. 2010/2090</i>
(3) No sum may be taken into account in calculating pensionable pay unless income tax liability has been determined on it.	(3) No sum may be taken into account in calculating pensionable pay unless income tax liability has been determined on it.
Benefits	Benefits
5.—(1) Membership of the Scheme only entitles the member to benefits under these Regulations if—	5.—(1) Membership of the Scheme only entitles the member to benefits under these Regulations if—

(a) his total membership is at least three months; or	(a) his total membership is at least two years ; or
(b) a transfer value is credited to him.	(b) a transfer value is credited to him.
(2) But paragraph (1) does not apply to benefits in respect of a member under regulation 23 (death grants: active members), regulation 24 (survivor benefits: active members), or regulation 28 (children's pensions: active members).	(2) But paragraph (1) does not apply to benefits in respect of a member under regulation 23 (death grants: active members), regulation 24 (survivor benefits: active members), or regulation 28 (children's pensions: active members).
[(3) Subject to paragraph (4), a member who has satisfied one of the conditions in paragraph (1) need not satisfy either of them again if he ceases to be an active member and subsequently becomes such a member again before drawing benefits under regulation 16, 17, 19, 20, 30 or 31.] <i>ins. 2008/1083</i>	[(3) Subject to paragraph (4), a member who has satisfied one of the conditions in paragraph (1) need not satisfy either of them again if he ceases to be an active member and subsequently becomes such a member again before drawing benefits under regulation 16, 17, 19, 20, 30 or 31.] <i>ins. 2008/1083</i>
[(4) Paragraph (3) does not apply to a member in respect of whom a transfer payment has been made under regulations 79 to 82 of the Administration Regulations.] <i>ins. 2008/1083</i>	[(4) Paragraph (3) does not apply to a member in respect of whom a transfer payment has been made under regulations 79 to 82 of the Administration Regulations.] <i>ins. 2008/1083</i>
Periods of membership <i>subst. 2008/1083</i>	Periods of membership <i>subst. 2008/1083</i>
6.—(1) These are the periods which count as periods of membership—	6.—(1) These are the periods which count as periods of membership—
(a) any period for which a member has paid (or is treated as having paid) contributions under regulation 3; and	(a) any period for which a member has paid (or is treated as having paid) contributions under regulation 3; and
(b) any period added under regulations 12 or 20.	(b) any period added under regulations 12 or 20.
(2) Where a member who has left local government employment rejoins such employment before his normal retirement age, the periods mentioned in paragraph (1) are (unless he chooses otherwise) aggregated with any such subsequent periods.	(2) Where a member who has left local government employment rejoins such employment before his normal retirement age, the periods mentioned in paragraph (1) are (unless he chooses otherwise) aggregated with any such subsequent periods.
[6. These are the periods that count as periods of membership (and which may accordingly be aggregated under regulation 16, or as the case may be, 17 of the Administration Regulations)—	[6. These are the periods that count as periods of membership (and which may accordingly be aggregated under regulation 16, or as the case may be, 17 of the Administration Regulations)—
(a) any period for which a member has paid (or is treated as having paid) contributions under regulation 3;	(a) any period for which a member has paid (or is treated as having paid) contributions under regulation 3;
(b) any period added under regulation 12 or 20; and	(b) any period added under regulation 12 or 20; and
(c) any period added following a transfer in of pension rights under regulations 83 to 87 of the Administration Regulations.]	(c) any period added following a transfer in of pension rights under regulations 83 to 87 of the Administration Regulations.]
Calculation of length of periods of membership	Calculation of length of periods of membership
7.—(1) In calculating the length of a period of membership, fractions of years of membership count.	7.—(1) In calculating the length of a period of membership, fractions of years of membership count.

(2) The numerator of such fractions is the number of complete days of membership and the denominator is 365.	(2) The numerator of such fractions is the number of complete days of membership and the denominator is 365.
(3) Membership [Except for the purposes of regulation 5(1)(a), membership] in part-time service is counted as the appropriate fraction of the duration of membership. <i>am. 2010/2090</i>	(3) Membership [Except for the purposes of regulation 5(1)(a), membership] in part-time service is counted as the appropriate fraction of the duration of membership. <i>am. 2010/2090</i>
(4) The numerator of that fraction is the number of contractual hours during the part-time service and its denominator is the number of contractual hours of that employment if it were on a whole-time basis.	(4) The numerator of that fraction is the number of contractual hours during the part-time service and its denominator is the number of contractual hours of that employment if it were on a whole-time basis.
(5) The amount of any benefit [annual pension] payable to a member as a result of his membership is his total period of membership multiplied by his final pay and divided by 60. <i>am. 2008/1083</i>	(5) The amount of any benefit [annual pension] payable to a member as a result of his membership is his total period of membership multiplied by his final pay and divided by 60. <i>am. 2008/1083</i>
Final pay: general	Final pay: general
8.—(1) Subject to regulations 9 to 11, a member's final pay for an employment is his pay for as much of the final pay period as he is entitled to count as active membership in local government employment.	8.—(1) Subject to regulations 9 to 11, a member's final pay for an employment is his pay for as much of the final pay period as he is entitled to count as active membership in local government employment.
[(1) Subject to regulations 9 to 11, a member's final pay for an employment is his pensionable pay for as much of the final pay period as he is entitled to count as active membership in relation to that employment.] <i>subs. 2008/1083</i>	[(1) Subject to regulations 9 to 11, a member's final pay for an employment is his pensionable pay for as much of the final pay period as he is entitled to count as active membership in relation to that employment.] <i>subs. 2008/1083</i>
(2) A member's final pay period is the year ending with the day on which he stops being an active member.	(2) A member's final pay period is the year ending with the day on which he stops being an active member.
[(2) A member's final pay period is the year ending with the day on which he stops being an active member or, if that would produce a higher figure, either of the two immediately preceding years.] <i>subst. 2008/1083</i>	[(2) A member's final pay period is the year ending with the day on which he stops being an active member or, if that would produce a higher figure, either of the two immediately preceding years.] <i>subst. 2008/1083</i>
[(2A) But a member may choose instead to treat as his final pay period either of the two preceding years ending with a day that is the anniversary of the last day he was an active member.] <i>ins. 2007/1488, om. 2008/1083</i>	
(3) In the case of part-time employment, the final pay is the pay that would have been paid for a single comparable whole-time employment.	(3) In the case of part-time employment, the final pay is the pay that would have been paid for a single comparable whole-time employment.
(4) Any reduction or suspension of a member's pensionable pay during the final pay period because of his absence from work owing to	(4) Any reduction or suspension of a member's pensionable pay during the final pay period because of his absence from work owing to

illness or injury is disregarded.	illness or injury is disregarded.
Final pay: reserve forces, maternity leave etc.	Final pay: reserve forces, maternity leave etc.
9.—(1) If a member's final pay period includes reserve forces service leave, his final pay is—	9.—(1) If a member's final pay period includes reserve forces service leave, his final pay is—
(a) in a case where he has continued to pay contributions in respect of it, the amount it would have been if his reserve forces pay were pay received in his former local government employment, or	(a) in a case where he has continued to pay contributions in respect of it, the amount it would have been if his reserve forces pay were pay received in his former local government employment, or
(b) otherwise, the amount it would have been if he had continued to be employed in his former employment during the period of that leave.	(b) otherwise, the amount it would have been if he had continued to be employed in his former employment during the period of that leave.
(2) For the purposes of these regulations, a member's final pay for any period of maternity, paternity or adoption absence during the final pay period in respect of which he pays or is treated as paying contributions is the pay he would have received had he not been absent.	(2) For the purposes of these regulations, a member's final pay for any period of maternity, paternity or adoption absence during the final pay period in respect of which he pays or is treated as paying contributions is the pay he would have received had he not been absent.
(3) If a member is absent from work for any other reason during his final pay period, he is only to be treated for these regulations as having received the pensionable pay he would otherwise have received if he has continued to pay contributions in respect of it for the period he is absent.	(3) If a member is absent from work for any other reason during his final pay period, he is only to be treated for these regulations as having received the pensionable pay he would otherwise have received if he has continued to pay contributions in respect of it for the period he is absent.
(4) If a member is only entitled to count part of the year specified in regulation 8(2) as a period of active membership in relation to the employment which he ceases to hold, his final pay is his pensionable pay during that part multiplied by 365 and divided by the number of days in that part.	(4) If a member is only entitled to count part of the year specified in regulation 8(2) as a period of active membership in relation to the employment which he ceases to hold, his final pay is his pensionable pay during that part multiplied by 365 and divided by the number of days in that part.
(5) Final pay does not include any pension in payment. om. 2008/1083	(5) Final pay does not include any pension in payment. om. 2008/1083
Final pay: reductions <i>subst. 2008/1083, 2009/3150</i>	Final pay: reductions <i>subst. 2009/3150</i>
10. (1) A member who is in whole-time employment and whose pensionable pay has been reduced because he has chosen to continue in local government employment at a lower grade or with less responsibility than his previous post may, subject to paragraph (3), choose to have his final pay calculated as the average of his annual pensionable pay in any three consecutive years ending 31st March within the period of ten years ending with the last day he was an active member. <i>am. 2007/1488</i>	10. (1) A member who is in whole-time employment and whose pensionable pay has been reduced because he has chosen to continue in local government employment at a lower grade or with less responsibility than his previous post may, subject to paragraph (3), choose to have his final pay calculated as the average of his annual pensionable pay in any three consecutive years ending 31st March within the period of ten years ending with the last day he was an active member. <i>am. 2007/1488</i>
(2) And the average referred to in paragraph (1) is increased as if it were a pension to which the Pensions (Increase) Act 1971 applies.	(2) And the average referred to in paragraph (1) is increased as if it were a pension to which the Pensions (Increase) Act 1971 applies.

(3) A member who has had a request under regulation 18 granted may not choose under paragraph (1) in respect of the same event.	(3) A member who has had a request under regulation 18 granted may not choose under paragraph (1) in respect of the same event.
[10.—(1) Subject to paragraph (2), where a member's pensionable pay in a continuous period of employment is reduced because he chooses to be employed by the same employer at a lower grade or with less responsibility, he may choose to have his final pay calculated as mentioned in paragraph (3).	
(2) Paragraph (1) does not apply if the member's employment at a lower grade or with less responsibility—	
(a) commences before the beginning of the period of ten years ending with his last day as an active member; or	
(b) immediately follows a period in which he occupies a post on a temporary basis.	
(3) The calculation is made by dividing by three the member's annual pensionable pay in any three consecutive years of his choice ending with 31st March within the period of ten years ending with his last day as an active member.	
(4) Paragraph (1) applies to a member who has been the subject of a transfer to which the Transfer of Undertakings (Protection of Employment) Regulations 2006(6) apply as if the transferor employer were the same employer as the transferee employer.]	
[10.—(1) Subject to paragraph (2), where a member's pensionable pay in a continuous period of employment is reduced or restricted—	[10.—(1) Subject to paragraph (2), where a member's pensionable pay in a continuous period of employment is reduced or restricted—
(a) because the member chooses to be employed by the same employer at a lower grade or with less responsibility;	(a) because the member chooses to be employed by the same employer at a lower grade or with less responsibility;
(b) for the purposes of achieving equal pay in relation to other employees of that employer;	(b) for the purposes of achieving equal pay in relation to other employees of that employer;
(c) as a result of a job evaluation exercise;	(c) as a result of a job evaluation exercise;
(d) because of a change in the member's contract of employment resulting in the cessation or restriction of, or reduction in, payments or benefits specified in the member's contract of employment as being pensionable emoluments; or	(d) because of a change in the member's contract of employment resulting in the cessation or restriction of, or reduction in, payments or benefits specified in the member's contract of employment as being pensionable emoluments; or
(e) because the rate at which the member's rate of pay may be increased is restricted in such a way that it is likely that the rate of the member's retirement pension will be adversely affected,	(e) because the rate at which the member's rate of pay may be increased is restricted in such a way that it is likely that the rate of the member's retirement pension will be adversely affected,
the member may choose to have his or her final pay calculated in accordance with paragraph (4), by giving notice—	the member may choose to have his or her final pay calculated in accordance with paragraph (4), by giving notice—

(i)in writing;	(i)in writing;
(ii)to the appropriate administering authority; and	(ii)to the appropriate administering authority; and
(iii)no later than one month prior to the date on which the member ceases active membership.	(iii)no later than one month prior to the date on which the member ceases active membership.
(2) Where notice under this regulation has not been given, and a member to whom it applies has died, the appropriate administering authority may give notice on the member's behalf (whether or not the period within which the member could have given notice has expired).	(2) Where notice under this regulation has not been given, and a member to whom it applies has died, the appropriate administering authority may give notice on the member's behalf (whether or not the period within which the member could have given notice has expired).
(3) Paragraph (1) does not apply if the member's employment on reduced pensionable pay—	(3) Paragraph (1) does not apply if the member's employment on reduced or restricted pensionable pay—
(a)commences before the beginning of the period of ten years ending with the member's last day as an active member;	(a)commences before the beginning of the period of ten years ending with the member's last day as an active member;
(b)immediately follows a period in which the member occupies a post on a temporary basis at a higher rate of pay; or	(b)immediately follows a period in which the member occupies a post on a temporary basis at a higher rate of pay; or
(c)is because the member chooses to reduce his or her hours of work or to be employed at a lower grade, for the purposes of regulation 18 (flexible retirement).	(c)is because the member chooses to reduce his or her hours of work or to be employed at a lower grade, for the purposes of regulation 18 (flexible retirement).
(4) Subject to regulations 8(3) and 8(4), the calculation mentioned in paragraph (1) is made by dividing by three the member's total annual pensionable pay in any three consecutive years of the member's choice, ending with 31st March, within the period of thirteen years ending with the member's last day as an active member.	(4) Subject to regulations 8(3) and 8(4), the calculation mentioned in paragraph (1) is made by dividing by three the member's total annual pensionable pay in any three consecutive years of the member's choice, ending with 31st March, within the period of thirteen years ending with the member's last day as an active member.]
(5) Paragraph (1)(a) applies to a member who is the subject of—	
(a)a transfer to which the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("the TUPE Regulations") apply; or	
(b)a transfer which is treated as if it were a relevant transfer within the meaning of regulations 2(1) and 3 of the TUPE Regulations, notwithstanding regulation 3(5) of those Regulations,	
as if the transferor employer were the same employer as the transferee authority.]	
Final pay: fees <i>subst. 2010/2090</i>	Final pay: fees <i>subst. 2010/2090</i>
11. —(1) Subject to paragraph (2), where a variable time employee's pensionable pay for the purposes of regulation 8(1) consists of or includes fees, his final pay is calculated as the sum of —	11. —(1) Subject to paragraph (2), where a variable time employee's pensionable pay for the purposes of regulation 8(1) consists of or includes fees, his final pay is calculated as the sum of —
(a) the average of all such fees for the three consecutive years ending with the final pay period; and	(a) the average of all such fees for the three consecutive years ending with the final pay period; and

(b) any sums falling within regulation 4(1), other than fees, for the final pay period.	(b) any sums falling within regulation 4(1), other than fees, for the final pay period.
(2) But a member's employer may consent to him having his final pay calculated as the average of all such fees for any three consecutive years ending 31st March within the period of ten years ending with the last day he was an active member.	(2) But a member's employer may consent to him having his final pay calculated as the average of all such fees for any three consecutive years ending 31st March within the period of ten years ending with the last day he was an active member.
11.—(1) Subject to paragraph (2), where a variable-time employee's pensionable pay for the purposes of regulation 8(1) consists of or includes fees, his or her final pay is calculated as the sum of —	11.—(1) Subject to paragraph (2), where a variable-time employee's pensionable pay for the purposes of regulation 8(1) consists of or includes fees, his or her final pay is calculated as the sum of —
(a) the average of all such fees for the three consecutive years (or the employee's total period of membership if less) ending with the final pay period; and	(a) the average of all such fees for the three consecutive years (or the employee's total period of membership if less) ending with the final pay period; and
(b) any sums falling within regulation 4(1), other than fees, for the final pay period.	(b) any sums falling within regulation 4(1), other than fees, for the final pay period.
(2) But a member's employer may consent to the member having his or her final pay calculated by the substitution for paragraph (1)(a) of the average of all such fees for any three consecutive years ending on the 31st March within the period of ten years ending with the last day he or she was an active member.	(2) But a member's employer may consent to the member having his or her final pay calculated by the substitution for paragraph (1)(a) of the average of all such fees for any three consecutive years ending on the 31st March within the period of ten years ending with the last day he or she was an active member.
Power of employing authority to increase total membership of active members	Power of employing authority to increase total membership of active members
12.—(1) An employing authority may resolve to increase the total membership of an active member.	12.—(1) An employing authority may resolve to increase the total membership of an active member.
(2) A member's total additional membership under this regulation (including additional membership in respect of different employments) must not exceed 10 years.	(2) A member's total additional membership under this regulation (including additional membership in respect of different employments) must not exceed 10 years.
[(3) If the member leaves his employment for a reason other than redundancy, a resolution under paragraph (1) may only be passed before the relevant date.] <i>ins. 2008/2425</i>	[(3) If the member leaves his employment for a reason other than redundancy, a resolution under paragraph (1) may only be passed before the relevant date.] <i>ins. 2008/2425</i>
[(4) If the reason for the member leaving his employment is redundancy, a resolution under paragraph (1) may be passed at any time in the period of six months beginning with the relevant date but shall be deemed to take effect on the relevant date.] <i>ins. 2008/2425</i>	[(4) If the reason for the member leaving his employment is redundancy, a resolution under paragraph (1) may be passed at any time in the period of six months beginning with the relevant date but shall be deemed to take effect on the relevant date.] <i>ins. 2008/2425</i>
[(5) The relevant date is the date on which the member leaves his employment.] <i>ins. 2008/2425</i>	[(5) The relevant date is the date on which the member leaves his employment.] <i>ins. 2008/2425</i>

<p>[(6) “Redundancy” includes leaving employment in the interests of efficiency, or because the member held a joint appointment which has been terminated because the other holder has left it.] <i>ins. 2008/2425</i></p>	<p>[(6) “Redundancy” includes leaving employment in the interests of efficiency, or because the member held a joint appointment which has been terminated because the other holder has left it.] <i>ins. 2008/2425</i></p>
<p>[Duty of employing authority to increase total membership: enhanced protection <i>ins. 2009/3150</i></p>	
<p>12A.—(1) Where an active member intends to rely on paragraph 12 of Schedule 36 to the Finance Act 2004 (lifetime allowance “enhanced protection”) and—</p>	
<p>(a) gives notice of his or her intention to rely on that paragraph in accordance with regulation 4 of the Registered Pension Schemes (Enhanced Lifetime Allowance) Regulations 2006(16); and</p>	
<p>(b) subsequently becomes subject to a reduction in accrued membership calculated in accordance with guidance issued by the Government Actuary, but the enhanced protection is not taken into account in the calculation of the member’s benefits under regulation 22 (limit on total amount of benefits),</p>	
<p>the employing authority shall grant an additional period of membership equal to the reduction resulting from that calculation.</p>	
<p>(2) “Enhanced protection” is to be construed in accordance with Schedule 36 to the Finance Act 2004.]</p>	
<p>[Conversion of periods credited under Discretionary Compensation Regulations etc. into membership <i>ins.2009/3150</i></p>	<p>[Conversion of periods credited under Discretionary Compensation Regulations etc. into membership <i>ins. 2009/3150</i></p>
<p>12B.—(1) Where an employing authority has awarded compensation to a member by way of a credited period in respect of a former employment under earlier Discretionary Compensation Regulations, the authority may resolve, before 31st March 2012, that the member’s total membership be increased by the whole or part of the period credited under those Regulations, but such additional period must not exceed 10 years.</p>	<p>12B.—(1) Where an employing authority has awarded compensation to a member by way of a credited period in respect of a former employment under earlier Discretionary Compensation Regulations, the authority may resolve, before 31st March 2015, that the member’s total membership be increased by the whole or part of the period credited under those Regulations, but such additional period must not exceed 10 years.</p>
<p>(2) From the date on which the resolution takes effect, any period credited under those Regulations is reduced or extinguished accordingly (but without prejudice to any payments which have fallen due or have been made before that date).</p>	<p>(2) From the date on which the resolution takes effect, any period credited under those Regulations is reduced or extinguished accordingly (but without prejudice to any payments which have fallen due or have been made before that date).</p>
<p>(3) No resolution may be passed, the result of which would be to cause a member any financial detriment.</p>	<p>(3) No resolution may be passed, the result of which would be to cause a member any financial detriment.</p>

(4) In paragraph (1), “earlier Discretionary Compensation Regulations” means relevant provisions of—	(4) In paragraph (1), “earlier Discretionary Compensation Regulations” means relevant provisions of—
(a) Part 5 of the Local Government (Compensation) Regulations 1974;	(a) Part 5 of the Local Government (Compensation) Regulations 1974;
(b) Part 2 of the Local Government (Compensation for Premature Retirement) Regulations 1982;	(b) Part 2 of the Local Government (Compensation for Premature Retirement) Regulations 1982;
(c) Part D of the Local Government Superannuation Regulations 1986;	(c) Part D of the Local Government Superannuation Regulations 1986;
(e) Part 3 of the Local Government (Discretionary Payments) Regulations 1996; or	(e) Part 3 of the Local Government (Discretionary Payments) Regulations 1996; or
(d) Part 4 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000.]	(d) Part 4 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000.]
Power of employing authority to award additional pension	Power of employing authority to award additional pension
13.—(1) An employing authority may resolve to award a member [an active member] additional pension of not more than £5000 a year payable from the same date as his pension payable under any other provisions of these Regulations. <i>am. 2010/2090</i>	13.—(1) An employing authority may resolve to award a member [an active member] additional pension of not more than £5000 a year payable from the same date as his pension payable under any other provisions of these Regulations. <i>am. 2010/2090</i>
(2) Additional pension may be paid in addition to any increase of total membership resolved to be made under [regulation 12 or 12B]. <i>am. 2009/3150</i>	(2) Additional pension may be paid in addition to any increase of total membership resolved to be made under [regulation 12 or 12B]. <i>am. 2009/3150</i>
[Conversion of annual compensation into additional pension <i>ins. 2009/3150</i>	[Conversion of annual compensation into additional pension <i>ins. 2009/3150</i>
13A.—(1) Where an employing authority has awarded a member annual compensation in respect of a former employment under earlier Discretionary Compensation Regulations, the authority may resolve, before 31st March 2012, to award the member additional pension equal in value to that compensation.	13A.—(1) Where an employing authority has awarded a member annual compensation in respect of a former employment under earlier Discretionary Compensation Regulations, the authority may resolve, before 31st March 2015 , to award the member additional pension equal in value to that compensation.
(2) From the date on which the resolution takes effect, the annual compensation is reduced or extinguished accordingly (but without prejudice to any payments which have fallen due or have been made before that date).	(2) From the date on which the resolution takes effect, the annual compensation is reduced or extinguished accordingly (but without prejudice to any payments which have fallen due or have been made before that date).
(3) No resolution may be passed, the result of which would be to cause a member any financial detriment.	(3) No resolution may be passed, the result of which would be to cause a member any financial detriment.
(4) In paragraph (1)—	(4) In paragraph (1)—
(a) “annual compensation” includes an annual sum or an annuity, where those terms occur in earlier Discretionary Compensation Regulations; and	(a) “annual compensation” includes an annual sum or an annuity, where those terms occur in earlier Discretionary Compensation Regulations; and

(b) “earlier Discretionary Compensation Regulations” means relevant provisions of—	(b) “earlier Discretionary Compensation Regulations” means relevant provisions of—
(i) Parts 4 and 5 of the Local Government (Compensation) Regulations 1974;	(i) Parts 4 and 5 of the Local Government (Compensation) Regulations 1974;
(ii) Part 3 of the Local Government (Compensation for Premature Retirement) Regulations 1982;	(ii) Part 3 of the Local Government (Compensation for Premature Retirement) Regulations 1982;
(iii) Part K of the Local Government Superannuation Regulations 1986(22);	(iii) Part K of the Local Government Superannuation Regulations 1986(22);
(iv) Parts 3 and 6 of the Local Government (Discretionary Payments) Regulations 1996; or	(iv) Parts 3 and 6 of the Local Government (Discretionary Payments) Regulations 1996; or
(v) Part 4 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000.]	(v) Part 4 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000.]
Election in respect of additional pension	Election in respect of additional pension
14.—(1) A member [An active member] may choose to pay additional contributions in order to be credited with additional pension, in respect of him alone or in respect of him and any survivor, of £250 a year or multiples thereof to a maximum of £5000. <i>am. 2010/2090</i>	14.—(1) A member [An active member] may choose to pay additional contributions in order to be credited with additional pension, in respect of him alone or in respect of him and any survivor, of £250 a year or multiples thereof to a maximum of £5000. <i>am. 2010/2090</i>
(2) If he chooses to take the additional pension referred to in paragraph (1) earlier or later than his normal retirement age, it is reduced or, as the case may be, increased.	(2) If he chooses to take the additional pension referred to in paragraph (1) earlier or later than his normal retirement age, it is reduced or, as the case may be, increased.
(3) The amount of the additional contributions to be paid under paragraph (1), and the reduction or increase referred to in paragraph (2), is calculated in accordance with guidance issued by the Government Actuary.	(3) The amount of the additional contributions to be paid under paragraph (1), and the reduction or increase referred to in paragraph (2), is calculated in accordance with guidance issued by the Government Actuary.
[Election to pay additional contributions: survivor benefits <i>ins. 2009/3150</i>	[Election to pay additional contributions: survivor benefits <i>ins. 2009/3150</i>
14A.—(1) A member [An active member] may elect to pay additional contributions in respect of any period of membership occurring prior to 6th April 1988, in order to be credited with additional survivor benefits in respect of a surviving nominated cohabiting partner (within the meaning of regulation 25). <i>am. 2010/2090</i>	14A.—(1) A member [An active member] may elect to pay additional contributions in respect of any period of membership occurring prior to 1st April 2012 , in order to be credited with additional survivor benefits in respect of a surviving nominated cohabiting partner (within the meaning of regulation 25). <i>am. 2010/2090</i>
(2) An election to pay additional survivor benefits contributions (“ASBCs”) under paragraph (1), must be made no later than 31st March 2011.	(2) An election to pay additional survivor benefits contributions (“ASBCs”) under paragraph (1), must be made before the expiration of 2 years beginning with the date of the nomination under

	regulation 25.
(3) ASBCs may be paid—	(3) ASBCs may be paid—
(a) in respect of the whole of any period of membership occurring before 6th April 1988 (whether or not that period constitutes a period of complete years of membership); or	(a) in respect of the whole of any period of membership occurring before 1st April 2012 (whether or not that period constitutes a period of complete years of membership); or
(b) in respect of complete years of membership only.	(b) in respect of complete years of membership only.
(4) The amount of ASBCs to be paid under paragraph (1) shall be calculated in accordance with actuarial guidance published by the Secretary of State.	(4) The amount of ASBCs to be paid under paragraph (1) shall be calculated in accordance with actuarial guidance published by the Secretary of State.
(5) If a member [an active member] elects to pay ASBCs under paragraph (1), a surviving nominated cohabiting partner's entitlement to a pension by virtue of regulations 24, 33 or 36 as the case may be, will be based on the period of membership occurring after 5th April 1988 plus any period of membership occurring before that date in respect of which the member [the active member] chooses to pay ASBCs. <i>am. 2010/2090</i>	(5) If a member [an active member] elects to pay ASBCs under paragraph (1), a surviving nominated cohabiting partner's entitlement to a pension by virtue of regulations 24, 33 or 36 as the case may be, will be based on the period of membership occurring after 31st March 2012 plus any period of membership occurring before that date in respect of which the member [the active member] chooses to pay ASBCs. <i>am. 2010/2090</i>
(6) If a member gives written notice of revocation under regulation 25(5), the member is entitled to an additional pension equivalent to the amount of ASBCs paid under paragraph (1), calculated in accordance with actuarial guidance published by the Secretary of State.] <i>om. 2010/2090</i>	(6) If a member gives written notice of revocation under regulation 25(5), the member is entitled to an additional pension equivalent to the amount of ASBCs paid under paragraph (1), calculated in accordance with actuarial guidance published by the Secretary of State.] <i>om. 2010/2090</i>
Elections to pay AVCs	Elections to pay AVCs
15.—(1) A member [Subject to regulation 26 (use of accumulated value of AVCs and SCAVCs) of the Administration Regulations, a member] who has entered into an arrangement to pay additional voluntary contributions (“AVCs”) or to contribute to a shared cost AVC in addition to any other contributions he may pay under these Regulations is entitled to additional benefits in accordance with one of the methods permissible under the Finance Act 2004. <i>am. 2010/2090</i>	15.—(1) A member [Subject to regulation 26 (use of accumulated value of AVCs and SCAVCs) of the Administration Regulations, a member] who has entered into an arrangement to pay additional voluntary contributions (“AVCs”) or to contribute to a shared cost AVC in addition to any other contributions he may pay under these Regulations is entitled to additional benefits so far as permitted by the Income Tax Acts (Acts of Tynwald) . <i>am. 2010/2090</i>
(2) Where a member chooses to take some or all of the benefits referred to in paragraph (1) in the form of a lump sum, that sum forms part of the total amount referred to in regulation 21(2).	(2) Where a member chooses to take some or all of the benefits referred to in paragraph (1) in the form of a lump sum, that sum forms part of the total amount referred to in regulation 21(2).
(3) In this regulation, “a shared cost AVC” means an arrangement established and maintained by an employing authority for the purpose of enabling contributions to be paid by and for active members.	(3) In this regulation, “a shared cost AVC” means an arrangement established and maintained by an employing authority for the purpose of enabling contributions to be paid by and for active members.
Retirement benefits	Retirement benefits

16.—(1) A member [Subject to paragraph (3), a member] who has attained the Scheme's normal retirement age and ceases to be employed in local government pension scheme employment [local government employment] is entitled to immediate payment of retirement pension without reduction. <i>am. 2010/2090</i>	16.—(1) A member [Subject to paragraph (3), a member] who has attained the Scheme's normal retirement age and ceases to be employed in local government pension scheme employment [local government employment] is entitled to immediate payment of retirement pension without reduction. <i>am. 2010/2090</i>
(2) The normal retirement age of the Scheme is 65.	(2) The normal retirement age of the Scheme is 65.
[(3) Where a member chooses to defer immediate payment of retirement pension under regulation 50 (commencement of pensions) of the Administration Regulations, the member's pension rights shall be enhanced in accordance with guidance issued by the Secretary of State.] <i>ins. 2010/2090</i>	[(3) Where a member chooses to defer immediate payment of retirement pension under regulation 50 (commencement of pensions) of the Administration Regulations, the member's pension rights shall be enhanced in accordance with guidance issued by the Secretary of State.] <i>ins. 2010/2090</i>
Retirement after the normal retirement date	Retirement after the normal retirement date
17.—(1) A member who remains in employment [or who joins the Scheme] after his 65th birthday is entitled to a pension when he retires from service. <i>am. 2010/2090</i>	17.—(1) A member who remains in employment [or who joins the Scheme] after his 65th birthday is entitled to a pension when he retires from service. <i>am. 2010/2090</i>
(2) His pension rights accrued at that date, and any rights accruing between that date and the date of his retirement or the day before his 75th birthday, whichever is earlier, shall be enhanced in accordance with guidance issued by the Government Actuary.	(2) His pension rights accrued at that date, and any rights accruing between that date and the date of his retirement or the day before his 75th birthday, whichever is earlier, shall be enhanced in accordance with guidance issued by the Government Actuary.
(3) The pension is payable immediately on retirement.	(3) The pension is payable immediately on retirement.
(4) But it must begin to be paid not later than the day before the member's 75th birthday even if he has not retired.	(4) But it must begin to be paid not later than the day before the member's 75th birthday even if he has not retired.
Flexible retirement	Flexible retirement
18.—(1) A member who has attained the age of 55 and who, with his employer's consent, reduces the hours he works, or the grade in which he is employed, may make a request in writing to the appropriate administering authority to receive all or part of his benefits under these Regulations, and the authority may pay those benefits [and such benefits may, with his employer's consent, be paid] to him notwithstanding that he has not retired from that employment. <i>am. 2008/1083</i>	18.—(1) A member who has attained the age of 55 and who, with his employer's consent, reduces the hours he works, or the grade in which he is employed, may make a request in writing to the appropriate administering authority to receive all or part of his benefits under these Regulations, and the authority may pay those benefits [and such benefits may, with his employer's consent, be paid] to him notwithstanding that he has not retired from that employment. <i>am. 2008/1083</i>
(2) If the payment of benefits referred to in paragraph (1) takes effect before the member's 65th birthday, the benefits payable are reduced in accordance with guidance issued by the Government Actuary.	(2) If the payment of benefits referred to in paragraph (1) takes effect before the member's 65th birthday, the benefits payable are reduced in accordance with guidance issued by the Government Actuary.
(3) But the employer may agree to waive, in whole or in part, any such	(3) But the employer may agree to waive, in whole or in part, any such

reduction as is referred to in paragraph (2).	reduction as is referred to in paragraph (2).
[(3A) If the payment of benefits referred to in paragraph (1) takes effect after the member's 65th birthday, the benefits payable shall be enhanced in accordance with guidance issued by the Secretary of State.] <i>ins. 2010/2090</i>	[(3A) If the payment of benefits referred to in paragraph (1) takes effect after the member's 65th birthday, the benefits payable shall be enhanced in accordance with guidance issued by the Secretary of State.] <i>ins. 2010/2090</i>
(4) [Subject to paragraph (4A), in] in the case of a person who is a member on 31st March 2008, and who makes a request before 31st March 2010, paragraph (1) applies as if "the age of 50" were substituted for "the age of 55". <i>am. 2008/1083</i>	(4) [Subject to paragraph (4A), in] in the case of a person who is a member on 31st March 2012 , and who makes a request before 31st March 2014 , paragraph (1) applies as if "the age of 50" were substituted for "the age of 55". <i>am. 2008/1083</i>
[(4A) Paragraph (4) only applies to a member whose employment has been continuous with that same employer throughout that period.] <i>ins. 2008/1083</i>	[(4A) Paragraph (4) only applies to a member whose employment has been continuous with that same employer throughout that period.] <i>ins. 2008/1083</i>
[4B) For the purposes of paragraph (4A), the employment of a member who has been the subject of a transfer to which the Transfer of Undertakings (Protection of Employment) Regulations 2006 apply shall be treated as being continuous employment with the transferee employer.] <i>ins. 2008/1083</i>	
(5) Where a member is receiving benefits under this regulation, the period of membership used to calculate those benefits is not taken into account in any subsequent calculation of such benefits to which he is entitled under these Regulations.	(5) Where a member is receiving benefits under this regulation, the period of membership used to calculate those benefits is not taken into account in any subsequent calculation of such benefits to which he is entitled under these Regulations.
[(5) The value of any benefits paid to a member under paragraph (1) shall be taken into account in any subsequent calculation of his benefits under regulation 16, 17, [18,] 19, 20, 30 or 31 in accordance with guidance issued by the Government Actuary.] <i>subst. 2008/1083, am. 2010/2090</i>	[(5) The value of any benefits paid to a member under paragraph (1) shall be taken into account in any subsequent calculation of his benefits under regulation 16, 17, [18,] 19, 20, 30 or 31 in accordance with guidance issued by the Government Actuary.] <i>subst. 2008/1083, am. 2010/2090</i>
Early leavers: inefficiency and redundancy	Early leavers: inefficiency and redundancy
19.—(1) Where—	19.—(1) Where—
(a) a member is dismissed by reason of redundancy; or	(a) a member is dismissed by reason of redundancy; or
(b) his employing authority has decided that, on the grounds of business efficiency, it is in their interest that he should leave their employment; and	(b) his employing authority has decided that, on the grounds of business efficiency, it is in their interest that he should leave their employment; and
(c) in either case, the member has attained the age of 55,	(c) in either case, the member has attained the age of 55,
he is entitled to immediate payment of retirement pension without	he is entitled to immediate payment of retirement pension without

reduction.	reduction.
(2) In the case of a person who is a member on 31st March 2008, and to whom paragraph (1) applies before 31st March 2010, that paragraph applies as if “the age of 50” were substituted for “the age of 55”.	(2) In the case of a person who is a member on 31st March 2012 , and to whom paragraph (1) applies before 31st March 2014 , that paragraph applies as if “the age of 50” were substituted for “the age of 55”.
Early leavers: ill-health <i>subst. 2008/1083</i>	Early leavers: ill-health <i>subst. 2008/1083</i>
20. — (1) If an employing authority determines, in the case of a member who has at least two year’s total membership —	20. — (1) If an employing authority determines, in the case of a member who has at least two year’s total membership —
(a) to terminate his local government employment on the grounds that his ill health or infirmity of mind or body renders him permanently incapable of discharging efficiently the duties of his current employment; and	(a) to terminate his local government employment on the grounds that his ill health or infirmity of mind or body renders him permanently incapable of discharging efficiently the duties of his current employment; and
(b) that he has a reduced likelihood of obtaining gainful employment (whether in local government or otherwise) before his normal retirement age,	(b) that he has a reduced likelihood of obtaining gainful employment (whether in local government or otherwise) before his normal retirement age,
they shall pay him benefits under this regulation.	they shall pay him benefits under this regulation.
(2) If the authority determine that there is no reasonable prospect of his obtaining gainful employment before his normal retirement age, his benefits are increased —	(2) If the authority determine that there is no reasonable prospect of his obtaining gainful employment before his normal retirement age, his benefits are increased —
(a) as if the date on which he left local government employment were his normal retirement age; and	(a) as if the date on which he left local government employment were his normal retirement age; and
(b) by adding to his total membership at that date the whole of the period between that date and his actual normal retirement age.	(b) by adding to his total membership at that date the whole of the period between that date and his actual normal retirement age.
(3) If the authority determine that, although he cannot obtain gainful employment within a reasonable period of leaving local government employment, it is likely that he will be able to obtain gainful employment before his normal retirement age, his benefits are increased —	(3) If the authority determine that, although he cannot obtain gainful employment within a reasonable period of leaving local government employment, it is likely that he will be able to obtain gainful employment before his normal retirement age, his benefits are increased —
(a) as if the date on which he left local government employment were his normal retirement age; and	(a) as if the date on which he left local government employment were his normal retirement age; and
(b) by adding to his total membership at that date 25% of the period between that date and his actual normal retirement age.	(b) by adding to his total membership at that date 25% of the period between that date and his actual normal retirement age.
(4) In the case of a member in part time service, the period to be added under paragraph (2)(b) or (3)(b), as the case may be, is calculated in accordance with regulation 7(3) as if he had remained in such part-time service until his actual normal retirement age.	(4) In the case of a member in part time service, the period to be added under paragraph (2)(b) or (3)(b), as the case may be, is calculated in accordance with regulation 7(3) as if he had remained in such part-time service until his actual normal retirement age.

(5) But if, in the case of a person who is a member before 1st April 2008, and —	(5) But if, in the case of a person who is a member before 1st April 2008, and —
(a) has attained the age of 50 before that date, or	(a) has attained the age of 50 before that date, or
(b) became a member of the 1997 Scheme having —	(b) became a member of the 1997 Scheme having —
(i) attained the age of 45 before that date; and	(i) attained the age of 45 before that date; and
(ii) not received a transfer for any other scheme,	(ii) not received a transfer for any other scheme,
the period to be added under paragraph (3)(b) is less than the period that would have been added had regulation 28 of the 1997 Regulations applied, then his benefits are increased by adding the latter period.	the period to be added under paragraph (3)(b) is less than the period that would have been added had regulation 28 of the 1997 Regulations applied, then his benefits are increased by adding the latter period.
(6) Before making a determination under this regulation, an authority must obtain a certificate from an independent registered medical practitioner qualified in occupational health medicine as to whether in his opinion the member is permanently incapable of discharging efficiently the duties of the relevant local government employment because of ill health or infirmity of mind or body and, if so, as to the likelihood of the member being able to obtain other gainful employment within a reasonable time of leaving local government employment or, as the case may be, before reaching his normal retirement age.	(6) Before making a determination under this regulation, an authority must obtain a certificate from an independent registered medical practitioner qualified in occupational health medicine as to whether in his opinion the member is permanently incapable of discharging efficiently the duties of the relevant local government employment because of ill health or infirmity of mind or body and, if so, as to the likelihood of the member being able to obtain other gainful employment within a reasonable time of leaving local government employment or, as the case may be, before reaching his normal retirement age.
(7) In this regulation, “qualified in occupational health medicine” means —	(7) In this regulation, “qualified in occupational health medicine” means —
(a) holding a diploma in occupational 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 the General and Specialist Medical Practice (Education, Training and Qualification) Order 2003(5); or	(a) holding a diploma in occupational 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 the General and Specialist Medical Practice (Education, Training and Qualification) Order 2003; or
(b) being an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State.	(b) being an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State.
(8) In this regulation, “gainful employment” means paid employment for not less than 30 hours in each week for a period of not less than 12 months.	(8) In this regulation, “gainful employment” means paid employment for not less than 30 hours in each week for a period of not less than 12 months.
[20.—(1) If an employing authority determine, in the case of a member who satisfies one of the qualifying conditions in regulation 5—	[20.—(1) If an employing authority determine, in the case of a member who satisfies one of the qualifying conditions in regulation 5—
(a) to terminate his employment on the grounds that his ill-health or infirmity of mind or body renders him permanently incapable of discharging efficiently the duties of his current employment; and	(a) to terminate his employment on the grounds that his ill-health or infirmity of mind or body renders him permanently incapable of discharging efficiently the duties of his current employment; and

(b) that he has a reduced likelihood of obtaining [being capable of undertaking] any gainful employment before his normal retirement age, <i>am. 2010/2090</i>	(b) that he has a reduced likelihood of obtaining [being capable of undertaking] any gainful employment before his normal retirement age, <i>am. 2010/2090</i>
they shall agree to his retirement pension coming into payment before his normal retirement age in accordance with this regulation in the circumstances set out in paragraph (2), (3) or (4), as the case may be.	they shall agree to his retirement pension coming into payment before his normal retirement age in accordance with this regulation in the circumstances set out in paragraph (2), (3) or (4), as the case may be.
(2) If the authority determine that there is no reasonable prospect of his obtaining [being capable of undertaking] any gainful employment before his normal retirement age, his benefits are increased— <i>am. 2010/2090</i>	(2) If the authority determine that there is no reasonable prospect of his obtaining [being capable of undertaking] any gainful employment before his normal retirement age, his benefits are increased— <i>am. 2010/2090</i>
(a) as if the date on which he leaves his employment were his normal retirement age; and	(a) as if the date on which he leaves his employment were his normal retirement age; and
(b) by adding to his total membership at that date the whole of the period between that date and the date on which he would have retired at normal retirement age.	(b) by adding to his total membership at that date the whole of the period between that date and the date on which he would have retired at normal retirement age.
(3) If the authority determine that, although he cannot obtain gainful employment [is not capable of undertaking gainful employment] within three years of leaving his employment, it is likely that he will be able to obtain [capable of undertaking] any gainful employment before his normal retirement age, his benefits are increased— <i>am. 2010/2090</i>	(3) If the authority determine that, although he cannot obtain gainful employment [is not capable of undertaking gainful employment] within three years of leaving his employment, it is likely that he will be able to obtain [capable of undertaking] any gainful employment before his normal retirement age, his benefits are increased— <i>am. 2010/2090</i>
(a) as if the date on which he leaves his employment were his normal retirement age; and	(a) as if the date on which he leaves his employment were his normal retirement age; and
(b) by adding to his total membership at that date 25% of the period between that date and the date on which he would have retired at normal retirement age.	(b) by adding to his total membership at that date 25% of the period between that date and the date on which he would have retired at normal retirement age.

<p>(4) If the authority determine that it is likely that he will be able to obtain any gainful employment within three years of leaving his employment, his benefits— [(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 normal retirement age if earlier, his benefits—] <i>am. 2010/2090</i> (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. [(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.] <i>subst. 2011/561</i></p>	<p>(4) If the authority determine that it is likely that he will be able to obtain any gainful employment within three years of leaving his employment, his benefits— [(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 normal retirement age if earlier, his benefits—] <i>am. 2010/2090</i> (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. [(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.] <i>subst. 2011/561</i></p>
<p>(5) Before making a determination under this regulation, an authority must obtain a certificate from an independent registered medical practitioner qualified in occupational health medicine ["IRMP"]) as to whether in his opinion the member is suffering from a condition that renders him permanently incapable of discharging efficiently the duties of the relevant employment because of ill-health or infirmity of mind or body and, if so, whether as a result of that condition he has a reduced likelihood of obtaining [being capable of undertaking] any gainful employment before reaching his normal retirement age. <i>am. 2010/2090</i></p>	<p>(5) Before making a determination under this regulation, an authority must obtain a certificate from an independent registered medical practitioner qualified in occupational health medicine ["IRMP"]) as to whether in his opinion the member is suffering from a condition that renders him permanently incapable of discharging efficiently the duties of the relevant employment because of ill-health or infirmity of mind or body and, if so, whether as a result of that condition he has a reduced likelihood of obtaining [being capable of undertaking] any gainful employment before reaching his normal retirement age. <i>am. 2010/2090</i></p>
<p>(6) A person who receives benefits under paragraph (4) shall— (a) inform the authority if he obtains employment; and</p>	<p>(6) A person who receives benefits under paragraph (4) shall— (a) inform the authority if he obtains employment; and</p>
<p>(b) answer any inquiries made by the authority as to his current employment status, including as to his pay and working hours.</p>	<p>(b) answer any inquiries made by the authority as to his current employment status, including as to his pay and working hours.</p>
<p>(7) (a) Once benefits have been in payment to a person for 18 months, the authority shall make inquiries as to his current employment.</p>	<p>(7) (a) Once benefits have been in payment to a person for 18 months, the authority shall make inquiries as to his current employment.</p>

[(a) Subject to sub-paragraph (c), once benefits under paragraph (4) have been in payment to a person for 18 months, the authority shall make inquiries as to his current employment.] <i>subst. 2010/2090</i>	[(a) Subject to sub-paragraph (c), once benefits under paragraph (4) have been in payment to a person for 18 months, the authority shall make inquiries as to his current employment.] <i>subst. 2010/2090</i>
(b) If he is not in gainful employment, the authority shall obtain a further certificate from an independent registered medical practitioner as to the matters set out in paragraph (5).	(b) If he is not in gainful employment, the authority shall obtain a further certificate from an independent registered medical practitioner as to the matters set out in paragraph (5).
[(c) Sub-paragraph (a) does not apply where a person reaches normal retirement age.] <i>ins. 2010/2090</i>	[(c) Sub-paragraph (a) does not apply where a person reaches normal retirement age.] <i>ins. 2010/2090</i>
(8) (a) The authority shall discontinue the payment of benefits under paragraph (4) if they consider—	(8) (a) The authority shall discontinue the payment of benefits under paragraph (4) if they consider—
(i) that the person is in gainful employment; or	(i) that the person is in gainful employment; or
(ii) in reliance on the certificate obtained under paragraph (7)(b), that he is capable of obtaining [undertaking] such employment <i>am. 2010/2090</i>	(ii) in reliance on the certificate obtained under paragraph (7)(b), that he is capable of obtaining [undertaking] such employment <i>am. 2010/2090</i>
and may recover any payment made in respect of any period before discontinuance during which they considers him to have been in gainful employment.	and may recover any payment made in respect of any period before discontinuance during which they considers him to have been in gainful employment.
(b) The authority [Subject to sub-paragraph (bb), the authority] shall in any event discontinue the payment of benefits under paragraph (4) after they have been in payment to a person for three years. <i>am. 2010/2090</i>	(b) The authority [Subject to sub-paragraph (bb), the authority] shall in any event discontinue the payment of benefits under paragraph (4) after they have been in payment to a person for three years. <i>am. 2010/2090</i>
[(bb) Paragraph (b) does not apply where a person reaches the age of 65.] <i>ins. 2010/2090</i>	[(bb) Paragraph (b) does not apply where a person reaches the age of 65.] <i>ins. 2010/2090</i>
(c) The authority shall forthwith notify the appropriate administering authority of any action they have taken under this paragraph.	(c) The authority shall forthwith notify the appropriate administering authority of any action they have taken under this paragraph.
(9) A person in respect of whom the payment of benefits is discontinued under paragraph (8) shall be treated as a pensioner member with deferred benefits from the date the suspension takes effect, and shall not be eligible to receive benefits under paragraph (4) in respect of any future period.	(9) A person in respect of whom the payment of benefits is discontinued under paragraph (8) shall be treated as a pensioner member with deferred benefits from the date the suspension takes effect, and shall not be eligible to receive benefits under paragraph (4) in respect of any future period.
(10) If a person in respect of whom the payment of benefits is discontinued under paragraph (8) subsequently becomes an active member of the Scheme, his earlier period of active membership in respect of which benefits were paid under paragraph (4) shall not be aggregated with his later active membership.	(10) If a person in respect of whom the payment of benefits is discontinued under paragraph (8) subsequently becomes an active member of the Scheme, his earlier period of active membership in respect of which benefits were paid under paragraph (4) shall not be aggregated with his later active membership.

(11) (a) An authority which has made a determination under paragraph (4) in respect of a member may make a subsequent determination under paragraph (3) in respect of him.	(11) (a) An authority which has made a determination under paragraph (4) in respect of a member may make a subsequent determination under paragraph (3) in respect of him.
[(aa)A subsequent determination under paragraph (3) must be made within three years of the date that payment of benefits is discontinued under paragraph (8)(b) [paragraph (8)], or before the member reaches the age of 65 if earlier.] <i>ins. 2010/2090, am. 2011/561</i>	[(aa)A subsequent determination under paragraph (3) must be made within three years of the date that payment of benefits is discontinued under paragraph (8)(b) [paragraph (8)], or before the member reaches the age of 65 if earlier.] <i>ins. 2010/2090, am. 2011/561</i>
(b) Any increase in benefits payable as a result of any such subsequent determination is payable from the date of that determination.	(b) Any increase in benefits payable as a result of any such subsequent determination is payable from the date of that determination.
[(11A) Where an authority makes a determination of benefits under paragraph (2) or (3) (“the subsequent determination”) in the case of a person— (a) for whom a retirement pension had already been determined under paragraph (2) or (3) (“the initial determination”), and (b) who subsequently became an active member of the Scheme, his earlier period of active membership (calculated under the initial determination) shall not when aggregated with his later period of active membership (calculated under the subsequent determination), exceed the total membership he would have had, were the initial determination to have been made under paragraph (2).] <i>ins. 2010/2090</i>	[(11A) Where an authority makes a determination of benefits under paragraph (2) or (3) (“the subsequent determination”) in the case of a person— (a) for whom a retirement pension had already been determined under paragraph (2) or (3) (“the initial determination”), and (b) who subsequently became an active member of the Scheme, his earlier period of active membership (calculated under the initial determination) shall not when aggregated with his later period of active membership (calculated under the subsequent determination), exceed the total membership he would have had, were the initial determination to have been made under paragraph (2).] <i>ins. 2010/2090</i>
(12) (a) Subject to sub-paragraph (b) and to paragraph (13), in the case of a member in part-time service, the period to be added under paragraph (2)(b) or (3)(b), as the case may be, is calculated in accordance with regulation 7(3) as if he had remained in such part-time service until his normal retirement age.	(12) (a) Subject to sub-paragraph (b) and to paragraph (13), in the case of a member in part-time service, the period to be added under paragraph (2)(b) or (3)(b), as the case may be, is calculated in accordance with regulation 7(3) as if he had remained in such part-time service until his normal retirement age.
(b) If the certificate obtained under paragraph (5) states that, in the medical practitioner’s opinion, the member is wholly or partly in part-time service as a result of the condition [the member is in part-time service wholly or partly as a result of the condition] that has caused him to be incapable of discharging efficiently the duties of the relevant local government employment, no account shall be taken of such reduction in his service as is attributable to that condition. <i>am. 2010/2090</i>	(b) If the certificate obtained under paragraph (5) states that, in the medical practitioner’s opinion, the member is wholly or partly in part-time service as a result of the condition [the member is in part-time service wholly or partly as a result of the condition] that has caused him to be incapable of discharging efficiently the duties of the relevant local government employment, no account shall be taken of such reduction in his service as is attributable to that condition. <i>am. 2010/2090</i>
(13) But if, in the case of a person who is a member before 1st April 2008, and who has attained the age of 45 before that date, the period to be added under paragraph (2)(b) or (3)(b) is less than the period that	(13) But if, in the case of a person who is a member before 1st April 2008, and who has attained the age of 45 before that date, the period to be added under paragraph (2)(b) or (3)(b) is less than the period that

<p>would have been added had regulation 28 of the 1997 Regulations applied, then his benefits are increased by adding the latter period. [(13) But in the case of a person who is an active member before 1st April 2008 and who—</p> <p>(a) has reached the age of 45 before that date;</p> <p>(b) has had continuous membership; and</p> <p>(c) has not received any benefits in respect of that membership, his benefits are increased by adding the period that would have been added had regulation 28 of the 1997 Regulations applied if such period is greater than the period to be added under paragraph (2)(b) or (3)(b).]</p> <p><i>subst. 2010/2090</i></p>	<p>would have been added had regulation 28 of the 1997 Regulations applied, then his benefits are increased by adding the latter period. [(13) But in the case of a person who is an active member before 1st April 2012 and who—</p> <p>(a) has reached the age of 45 before that date;</p> <p>(b) has had continuous membership; and</p> <p>(c) has not received any benefits in respect of that membership, his benefits are increased by adding the period that would have been added had regulation 28 of the 1997 Regulations applied if such period is greater than the period to be added under paragraph (2)(b) or (3)(b).]</p> <p><i>subst. 2010/2090</i></p>
(14) In this regulation –	(14) In this regulation –
“gainful employment” means paid employment for not less than 30 hours in each week for a period of not less than 12 months;	“gainful employment” means paid employment for not less than 30 hours in each week for a period of not less than 12 months;
“permanently incapable” means that the member will, more likely than not, be incapable until, at the earliest, his 65th birthday; and	“permanently incapable” means that the member will, more likely than not, be incapable until, at the earliest, his 65th birthday; and
<p>“qualified in occupational health medicine” [an independent registered medical practitioner qualified in occupational health medicine (“IRMP”)] “an independent registered medical practitioner (“IRMP”) qualified in occupational health medicine” means a practitioner who is registered with the General Medical Council and —</p> <p>(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; or</p> <p>(b) is an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA state.]</p> <p><i>am. 2010/2090, 2011/561</i></p>	<p>“qualified in occupational health medicine” [an independent registered medical practitioner qualified in occupational health medicine (“IRMP”)] “an independent registered medical practitioner (“IRMP”) qualified in occupational health medicine” means a practitioner who is registered with the General Medical Council and —</p> <p>(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(5); or</p> <p>(b) is an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA state.]</p> <p><i>am. 2010/2090, 2011/561</i></p>
(15) Where, apart from this paragraph, the benefits payable to a member in respect of whom his employing authority makes a determination under paragraph (1) before 1st October 2008 would place him in a worse position than he would otherwise be had the 1997 Regulations continued to apply, then those Regulations shall have effect in relation to him as if they were still in force instead of the preceding paragraphs of this regulation.]	(15) Where, apart from this paragraph, the benefits payable to a member in respect of whom his employing authority makes a determination under paragraph (1) before 1st October 2012 would place him in a worse position than he would otherwise be had the 1997 Regulations continued to apply, then those Regulations shall have effect in relation to him as if they were still in force instead of the preceding paragraphs of this regulation.]
Election for lump sum in lieu of pension	Election for lump sum in lieu of pension
21.—(1) A member in respect of whom a benefit crystallisation event	21.—(1) A member who becomes entitled to a pension or lump sum

within the meaning of the Finance Act 2004 occurs on or after 1st April 2008 may choose in writing to the appropriate administering authority before any benefits become payable to commute his pension, or a part thereof, at a rate of £12 for every £1 of annual pension entitlement surrendered .	payment under the Scheme may choose in writing to the appropriate administering authority before any benefits become payable to commute his pension, or a part thereof, at a rate of £12 for every £1 of annual pension entitlement surrendered .
(2) But the total amount of the member's commuted sum, including any sum received as benefits provided in the form of a lump sum in accordance with regulation 15 shall not exceed 25% of the capital value of his accrued rights.	(2) But the total amount of the member's commuted sum, including any sum received as benefits provided in the form of a lump sum in accordance with regulation 15 shall not exceed 25% of the capital value of his accrued rights.
(3) For the purposes of this regulation, a member's accrued rights include rights accrued in respect of any payments made by or for him in accordance with the 1997 Regulations.	(3) For the purposes of this regulation, a member's accrued rights include rights accrued in respect of any payments made by or for him in accordance with the 1997 Regulations.
(4) The capital value of a member's accrued rights shall be calculated in accordance with guidance issued by the Government Actuary.	(4) The capital value of a member's accrued rights shall be calculated in accordance with guidance issued by the Government Actuary.
(5) And for the purposes of paragraph (1), a member's pension is his pension after any reduction pursuant to regulation 18 or 30.	(5) And for the purposes of paragraph (1), a member's pension is his pension after any reduction pursuant to regulation 18 or 30.
Limit on total amount of benefits	Limit on total amount of benefits
22.—(1) A member and any dependent of his shall not be entitled, under any provision of these Regulations, to receive benefits the capital value of which exceeds his lifetime allowance increased, where applicable, by his primary protection or his enhanced protection except in accordance with guidance issued by the Government Actuary.	22. ...
(2) In this regulation, "lifetime allowance", "primary protection" and "enhanced protection" are to be construed in accordance with section 218 of, and Schedule 36 to, the Finance Act 2004(6).	...
(3) Any calculation of the capital value of a member's benefits for the purposes of this or any other of these Regulations is to be carried out in accordance with guidance issued by the Government Actuary.	(3) Any calculation of the capital value of a member's benefits for the purposes of this or any other of these Regulations is to be carried out in accordance with guidance issued by the Government Actuary.
(4) The appropriate administering authority is responsible for deducting from any payment of benefits under the Scheme any tax to which they may become chargeable under the Finance Act 2004.	(4) The appropriate administering authority is responsible for deducting from any payment of benefits under the Scheme any tax to which they may become chargeable under the <i>Income Tax Acts (Acts of Tynwald)</i> .
Death grants: active members	Death grants: active members
23.—(1) If an active member dies, a death grant is payable.	23.—(1) If an active member dies, a death grant is payable.
(2) The appropriate administering authority at their absolute discretion may make payments in respect of the death grant to or for the benefit of the member's nominee or personal representatives, or any person	(2) The appropriate administering authority at their absolute discretion may make payments in respect of the death grant to or for the benefit of the member's nominee or personal representatives, or any person

appearing to the authority to have been his relative or dependant at any time.	appearing to the authority to have been his relative or dependant at any time.
(3) The death grant is his final pay multiplied by 3.	(3) The death grant is his final pay multiplied by 3.
(4) But in calculating death grant [But, subject to paragraph (4A), in calculating the death grant] in respect of a part-time employee, actual pensionable pay in part-time employment is to be used. <i>am. 2010/2090</i>	(4) But in calculating death grant [But, subject to paragraph (4A), in calculating the death grant] in respect of a part-time employee, actual pensionable pay in part-time employment is to be used. <i>am. 2010/2090</i>
[(4A) Where, in the opinion of an IRMP the member was, at the date of death, in part-time service wholly or partly as a result of the condition that caused or contributed to the member's death, no account shall be taken of any reduction in pay due to such reduction in service as is attributable to that condition.] <i>ins. 2010/2090</i>	[(4A) Where, in the opinion of an IRMP the member was, at the date of death, in part-time service wholly or partly as a result of the condition that caused or contributed to the member's death, no account shall be taken of any reduction in pay due to such reduction in service as is attributable to that condition.] <i>ins. 2010/2090</i>
(5) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years beginning with his death, they must pay an amount equal to the shortfall to the member's personal representatives.	(5) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years beginning with his death, they must pay an amount equal to the shortfall to the member's personal representatives.
[(5) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years— (a) beginning with his death or (b) beginning with the date on which the administering authority could reasonably be expected to have become aware of the member's death, they must pay an amount equal to the shortfall to the member's personal representatives.] <i>subst. 2008/2425</i>	[(5) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years— (a) beginning with his death or (b) beginning with the date on which the administering authority could reasonably be expected to have become aware of the member's death, they must pay an amount equal to the shortfall to the member's personal representatives.] <i>subst. 2008/2425</i>
Survivor benefits: active members	Survivor benefits: active members
24.—(1) If a member dies leaving a surviving spouse, nominated cohabiting partner or civil partner, that person is entitled to a pension[, which shall come into payment on the day following death]. <i>am. 2010/2090</i>	24.—(1) If a member dies leaving a surviving spouse, nominated cohabiting partner or civil partner, that person is entitled to a pension[, which shall come into payment on the day following death]. <i>am. 2010/2090</i>
(2) The pension is calculated by multiplying his total membership, augmented as if Regulation 20(2) applied, by his final pay and divided by 160. [(2) (a) Subject to the provisions listed in sub-paragraph (b) and to paragraph (2A), the pension is calculated by multiplying the member's total membership, augmented as if regulation 20(2) applied, by his or her final pay and divided by 160;	(2) The pension is calculated by multiplying his total membership, augmented as if Regulation 20(2) applied, by his final pay and divided by 160. [(2) (a) Subject to the provisions listed in sub-paragraph (b) and to paragraph (2A), the pension is calculated by multiplying the member's total membership, augmented as if regulation 20(2) applied, by his or her final pay and divided by 160;

(b) The provisions mentioned in sub-paragraph (a) are— (i) regulations 14, 14A and 15; (ii) regulations 20(4)(a) and 20A of the 1997 Regulations; and (iii) regulations 23 to 26 of the Administration Regulations.] <i>subst. 2010/2090</i>	(b) The provisions mentioned in sub-paragraph (a) are— (i) regulations 14, 14A and 15; (ii) regulations 20(4)(a) and 20A of the 1997 Regulations; and (iii) regulations 23 to 26 of the Administration Regulations.] <i>subst. 2010/2090</i>
[(2A) Where, in the opinion of an IRMP the member was at the date of death, in part-time service wholly or partly as a result of the condition that caused or contributed to the member's death, no account shall be taken of any reduction in pay [membership] due to such reduction in service as is attributable to that condition.] <i>ins. 2010/2090, am. 2011/561</i>	[(2A) Where, in the opinion of an IRMP the member was at the date of death, in part-time service wholly or partly as a result of the condition that caused or contributed to the member's death, no account shall be taken of any reduction in pay [membership] due to such reduction in service as is attributable to that condition.] <i>ins. 2010/2090, am. 2011/561</i>
(3) If there is more than one surviving spouse, they become jointly entitled in equal shares under paragraph (1).	(3) If there is more than one surviving spouse, they become jointly entitled in equal shares under paragraph (1).
Meaning of “nominated cohabiting partner”	Meaning of “nominated cohabiting partner”
25.—(1) “Nominated cohabiting partner” means a person nominated by a member in accordance with the terms of this regulation.	25.—(1) “Nominated cohabiting partner” means a person nominated by a member in accordance with the terms of this regulation.
(2) A member (A) may nominate another person (B) to receive benefits under the Scheme by giving to his administering authority a declaration signed by both A and B that the condition in paragraph (3) has been satisfied for a continuous period of at least 2 years which includes the day on which the declaration is signed.	(2) A member (A) may nominate another person (B) to receive benefits under the Scheme by giving to his administering authority a declaration signed by both A and B that the condition in paragraph (3) has been satisfied for a continuous period of at least 2 years which includes the day on which the declaration is signed.
(3) The condition is that—	(3) The condition is that—
(a) A is able to marry, or form a civil partnership with, B,	(a) A is able to marry, or form a civil partnership with, B,
(b) A and B are living together as if they were husband and wife or as if they were civil partners,	(b) A and B are living together as if they were husband and wife or as if they were civil partners,
(c) neither A nor B is living with a third person as if they were husband and wife or as if they were civil partners, and	(c) neither A nor B is living with a third person as if they were husband and wife or as if they were civil partners, and
(d) either B is financially dependent on A or A and B are financially interdependent.	(d) either B is financially dependent on A or A and B are financially interdependent.
(4) But a nomination has no effect if the condition in paragraph (3) has not been satisfied for a continuous period of at least 2 years which includes the day on which the declaration is signed.	(4) But a nomination has no effect if the condition in paragraph (3) has not been satisfied for a continuous period of at least 2 years which includes the day on which the declaration is signed.
(5) A nomination ceases to have effect if—	(5) A nomination ceases to have effect if—
(a) either A or B gives written notice of revocation to the Secretary of State [the administering authority], <i>am. 2008/1083</i>	(a) either A or B gives written notice of revocation to the Secretary of State [the administering authority], <i>am. 2008/1083</i>
(b) A makes a subsequent nomination under this regulation,	(b) A makes a subsequent nomination under this regulation,

(c) either A or B marries, forms a civil partnership or lives with a third person as if they were husband and wife or as if they were civil partners, or	(c) either A or B marries ... or lives with a third person as if they were husband and wife ..., or
(d) B dies.	(d) B dies.
(6) B is A's surviving nominated partner if—	(6) B is A's surviving nominated partner if—
(a) the nomination has effect at the date of A's death, and	(a) the nomination has effect at the date of A's death, and
(b) B satisfies the Secretary of State [the administering authority] that the condition in paragraph (2) [in paragraph (3)] was satisfied for a continuous period of at least 2 years immediately prior to A's death. <i>am. 2008/1083</i>	(b) B satisfies the Secretary of State that the condition in paragraph (2) was satisfied for a continuous period of at least 2 years immediately prior to A's death.
(7) For the purposes of this regulation, two people of the same sex are to be regarded as living together as if they were civil partners if they would be regarded as living together as husband and wife if they were not of the same sex.	(7) For the purposes of this regulation, two people of the same sex are to be regarded as living together as if they were civil partners if they would be regarded as living together as husband and wife if they were not of the same sex.
[(8) In this regulation, "member" means an active member or a former active member who has become a deferred or pensioner member in accordance with these Regulations.] <i>ins. 2008/1083</i>	[(8) In this regulation, "member" means an active member or a former active member who has become a deferred or pensioner member in accordance with these Regulations.] <i>ins. 2008/1083</i>
Meaning of "eligible child" <i>subst. 2008/1083</i>	Meaning of "eligible child" <i>subst. 2008/1083</i>
26.—(1) The child of a deceased member is an eligible child if he falls within the meaning of "dependant" for the purposes of Part 2 of Schedule 28 to the Finance Act 2004 as modified by regulation 34 of the Taxation of Pension Schemes (Transitional Provisions) Order 2006(7)	26.—(1) The child of a deceased member is an eligible child if he falls within the meaning of "dependant" for the purposes of Part 2 of Schedule 28 to the Finance Act 2004 as modified by regulation 34 of the Taxation of Pension Schemes (Transitional Provisions) Order 2006(7)
(2) But a child who was born on or after the first anniversary of the date of the deceased's death is not an eligible child.	(2) But a child who was born on or after the first anniversary of the date of the deceased's death is not an eligible child.
(3) If an appropriate administering authority wish—	(3) If an appropriate administering authority wish—
(a) they may treat education or training as continuous despite a break.; and	(a) they may treat education or training as continuous despite a break.; and
(b) they may suspend payment of any entitlement to benefits under regulations 28, 34 or 37 during such a break.	(b) they may suspend payment of any entitlement to benefits under regulations 28, 34 or 37 during such a break.
[26.—(1) Subject to paragraph (3), the child of a deceased member is an eligible child if he is wholly or mainly dependent on the member, and is less than 18 years of age, at the date of the member's death.	[26.—(1) Subject to paragraph (3), the child of a deceased member is an eligible child if he is wholly or mainly dependent on the member, and is less than 18 years of age, at the date of the member's death.
(2) But a child who is born on or after the first anniversary of the date of the member's death is not an eligible child.	(2) But a child who is born on or after the first anniversary of the date of the member's death is not an eligible child.

(3) A dependent child who has reached the age of 18 but has not reached the age of 23 and is in full time education or undertaking vocational training at the date of the member's death is an eligible child.	(3) A dependent child who has reached the age of 18 but has not reached the age of 23 and is in full time education or undertaking vocational training at the date of the member's death is an eligible child.
(4) An appropriate administering authority may treat a dependent child who commences full time education or vocational training after the date of the member's death as an eligible child after he reaches the age of 18 and until he reaches the age of 23 .	(4) An appropriate administering authority may treat a dependent child who commences full time education or vocational training after the date of the member's death as an eligible child after he reaches the age of 18 and until he reaches the age of 23 .
(5) In the case of a dependent child falling within paragraph (4), an appropriate administering authority may —	(5) In the case of a dependent child falling within paragraph (4), an appropriate administering authority may —
(a) treat education or training as continuous despite a break; and	(a) treat education or training as continuous despite a break; and
(b) suspend payment of any entitlement to benefits under regulation 28, 34 or 37 during such a break.	(b) suspend payment of any entitlement to benefits under regulation 28, 34 or 37 during such a break.
(6) An appropriate administering authority may treat a dependent child who is disabled within the meaning of the Disability Discrimination Act 1995 as an eligible child.]	(6) An appropriate administering authority may treat a dependent child who is disabled within the meaning of the Disability Discrimination Act 1995 2006 (an Act of Tynwald) as an eligible child.]
Children's pensions	Children's pensions
27.—(1) If a member dies leaving one or more eligible children, they are entitled to a children's pension.	27.—(1) If a member dies leaving one or more eligible children, they are entitled to a children's pension.
(2) The pension is payable from the death. [The pension is payable on the day following death.] <i>subst. 2010/2090</i>	(2) The pension is payable from the death. [The pension is payable on the day following death.] <i>subst. 2010/2090</i>
(3) An eligible child ceases to be entitled to a pension when he ceases to be a child within regulation 26.	(3) An eligible child ceases to be entitled to a pension when he ceases to be a child within regulation 26.
(4) The amount of that pension is calculated in accordance with regulation 28, 34 or 37, as the case may be.	(4) The amount of that pension is calculated in accordance with regulation 28, 34 or 37, as the case may be.
[(5) The appropriate administering authority may pay the whole or part of a children's pension to a person other than an eligible child, to be applied for the benefit of one or more eligible children as the authority may direct.] <i>ins. 2009/3150</i>	[(5) The appropriate administering authority may pay the whole or part of a children's pension to a person other than an eligible child, to be applied for the benefit of one or more eligible children as the authority may direct.] <i>ins. 2009/3150</i>
Children's pensions: active members	Children's pensions: active members
28.—(1) The amount of the pension of an eligible child of a deceased active member is calculated as follows.	28.—(1) The amount of the pension of an eligible child of a deceased active member is calculated as follows.
(2) If a survivor benefit is payable under regulation 24—	(2) If a survivor benefit is payable under regulation 24—
(a) where there is only one such child, the pension is calculated by multiplying the member's total membership, augmented as if	(a) where there is only one such child, the pension is calculated by multiplying the member's total membership, augmented as if

Regulation 20(2) applied, by his final pay, and dividing by 320; and (b) where there is more than one such child—	Regulation 20(2) applied, by his final pay, and dividing by 320; and (b) where there is more than one such child—
(i) the pension is calculated by multiplying the member's total membership, augmented as if Regulation 20(2) applied, by his final pay, and dividing by 160; and	(i) the pension is calculated by multiplying the member's total membership, augmented as if Regulation 20(2) applied, by his final pay, and dividing by 160; and
(ii) those children are jointly entitled in equal shares.	(ii) those children are jointly entitled in equal shares.
(3) If no survivor benefit is payable under regulation 24—	(3) If no survivor benefit is payable under regulation 24—
(a) where there is only one such child, the pension is calculated by multiplying the member's total membership, augmented as if Regulation 20(2) applied, by his final pay, and dividing by 240; and	(a) where there is only one such child, the pension is calculated by multiplying the member's total membership, augmented as if Regulation 20(2) applied, by his final pay, and dividing by 240; and
(b) where there is more than one such child—	(b) where there is more than one such child—
(i) the pension is calculated by multiplying the member's total membership, augmented as if Regulation 20(2) applied, by his final pay, and dividing by 120; and	(i) the pension is calculated by multiplying the member's total membership, augmented as if Regulation 20(2) applied, by his final pay, and dividing by 120; and
(ii) those children are jointly entitled in equal shares.	(ii) those children are jointly entitled in equal shares.
Calculation on leaving early <i>subst. 2008/1083</i>	Calculation on leaving early <i>subst. 2008/1083</i>
29. —(1) This regulation applies in the case of a member who leaves local government employment and is not entitled to immediate payment of retirement pension under any of regulations 16 to 20.	29. —(1) This regulation applies in the case of a member who leaves local government employment and is not entitled to immediate payment of retirement pension under any of regulations 16 to 20.
(2) His entitlement to benefits that would, apart from any other provision of these Regulations, become payable on his attaining normal retirement age, is calculated in accordance with regulation 7 as at the date of his leaving such employment.	(2) His entitlement to benefits that would, apart from any other provision of these Regulations, become payable on his attaining normal retirement age, is calculated in accordance with regulation 7 as at the date of his leaving such employment.
(3) But that entitlement is extinguished if an aggregation takes place under regulation 6(2) or if a transfer out takes place under regulations 116 to 118 of the 1997 Regulations.	(3) But that entitlement is extinguished if an aggregation takes place under regulation 6(2) or if a transfer out takes place under regulations 116 to 118 of the 1997 Regulations.
[29.—(1) This regulation applies in the case of a member who leaves his employment and is not entitled to immediate payment of retirement pension under any of regulations 16 to 20.	[29.—(1) This regulation applies in the case of a member who leaves his employment and is not entitled to immediate payment of retirement pension under any of regulations 16 to 20.
(2) His entitlement to benefits that would, apart from any other provision of these Regulations, become payable on his attaining normal retirement age, is calculated in accordance with regulation 7 as at the date of his leaving such employment.	(2) His entitlement to benefits that would, apart from any other provision of these Regulations, become payable on his attaining normal retirement age, is calculated in accordance with regulation 7 as at the date of his leaving such employment.
(3) Subject to regulations 30 and 31, his retirement pension becomes payable on attaining normal retirement age.	(3) Subject to regulations 30 and 31, his retirement pension becomes payable on attaining normal retirement age.
(4) But that entitlement is extinguished if an aggregation takes place	(4) But that entitlement is extinguished if an aggregation takes place

under regulation 6(2) [regulation 6] or if a transfer out takes place under regulations 78 to 80 of the Administration Regulations. <i>am. 2008/2425</i>	under regulation 6(2) [regulation 6] or if a transfer out takes place under regulations 78 to 80 of the Administration Regulations. <i>am. 2008/2425</i>
(5) Where a member chooses not to receive payment of his retirement pension, or any part of it , immediately on attaining normal retirement age, his entitlement is enhanced in accordance with guidance issued by the Government Actuary.] <i>am. 2010/2090</i>	(5) Where a member chooses not to receive payment of his retirement pension, or any part of it , immediately on attaining normal retirement age, his entitlement is enhanced in accordance with guidance issued by the Government Actuary.] <i>am. 2010/2090</i>
Choice of early payment of pension	Choice of early payment of pension
30.—(1) If a member leaves a local government employment before he is entitled to the immediate payment of retirement benefits (apart from this regulation), once he has attained the age of 55 he may choose to receive payment of them immediately.	30.—(1) If a member leaves a local government employment before he is entitled to the immediate payment of retirement benefits (apart from this regulation), once he has attained the age of 55 he may choose to receive payment of them immediately.
(2) A choice made by a member aged less than 60 is ineffective without the consent of his employing authority or former employing authority (but see paragraph (6)). <i>am. 2008/1083</i>	(2) A choice made by a member aged less than 60 is ineffective without the consent of his employing authority or former employing authority (but see paragraph (6)). <i>am. 2008/1083</i>
(3) If the member so chooses, he is entitled to a pension payable immediately [calculated in accordance with regulation 29]. <i>am. 2008/1083</i>	(3) If the member so chooses, he is entitled to a pension payable immediately [calculated in accordance with regulation 29]. <i>am. 2008/1083</i>
(4) His pension must be reduced by the amounts shown as appropriate in guidance issued by the Government Actuary.	(4) His pension must be reduced by the amounts shown as appropriate in guidance issued by the Government Actuary.
(5) A member's employing authority may determine on compassionate grounds that his retirement pension and grant should not be reduced under paragraph (4). <i>am. 2008/1083</i>	(5) A member's employing authority may determine on compassionate grounds that his retirement pension and grant should not be reduced under paragraph (4). <i>am. 2008/1083</i>
(6) In the case of a person who is a member on 31st March 2008, and who makes an election before 31st March 2010, paragraph (1) applies as if "the age of 50" were substituted for "the age of 55".	(6) In the case of a person who is a member on 31st March 2008, and who makes an election before 31st March 2010, paragraph (1) applies as if "the age of 50" were substituted for "the age of 55".
[(6) In the case of a person who is an active member on 31st March 2008, and who makes an election before 1st April 2010, paragraph (1) applies as if "the age of 50" were substituted for "the age of 55".] <i>subst. 2008/1083</i>	[(6) In the case of a person who is an active member on 31st March 2012 , and who makes an election before 1st April 2014 , paragraph (1) applies as if "the age of 50" were substituted for "the age of 55".] <i>subst. 2008/1083</i>
[(7) Paragraph (6) only applies to a member whose employment has been continuous with the same employing authority throughout that period.] <i>ins. 2010/2090</i>	[(7) Paragraph (6) only applies to a member whose employment has been continuous with the same employing authority throughout that period.] <i>ins. 2010/2090</i>
[(8) For the purposes of paragraph (7), the employment of a member	

<p>who has been the subject of a transfer to which the Transfer of Undertakings (Protection of Employment) Regulations 2006(23) apply shall be treated as being continuous employment with the transferee employer.]</p> <p><i>ins. 2010/2090</i></p>	
<p>[Choice of payment of pension: pensioner member with deferred benefits</p> <p><i>ins. 2010/2090</i></p>	<p>[Choice of payment of pension: pensioner member with deferred benefits</p> <p><i>ins. 2010/2090</i></p>
<p>30A.—(1) Where a member who is treated as a pensioner member with deferred benefits under regulation 20(9) (“a regulation 20(9) member”), has reached the Scheme’s normal retirement age, he or she is entitled to immediate payment of his or her retirement pension without reduction.</p>	<p>30A.—(1) Where a member who is treated as a pensioner member with deferred benefits under regulation 20(9) (“a regulation 20(9) member”), has reached the Scheme’s normal retirement age, he or she is entitled to immediate payment of his or her retirement pension without reduction.</p>
<p>(2) Subject to paragraphs (3) and (4), a regulation 20(9) member may upon reaching the age of 55, choose to receive payment of his or her retirement pension immediately.</p>	<p>(2) Subject to paragraphs (3) and (4), a regulation 20(9) member may upon reaching the age of 55, choose to receive payment of his or her retirement pension immediately.</p>
<p>(3) A choice made by a member aged less than 60 is ineffective without the consent of the member’s former employing authority.</p>	<p>(3) A choice made by a member aged less than 60 is ineffective without the consent of the member’s former employing authority.</p>
<p>(4) Subject to paragraph (5), the member’s pension must be reduced by the amounts shown as appropriate in guidance issued by the Government Actuary.</p>	<p>(4) Subject to paragraph (5), the member’s pension must be reduced by the amounts shown as appropriate in guidance issued by the Government Actuary.</p>
<p>(5) The member’s former employing authority may determine on compassionate grounds that the member’s retirement pension should not be reduced under paragraph (4).]</p>	<p>(5) The member’s former employing authority may determine on compassionate grounds that the member’s retirement pension should not be reduced under paragraph (4).]</p>
<p>Early payment of pension: ill-health</p> <p><i>subst. 2008/1083</i></p>	<p>Early payment of pension: ill-health</p> <p><i>subst. 2008/1083</i></p>
<p>31.—(1) Subject to paragraph (2), if a member who has left a local government employment before he is entitled to the immediate payment of retirement benefits (apart from this regulation) becomes permanently incapable of discharging efficiently the duties of that employment because of ill health or infirmity of mind or body—</p>	<p>31.—(1) Subject to paragraph (2), if a member who has left a local government employment before he is entitled to the immediate payment of retirement benefits (apart from this regulation) becomes permanently incapable of discharging efficiently the duties of that employment because of ill health or infirmity of mind or body—</p>
<p>(a) he may request to receive payment of the retirement benefits immediately, whatever his age, and</p>	<p>(a) he may request to receive payment of the retirement benefits immediately, whatever his age, and</p>
<p>(b) paragraphs (2) and (4) of regulation 20 apply.</p>	<p>(b) paragraphs (2) and (4) of regulation 20 apply.</p>
<p>(2) If a member does not request immediate payment under this regulation, he is entitled to receive a pension without reduction, payable from his normal retirement age.</p>	<p>(2) If a member does not request immediate payment under this regulation, he is entitled to receive a pension without reduction, payable from his normal retirement age.</p>

<p>[31.—(1) Subject to paragraph (2), if a member who has left his employment before he is entitled to the immediate payment of retirement benefits (apart from this regulation) becomes permanently incapable of discharging efficiently the duties of that employment because of ill-health or infirmity of mind or body he may ask to receive payment of his retirement benefits immediately, whatever his age.</p> <p><i>am. 2010/2090</i></p>	<p>[31.—(1) Subject to paragraph (2), if a member who has left his employment before he is entitled to the immediate payment of retirement benefits (apart from this regulation) becomes permanently incapable of discharging efficiently the duties of that employment because of ill-health or infirmity of mind or body he may ask to receive payment of his retirement benefits immediately, whatever his age.</p> <p><i>am. 2010/2090</i></p>
<p>(2) Before determining whether to agree to a request under paragraph (1), an authority must obtain a certificate from an independent registered medical practitioner qualified in occupational health medicine as to whether in his opinion the member is permanently incapable of discharging efficiently the duties of the relevant employment because of ill health or infirmity of mind or body and, if so, whether that condition is likely to prevent the member from obtaining gainful employment (whether in local government or otherwise) before reaching his normal retirement age, or for at least three years, whichever is the sooner.</p> <p>[(2) Before determining whether to agree to a request under paragraph (1), an employing authority must obtain a certificate from an IRMP as to whether in the IRMP’s opinion the member is suffering from a condition that renders the member permanently incapable of discharging efficiently the duties of the relevant employment because of ill-health or infirmity of mind or body and, if so, whether as a result of that condition the member has a reduced likelihood of being capable of undertaking any gainful employment before reaching normal retirement age, or for at least three years, whichever is the sooner.]</p> <p><i>subst. 2010/2090</i></p>	<p>(2) Before determining whether to agree to a request under paragraph (1), an authority must obtain a certificate from an independent registered medical practitioner qualified in occupational health medicine as to whether in his opinion the member is permanently incapable of discharging efficiently the duties of the relevant employment because of ill health or infirmity of mind or body and, if so, whether that condition is likely to prevent the member from obtaining gainful employment (whether in local government or otherwise) before reaching his normal retirement age, or for at least three years, whichever is the sooner.</p> <p>[(2) Before determining whether to agree to a request under paragraph (1), an employing authority must obtain a certificate from an IRMP as to whether in the IRMP’s opinion the member is suffering from a condition that renders the member permanently incapable of discharging efficiently the duties of the relevant employment because of ill-health or infirmity of mind or body and, if so, whether as a result of that condition the member has a reduced likelihood of being capable of undertaking any gainful employment before reaching normal retirement age, or for at least three years, whichever is the sooner.]</p> <p><i>subst. 2010/2090</i></p>
<p>(3) In this regulation, “gainful employment”, “permanently incapable” and “qualified in occupational health medicine” have the same meaning as in regulation 20.</p> <p>[(3) In this regulation, “gainful employment”, “IRMP” and “permanently incapable” have the meaning as given to those expressions by regulation 20(14).]</p> <p><i>subst. 2011/561</i></p>	<p>(3) In this regulation, “gainful employment”, “permanently incapable” and “qualified in occupational health medicine” have the same meaning as in regulation 20.</p> <p>[(3) In this regulation, “gainful employment”, “IRMP” and “permanently incapable” have the meaning as given to those expressions by regulation 20(14).]</p> <p><i>subst. 2011/561</i></p>
<p>Death grants: deferred members</p>	<p>Death grants: deferred members</p>
<p>32.—(1) If a deferred member dies, a death grant is payable. (1) If —</p>	<p>32.—(1) If a deferred member dies, a death grant is payable. (1) If —</p>

<p>(a) a deferred member, or (b) a pensioner member with deferred benefits under regulation 20(9) dies, a death grant is payable.] <i>subst. 2010/2090</i></p>	<p>(a) a deferred member, or (b) a pensioner member with deferred benefits under regulation 20(9) dies, a death grant is payable.] <i>subst. 2010/2090</i></p>
<p>(2) The administering authority at their absolute discretion may make payments in respect of the death grant to or for the benefit of the member's nominee or personal representatives, or any person appearing to the authority to have been his relative or dependant at any time.</p>	<p>(2) The administering authority at their absolute discretion may make payments in respect of the death grant to or for the benefit of the member's nominee or personal representatives, or any person appearing to the authority to have been his relative or dependant at any time.</p>
<p>(3) The death grant is his retirement pension multiplied by 5. [(3) The death grant is— (a) in the case of a deferred member, the member's retirement pension multiplied by 5; or (b) in the case of a pensioner member with deferred benefits, the member's retirement pension multiplied by 5, but the amount so calculated is reduced by the amount of any benefits paid to the member under regulation 20(4).] <i>subst. 2010/2090</i></p>	<p>(3) The death grant is his retirement pension multiplied by 5. [(3) The death grant is— (a) in the case of a deferred member, the member's retirement pension multiplied by 5; or (b) in the case of a pensioner member with deferred benefits, the member's retirement pension multiplied by 5, but the amount so calculated is reduced by the amount of any benefits paid to the member under regulation 20(4).] <i>subst. 2010/2090</i></p>
<p>(4) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years beginning with his death, they must pay an amount equal to the shortfall to the member's personal representatives.</p>	<p>(4) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years beginning with his death, they must pay an amount equal to the shortfall to the member's personal representatives.</p>
<p>[(4) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years— (a) beginning with his death: or (b) beginning with the date on which the administering authority could reasonably be expected to have become aware of the member's death, they must pay an amount equal to the shortfall to the member's personal representatives.] <i>subst. 2008/2425</i></p>	<p>[(4) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years— (a) beginning with his death: or (b) beginning with the date on which the administering authority could reasonably be expected to have become aware of the member's death, they must pay an amount equal to the shortfall to the member's personal representatives.] <i>subst. 2008/2425</i></p>
<p>Survivor benefits: deferred members</p>	<p>Survivor benefits: deferred members</p>
<p>33.—(1) If a deferred member dies leaving a surviving spouse, nominated cohabiting partner or civil partner, that person is entitled to a pension[, which shall come into payment on the day following death]. <i>am. 2010/2090</i></p>	<p>33.—(1) If a deferred member dies leaving a surviving spouse, nominated cohabiting partner or civil partner, that person is entitled to a pension[, which shall come into payment on the day following death]. <i>am. 2010/2090</i></p>

(2) The pension is calculated by multiplying his total membership by his final salary pay divided by 160. <i>am. 2008/1083</i>	(2) The pension is calculated by multiplying his total membership by his final salary pay divided by 160. <i>am. 2008/1083</i>
(3) If there is more than one surviving spouse, they become jointly entitled in equal shares under paragraph (1).	(3) If there is more than one surviving spouse, they become jointly entitled in equal shares under paragraph (1).
Children's pensions: deferred members	Children's pensions: deferred members
34.—(1) The amount of the pension of an eligible child of a deceased deferred member is calculated as follows.	34.—(1) The amount of the pension of an eligible child of a deceased deferred member is calculated as follows.
(2) If a survivor benefit is payable under regulation 33—	(2) If a survivor benefit is payable under regulation 33—
(a) where there is only one such child, the pension is calculated by multiplying the member's total membership, calculated in accordance with regulation 29, by his final pay, and dividing by 320; and	(a) where there is only one such child, the pension is calculated by multiplying the member's total membership, calculated in accordance with regulation 29, by his final pay, and dividing by 320; and
(b) where there is more than one such child—	(b) where there is more than one such child—
(i) the pension is calculated by multiplying the member's total membership, calculated in accordance with regulation 29, by his final pay, and dividing by 160; and	(i) the pension is calculated by multiplying the member's total membership, calculated in accordance with regulation 29, by his final pay, and dividing by 160; and
(ii) those children are jointly entitled in equal shares.	(ii) those children are jointly entitled in equal shares.
(3) If no survivor benefit is payable under regulation 33—	(3) If no survivor benefit is payable under regulation 33—
(a) where there is only one such child, the pension is calculated by multiplying the member's total membership, calculated in accordance with regulation 29, by his final pay, and dividing by 240; and	(a) where there is only one such child, the pension is calculated by multiplying the member's total membership, calculated in accordance with regulation 29, by his final pay, and dividing by 240; and
(b) where there is more than one such child—	(b) where there is more than one such child—
(i) the pension is calculated by multiplying the member's total membership, calculated in accordance with regulation 29, by his final pay, and dividing by 120; and	(i) the pension is calculated by multiplying the member's total membership, calculated in accordance with regulation 29, by his final pay, and dividing by 120; and
(ii) those children are jointly entitled in equal shares.	(ii) those children are jointly entitled in equal shares.
Death grants: pensioner members	Death grants: pensioner members
35.—(1) If a pensioner member dies before his 75th birthday, a death grant is payable.	35.—(1) If a pensioner member dies before his 75th birthday, a death grant is payable.
(2) The administering authority at their absolute discretion may make payments in respect of the death grant to or for the benefit of the member's nominee or personal representatives, or any person appearing to the authority to have been his relative or dependant at any time.	(2) The administering authority at their absolute discretion may make payments in respect of the death grant to or for the benefit of the member's nominee or personal representatives, or any person appearing to the authority to have been his relative or dependant at any time.
(3) The death grant is his pension multiplied by 10 [his pension in payment multiplied by 10], but the amount so calculated is reduced by the amounts of any retirement pension paid to him.	(3) The death grant is his pension multiplied by 10 [his pension in payment multiplied by 10], but the amount so calculated is reduced by the amounts of any retirement pension paid to him.

<p>[(3) (a) The death grant is the member's pension in payment multiplied by 10, ignoring any reduction where abatement has been applied under regulation 71 (application of abatement policy to individual cases) of the Administration Regulations; but</p> <p>(b) the amount so calculated is reduced by the amounts of any retirement pension paid to the member, or that would have been paid had the member's pension not at any time been abated under regulation 71.]</p> <p><i>am. 2008/1083, subst. 2010/2090</i></p>	<p>[(3) (a) The death grant is the member's pension in payment multiplied by 10, ignoring any reduction where abatement has been applied under regulation 71 (application of abatement policy to individual cases) of the Administration Regulations; but</p> <p>(b) the amount so calculated is reduced by the amounts of any retirement pension paid to the member, or that would have been paid had the member's pension not at any time been abated under regulation 71.]</p> <p><i>am. 2008/1083, subst. 2010/2090</i></p>
<p>[(4) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years—</p> <p>(a) beginning with the member's death, or</p> <p>(b) beginning with the date on which the administering authority could reasonably be expected to have become aware of the member's death, they must pay an amount equal to the shortfall to the member's personal representatives.]</p> <p><i>ins. 2010/2090</i></p>	<p>[(4) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years—</p> <p>(a) beginning with the member's death, or</p> <p>(b) beginning with the date on which the administering authority could reasonably be expected to have become aware of the member's death, they must pay an amount equal to the shortfall to the member's personal representatives.]</p> <p><i>ins. 2010/2090</i></p>
Survivor benefits: pensioners	Survivor benefits: pensioners
<p>36.—(1) If a pensioner member dies leaving a surviving spouse, nominated cohabiting partner or civil partner, that person is entitled to a pension[, which shall come into payment on the day following death].</p> <p><i>ins. 2010/2090</i></p>	<p>36.—(1) If a pensioner member dies leaving a surviving spouse, nominated cohabiting partner or civil partner, that person is entitled to a pension[, which shall come into payment on the day following death].</p> <p><i>ins. 2010/2090</i></p>
<p>(2) The pension is calculated by multiplying his total membership by his final salary pay and divided by 160.</p> <p><i>am. 2008/1083</i></p>	<p>(2) The pension is calculated by multiplying his total membership by his final salary pay and divided by 160.</p> <p><i>am. 2008/1083</i></p>
<p>(3) If there is more than one surviving spouse, they become jointly entitled in equal shares under paragraph (1).</p>	<p>(3) If there is more than one surviving spouse, they become jointly entitled in equal shares under paragraph (1).</p>
Children's pensions: pensioner members	Children's pensions: pensioner members
<p>37.—(1) The amount of the pension of an eligible child of a deceased pensioner member is calculated as follows.</p>	<p>37.—(1) The amount of the pension of an eligible child of a deceased pensioner member is calculated as follows.</p>
<p>(2) If a survivor benefit is payable under regulation 36—</p>	<p>(2) If a survivor benefit is payable under regulation 36—</p>
<p>(a) where there is only one such child, the pension is calculated by multiplying the member's total membership used in calculating his benefits under these Regulations by his final pay, and dividing by 320; and</p>	<p>(a) where there is only one such child, the pension is calculated by multiplying the member's total membership used in calculating his benefits under these Regulations by his final pay, and dividing by 320; and</p>
<p>(b) where there is more than one such child—</p>	<p>(b) where there is more than one such child—</p>

(i) the pension is calculated by multiplying the member's total membership used in calculating his benefits under these Regulations by his final pay, and dividing by 160; and	(i) the pension is calculated by multiplying the member's total membership used in calculating his benefits under these Regulations by his final pay, and dividing by 160; and
(ii) those children are jointly entitled in equal shares.	(ii) those children are jointly entitled in equal shares.
(3) If no survivor benefit is payable under regulation 36—	(3) If no survivor benefit is payable under regulation 36—
(a) where there is only one such child, the pension is calculated by multiplying the member's total membership used in calculating his benefits under these Regulations by his final pay, and dividing by 240; and	(a) where there is only one such child, the pension is calculated by multiplying the member's total membership used in calculating his benefits under these Regulations by his final pay, and dividing by 240; and
(b) where there is more than one such child—	(b) where there is more than one such child—
(i) the pension is calculated by multiplying the member's total membership used in calculating his benefits under these Regulations by his final pay, and dividing by 120; and	(i) the pension is calculated by multiplying the member's total membership used in calculating his benefits under these Regulations by his final pay, and dividing by 120; and
(ii) those children are jointly entitled in equal shares.	(ii) those children are jointly entitled in equal shares.
Pension increases under the Pensions (Increase) Acts <i>subst. 2009/3150</i>	Pension increases under the Pensions (Increase) Acts
38. Where a pension to which the Pensions (Increase) Act 1971 applies is payable out of an appropriate fund, any increase under that Act or the Pensions Increase Act 1974 must be paid from that fund.	38. Where a pension to which the Pensions (Increase) Act 1971 applies is payable out of an appropriate fund, any increase under that Act or the Pensions Increase Act 1974 must be paid from that fund.
38.—(1) Where a pension to which the Pensions (Increase) Act 1971 (“the 1971 Act”) applies is payable out of an appropriate fund, any increase under that Act or the Pensions (Increase) Act 1974 (“the 1974 Act”), must be paid from that fund.	
[(1A) But Schedule 3 to the 1971 Act only has effect in relation to any such increase where— (a) the last employing authority is not a body required by regulation 39 (employer's contributions) of the Administration Regulations to contribute to that fund, nor a Water Act Company; or (b) the last employing authority is such a body or Company and the increase was payable before 1st April 1990.] <i>ins. 2010/2090</i>	
[(1B) In a case where the last employing authority ceases after 31st March 1990 to be such a body, Schedule 3 to the 1971 Act has effect only so far as the cost of the increase has not, in the opinion of an actuary appointed by the administering authority of the fund, already been provided for by contributions under regulation 39 of the Administration Regulations.] <i>ins. 2010/2090</i>	

<p>[(1C) The amounts due under Schedule 3 to the 1971 Act must be paid on or before such dates, falling at intervals of not more than 12 months, as the appropriate administering authority may determine.] <i>ins. 2010/2090</i></p>	
<p>(2) Where the last employing authority is a Water Act Company, the Environment Agency—</p>	
<p>(a) must reimburse the appropriate administering authority the cost of any increase payable under the 1971 Act or the 1974 Act arising on or after 1st April 1990, from the Closed Water Authorities Fund; and</p>	
<p>(b) may discharge all future liabilities by way of a lump sum payment from the Closed Water Authorities Fund.</p>	
<p>(3) The Closed Water Authorities Fund is the Closed Fund vested in the Environment Agency by regulation 2(1) of the Local Government Pension Scheme (Environment Agency) Regulations 1996(25).</p>	
<p>(4) The amounts due under paragraph (2)(a) not paid by way of a lump sum under paragraph 2(b), must be paid on or before such dates falling at intervals of not more than 12 months as the appropriate administering authority may determine.</p>	
<p>(5) Where a lump sum is to be paid under paragraph (2)(b), such sum must be calculated by reference to—</p>	
<p>(a) an actuary appointed by the Environment Agency working in agreement with an actuary appointed by the appropriate administering authority; but</p>	
<p>(b) where the respective actuaries cannot agree the calculation of the lump sum, the amounts due shall be paid in accordance with paragraph (4).</p>	
<p>(6) The appropriate administering authority shall credit to the appropriate fund any amounts paid to them under paragraph (2) [or Schedule 3 to the 1971 Act] and any interest paid on those amounts. <i>ins. 2010/2090</i></p>	
<p>(7) “The last employing authority” has the same meaning as in paragraph 1(2) of Schedule 3 to the 1971 Act [paragraph 1(2) of Schedule 3 to the 1971 Act, except that if the pension became payable by reason of service with a relevant body, it means that body] <i>am. 2010/2090.</i></p>	
<p>[(7A) Relevant bodies are— (a) an admission body which has made an admission agreement; (b) a body employing persons deemed to be in employment under—</p>	

(i) regulation 129 (miscellaneous transport employees), (ii) regulation 130 (miscellaneous airport employees), or (iii) regulation 130C (employees in the Rent Service Agency) of the 1997 Regulations; or (c) a company under the control of a Scheme employer listed in Schedule 2 to the Administration Regulations.] <i>ins. 2010/2090</i>	
(8) A “Water Act Company” is—	
(a) a company nominated in accordance with section 4 of the Water Act 1989 as the successor company of a water authority, or	
(b) a company nominated by order under section 83(1) of that Act.	
Commutation: small pensions <i>subst. 2008/1083</i>	Commutation: small pensions <i>subst. 2008/1083</i>
39. A lump sum which is a trivial commutation lump sum within the meaning of section 166 of the Finance Act 2004 or a trivial commutation lump sum death benefit within the meaning of section 168 of that Act may be paid in accordance with the rules relating to the payment of such benefits under the Finance Act 2004.	39. A lump sum which is a trivial commutation lump sum within the meaning of section 166 of the Finance Act 2004 or a trivial commutation lump sum death benefit within the meaning of section 168 of that Act may be paid in accordance with the rules relating to the payment of such benefits under the Finance Act 2004.
[39.—(1) A lump sum which is a trivial commutation lump sum within the meaning of section 166 of the Finance Act 2004 or a trivial commutation lump sum death benefit within the meaning of section 168 of that Act may be paid in accordance with the rules relating to the payment of such benefits under the Finance Act 2004.	[39.—(1) A lump sum which is a trivial commutation lump sum for the purpose of section 10B of the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald) may be paid in accordance with that section.
(2) Any payment under paragraph (1) is calculated in accordance with guidance issued by the Government Actuary.	(2) Any payment under paragraph (1) is calculated in accordance with guidance issued by the Government Actuary.
(3) The benefits referred to in paragraph (1) do not include any survivor benefit that is being paid to the member.]	(3) The benefits referred to in paragraph (1) do not include any survivor benefit that is being paid to the member.]
Guidance on future costs	Guidance on future costs
40. Administering and employing authorities shall have regard to guidance to be issued by the Secretary of State, before 31st March 2009, as to the manner in which the costs of the Scheme will be met after 31st March 2010. <i>om. 2009/1025</i>	40. Administering and employing authorities shall have regard to guidance to be issued by the Secretary of State, before 31st March 2009, as to the manner in which the costs of the Scheme will be met after 31st March 2010. <i>om. 2009/1025</i>
[Pension debits <i>ins. 2008/1083</i>	[Pension debits <i>ins. 2008/1083</i>
41. Administering authorities shall have regard to guidance issued by the Government Actuary as to reduction of benefits payable under	41. Administering authorities shall have regard to guidance issued by the Government Actuary as to reduction of benefits payable under

these Regulations in consequence of a pension debit created under section 29 of the Welfare Reform and Pension Act 1999.]	these Regulations in consequence of a pension debit created under section 29 of the Welfare Reform and Pension Act 1999.]
[No double entitlement <i>ins. 2008/1083</i>	[No double entitlement <i>ins. 2008/1083</i>
42.—(1) Where (apart from this regulation) any member would be entitled to a pension or retirement grant under two or more regulations by reason of the same period of membership—	42.—(1) Where (apart from this regulation) any member would be entitled to a pension or retirement grant under two or more regulations by reason of the same period of membership—
(a) he shall be entitled to benefits under only one regulation;	(a) he shall be entitled to benefits under only one regulation;
(b) he may choose under which provision he is to be paid those benefits; and	(b) he may choose under which provision he is to be paid those benefits; and
(c) if he does not choose, the administering authority may notify him in writing of the provision.	(c) if he does not choose, the administering authority may notify him in writing of the provision.
(2) A member's choice must be by notice in writing, given to the administering authority before the expiry of three months beginning with the day on which he becomes entitled to choose under which provision his pension or retirement grant is to be paid.	(2) A member's choice must be by notice in writing, given to the administering authority before the expiry of three months beginning with the day on which he becomes entitled to choose under which provision his pension or retirement grant is to be paid.
(3) Paragraph (1) does not affect the member's rights under the Pension Schemes Act 1993.	(3) Paragraph (1) does not affect the member's rights under the Pension Schemes Act 1993.
(4) This regulation also applies to any survivor benefits payable under regulation 24, 27, 33, 34, 36 or 37.]	(4) This regulation also applies to any survivor benefits payable under regulation 24, 27, 33, 34, 36 or 37.]