

2008 No. 238	2008 No. 238
Local Government Pension Scheme (Transitional Provisions) Regulations 2008	Local Government Pension Scheme (Transitional Provisions) Regulations 2008 <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 (Transitional Provisions) Regulations 2008.	1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Transitional Provisions) Regulations 2008.
(2) These Regulations apply in relation to England and Wales.	
(3) These Regulations shall come into force as follows—	<b>(3) These Regulations shall come into force on 1st April 2012.</b>
(a) regulation 8 on 10th March 2008; and	
(b) the remainder on 1st April 2008.	
(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 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;	“the Administration Regulations” means the Local Government Pension Scheme (Administration) Regulations 2008;
“the Benefits Regulations” means the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; and	“the Benefits Regulations” means the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007; and
<del>“the Scheme” means the Local Government Pension Scheme 2008 constituted by the Benefits Regulations and the Administration Regulations.</del> [“the Scheme” means the Local Government Pension Scheme 2008 constituted by these Regulations, the Benefits Regulations and the Administration Regulations.] <i>subst. 2010/2090</i>	“the Scheme” means the Local Government Pension Scheme 2008 constituted by the Benefits Regulations and the Administration Regulations.
Revocation of Regulations	Revocation of Regulations
2.—(1) Except where these Regulations provide otherwise, the Regulations listed in Schedule 1 are revoked.	2.—(1) Except where these Regulations provide otherwise, the Regulations listed in Schedule 1 are revoked.
(2) Accordingly, no person may become a member of the 1997 Scheme after 31st March 2008 or accrue benefits in it in respect of any service after that date.	(2) Accordingly, no person may become a member of the 1997 Scheme after <b>31st March 2012</b> or accrue benefits in it in respect of any service after that date.

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Membership accrued before 1st April 2008: active members	Membership accrued before <b>1st April 2012</b> : active members
3.—(1) This regulation applies to a person who was an active member of the 1997 Scheme and becomes a member of the Scheme by virtue of regulation 2 of the Benefits Regulations.	3.—(1) This regulation applies to a person who was an active member of the 1997 Scheme and becomes a member of the Scheme by virtue of regulation 2 of the Benefits Regulations.
(2) Notwithstanding the revocations effected by regulation 2, the regulations listed in the Schedule continue to have effect, subject to regulation 4, so far as is necessary so that—	(2) Notwithstanding the revocations effected by regulation 2, the regulations listed in the Schedule continue to have effect, subject to regulation 4, so far as is necessary so that—
(a) the person’s total membership accrued in the 1997 Scheme in respect of, or calculated by reference to, his service before 1st April 2008, and the pension rights accrued at that date, are preserved; and	(a) the person’s total membership accrued in the 1997 Scheme in respect of, or calculated by reference to, his service before <b>1st April 2012</b> , and the pension rights accrued at that date, are preserved; and
(b) his benefits under the 1997 Scheme are payable immediately where benefits become payable without reduction under regulations <del>16, 17, 19 and 20 of the Benefits Regulations</del> [16, 17, 19, 20 and 31 of the Benefits Regulations], or with the appropriate actuarial reduction in line with guidance produced by the Government Actuary where benefits become payable under regulations 18 or 30 of the Benefits Regulations. <i>am. 2010/2090</i>	(b) his benefits under the 1997 Scheme are payable immediately where benefits become payable without reduction under regulations <del>16, 17, 19 and 20 of the Benefits Regulations</del> [16, 17, 19, 20 and 31 of the Benefits Regulations], or with the appropriate actuarial reduction in line with guidance produced by the Government Actuary where benefits become payable under regulations 18 or 30 of the Benefits Regulations. <i>am. 2010/2090</i>
(3) But his pay, for the purposes of any calculation of benefits under paragraph (2), is calculated in accordance with regulations 8 to 11 of the Benefits Regulations.	(3) But his pay, for the purposes of any calculation of benefits under paragraph (2), is calculated in accordance with regulations 8 to 11 of the Benefits Regulations.
(4) And, for the purposes of regulations 24, 33 or 36 of the Benefits Regulations as they apply to nominated cohabiting partners or civil partners, only periods of membership after 5th April 1988 are to be taken into account.	(4) And, for the purposes of regulations 24, 33 or 36 of the Benefits Regulations as they apply to nominated cohabiting partners or civil partners, only periods of membership after <b>1st April 2012</b> are to be taken into account.
Membership accrued before 1st April 2008: deferred members	Membership accrued before <b>1st April 2012</b> : deferred members
4.—(1) This regulation applies to a person—	4.—(1) This regulation applies to a person—
(a) who was a deferred member of the 1997 Scheme;	(a) who was a deferred member of the 1997 Scheme;
(b) who becomes a member of the Scheme by virtue of regulation 13 of the Administration Regulations; and	(b) who becomes a member of the Scheme by virtue of regulation 13 of the Administration Regulations; and
(c) whose preserved benefits under the 1997 Scheme have not yet come into payment.	(c) whose preserved benefits under the 1997 Scheme have not yet come into payment.
(2) He may choose, by notice in writing to the appropriate administering authority within 12 months of becoming a member of the Scheme under paragraph (1)(b), to be treated as if regulation 3	(2) He may choose, by notice in writing to the appropriate administering authority within 12 months of becoming a member of the Scheme under paragraph (1)(b), to be treated as if regulation 3

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applied.	applied.
Membership accrued before 1st April 2008: concurrent employments	Membership accrued before <b>1st April 2012</b> : concurrent employments
5. Where a member to whom regulation 3 applies has membership to which regulation 17 of the Administration Regulations also applies, the calculation of any period for the purposes of the latter provision is carried out separately in respect of periods of employment before 1st April 2008 as if regulation 32A of the 1997 Regulations still applied and in respect of periods of employment after 31st March 2008 in accordance with regulation 17 of the Administration Regulations.	5. Where a member to whom regulation 3 applies has membership to which regulation 17 of the Administration Regulations also applies, the calculation of any period for the purposes of the latter provision is carried out separately in respect of periods of employment before <b>1st April 2012</b> as if regulation 32A of the 1997 Regulations still applied and in respect of periods of employment after <b>31st March 2012</b> in accordance with regulation 17 of the Administration Regulations.
Survivor benefits	Survivor benefits
6.—(1) Subject to paragraphs (2) and (3), any survivor benefits payable in respect of a person to whom regulation 3 or 4 applies are calculated as if the Benefits Regulations applied to all of his membership, whether accrued before or after 1st April 2008.	6.—(1) Subject to paragraphs (2) and (3), any survivor benefits payable in respect of a person to whom regulation 3 or 4 applies are calculated as if the Benefits Regulations applied to all of his membership, whether accrued before or after <b>1st April 2012</b> .
(2) The survivor benefits payable in respect of a deferred member to whom regulation 4 does not apply are calculated as if his total membership before 1st April 2008 was a separate period of membership to which the conditions in force at the time he became a deferred member apply.	(2) The survivor benefits payable in respect of a deferred member to whom regulation 4 does not apply are calculated as if his total membership before <b>1st April 2012</b> was a separate period of membership to which the conditions in force at the time he became a deferred member apply.
(3) Regulation 42 of the 1997 Regulations continues to apply to a deferred or pensioner member who marries after becoming such a member.	(3) Regulation 42 of the 1997 Regulations continues to apply to a deferred or pensioner member who marries after becoming such a member.
Deferred members: limit on death grant	Deferred members: limit on death grant
7. Where a person to whom regulation 3 applies becomes a deferred member after 31st March 2008 and dies before his pension comes into payment, the sum of any death grants to which he is entitled under any provision of the Scheme or of the 1997 Scheme, as continued in effect by regulation 3, shall not exceed his retirement pension multiplied by five.	7. Where a person to whom regulation 3 applies becomes a deferred member after <b>31st March 2012</b> and dies before his pension comes into payment, the sum of any death grants to which he is entitled under any provision of the Scheme or of the 1997 Scheme, as continued in effect by regulation 3, shall not exceed his retirement pension multiplied by five.
Members' contributions: information	Members' contributions: information
8. The employing authority of a person to whom regulation 2(3) of the Benefits Regulations applies shall inform him, before 1st April 2008, of the contribution rate applicable to him in accordance with regulation 3(2) of those Regulations.	8. The employing authority of a person to whom regulation 2(3) of the Benefits Regulations applies shall inform him, <b>as soon as practicable after 1st April 2012</b> , of the contribution rate applicable to him in accordance with regulation 3(2) of those Regulations.
Members' contributions: lower rate rights	Members' contributions: lower rate rights

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9.—(1) Subject to paragraph (4), the contribution rates set out in the table in regulation 3(2) of the Benefits Regulations (“the 2007 table”) do not apply to a person to whom regulation 12(3) of the 1997 Regulations, as continued in effect by regulation 3(2), applies.	9.—(1) Subject to paragraph (4), the contribution rates set out in the table in regulation 3(2) ( <b>as modified by regulation 3(2A)</b> ) of the Benefits Regulations (“the 2007 table”) do not apply to a person to whom regulation 12(3) of the 1997 Regulations, as continued in effect by regulation 3(2), applies.																
(2) Instead, the contribution rate to be applied to such a member is calculated in accordance with the following table—	(2) Instead, the contribution rate to be applied to such a member is calculated in accordance with the following table—																
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Year commencing</th> <th style="text-align: left;">Contribution rate</th> </tr> </thead> <tbody> <tr> <td>1st April 2008</td> <td>5.25%</td> </tr> <tr> <td>1st April 2009</td> <td>5.5%</td> </tr> <tr> <td>1st April 2010</td> <td>6.5%</td> </tr> </tbody> </table>	Year commencing	Contribution rate	1st April 2008	5.25%	1st April 2009	5.5%	1st April 2010	6.5%	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Year commencing</th> <th style="text-align: left;">Contribution rate</th> </tr> </thead> <tbody> <tr> <td><b>1st April 2012</b></td> <td><b>5.25%</b></td> </tr> <tr> <td><b>1st April 2013</b></td> <td><b>5.5%</b></td> </tr> <tr> <td><b>1st April 2014</b></td> <td><b>6.5%</b></td> </tr> </tbody> </table>	Year commencing	Contribution rate	<b>1st April 2012</b>	<b>5.25%</b>	<b>1st April 2013</b>	<b>5.5%</b>	<b>1st April 2014</b>	<b>6.5%</b>
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<del>(3) But if the application of the table set out in paragraph (2) would result in a member’s contribution rate being greater than if the table applied, his contribution is paid at the lower rate.</del>	<del>(3) But if the application of the table set out in paragraph (2) would result in a member’s contribution rate being greater than if the table applied, his contribution is paid at the lower rate.</del>																
[(3) But if the application of the table set out in paragraph (2) would result in a member’s contribution rate being higher than if the 2007 table applied, his contribution shall be paid at the lower rate.] <i>subst. 20081083</i>	[(3) But if the application of the table set out in paragraph (2) would result in a member’s contribution rate being higher than if the <b>2007 table</b> applied, his contribution shall be paid at the lower rate.] <i>subst. 20081083</i>																
(4) After 31st March 2011, such a member makes contributions in accordance with the 2007 table.	(4) After <b>31st March 2015</b> , such a member makes contributions in accordance with the 2007 table.																
The 85 year rule	The 85 year rule																
10.—(1) This regulation applies to a person—	10.—(1) This regulation applies to a person—																
(a) to whom regulation 3 applies; and	(a) to whom regulation 3 applies; and																
<del>(b) in respect of whom the appropriate administering authority [the employing authority] has consented to pay retirement benefits following a request made by him under regulation 30 of the Benefits Regulations.</del> <i>am. 2010/2090</i>	(b) in respect of whom the appropriate administering authority has consented to pay retirement benefits following a request made by him under regulation 30 of the Benefits Regulations.																
(2) Schedule 2 (which makes transitional provision relating to the so-called “85 year rule”) has effect in relation to such a person.	(2) Schedule 2 (which make s transitional provision relating to the so-called “85 year rule”) has effect in relation to such a person.																
Appropriate funds	Appropriate funds																
11. The pension funds which are appropriate pension funds for members of the 1997 Scheme who do not become members of the Scheme (as to which see regulation 19 of the Local Government Pension Scheme (Transitional Provisions) Regulations 1997) shall	11. The pension funds which are appropriate pension funds for members of the 1997 Scheme who do not become members of the Scheme (as to which see regulation 19 of the Local Government Pension Scheme (Transitional Provisions) Regulations 1997) shall																

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continue to be the appropriate funds for those members.	continue to be the appropriate funds for those members.
Application of abatement policy in individual cases	Application of abatement policy in individual cases
12. Notwithstanding the revocation of regulation 110 of the 1997 Regulations, paragraph (5) of that regulation shall continue to apply to a person who was a member of the Local Government Pension Scheme constituted under the Local Government Pension Scheme Regulations 1995 immediately before 1st April 1998.	12. Notwithstanding the revocation of regulation 110 of the 1997 Regulations, paragraph (5) of that regulation shall continue to apply to a person who was a member of the Local Government Pension Scheme constituted under the Local Government Pension Scheme Regulations 1995 immediately before 1st April 1998.
Councillor members	
13. Notwithstanding the revocation of the 1997 Regulations, they continue to have effect in respect of councillor members and their councillor membership as applied by regulation 137A of those Regulations, with the modifications set out in Schedule 8 to those Regulations.	
Pension sharing	Pension sharing
14.—(1) Regulations 147(2)(a) and 155(2) of the 1997 Regulations, as continued in effect by regulation 3, apply as if they included a reference to rights accruing under the Scheme as well as under the 1997 Scheme.	14.—(1) Regulations 147(2)(a) and 155(2) of the 1997 Regulations, as continued in effect by regulation 3, apply as if they included a reference to rights accruing under the Scheme as well as under the 1997 Scheme.
(2) But Regulations 152 and 156 do not continue to apply.	(2) But Regulations 152 and 156 do not continue to apply.
(3) In relation to any entitlement under the 1997 Scheme, 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.	(3) In relation to any entitlement under the 1997 Scheme, <b>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.</b>
[Civil servants transferred to the Environment Agency <i>ins. 2010/2090</i>	
15.—(1) This regulation applies to a person to whom regulation 22 (civil servants transferred to the Environment Agency) of the Local Government Pension Scheme (Transitional Provisions) Regulations 1997(32) applied, notwithstanding the revocation of those Regulations.	
(2) Subject to paragraphs (3) and (7), these Regulations, the Benefits Regulations and Administration Regulations apply to a person to whom this regulation applies and who is an active member before 1st April 2008 and who has been since then in the continuous employment	

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of the Environment Agency.	
(3) The Benefits Regulations and Administration Regulations apply subject to the modifications set out in paragraphs (4) to (6).	
(4) Sub-paragraphs (a) and (b) list the regulations in which references to normal retirement age shall be construed as age 60—	
(a) in the Benefits Regulations, regulation 29 (calculation on leaving early) except for paragraph (5) of that regulation and regulation 30A (choice of payment of pension: pensioner member with deferred benefits); and	
(b) in the Administration Regulations, regulation 19(7) (contributions during reserve forces service leave), regulation 68(3) (annual benefit statements) and regulation 84(4) (right to count credited period).	
(5) Sub-paragraphs (a) and (b) list the regulations where references to 65th birthday shall be construed as references to 60th birthday—	
(a) in the Benefits Regulations, regulation 18(2) (flexible retirement); and	
(b) in the Administration Regulations, regulation 50(2) (commencement of pensions).	
(6) In the Benefits Regulations, in regulation 30 (choice of early payment of pension) and in regulation 30A (choice of payment of pension: pensioner member with deferred benefits)—	
(a) references to 55 shall be construed as references to 50; and	
(b) in each of those regulations, in paragraph (4), after “Actuary” insert “as respects members to whom regulation 15 of the Local Government Pension Scheme (Transitional Provisions) Regulations 2008(33) applies”.	
(7) Regulation 10 of, and Schedule 2 to, these Regulations shall not apply.]	
Regulation 2	Regulation 2
<b>SCHEDULE 1 REGULATIONS REVOKED</b>	<b>SCHEDULE 1 REGULATIONS REVOKED</b>
The Local Government Pension Scheme Regulations 1997, except for the provisions listed below—	The Local Government Pension Scheme Regulations 1997, except for the provisions listed below—
[Regulation 10(3) to (5);] <i>ins. 2008/1083</i>	[Regulation 10(3) to (5);] <i>ins. 2008/1083</i>

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Regulation 13(2)(f), (g) and (h), (8) and (9); [Regulation 18 for the purpose of enabling an administering authority to make after 31st March 2008 a calculation in accordance with paragraph (2A);] <i>ins. 2008/2425</i>	Regulation <b>13(2)(f)</b> , (8) and (9); ...
Regulations 20(4)(a) and 20A; Regulation 23, as it applies to a member in respect of whom a certificate is issued (whether before or after 1st April 2008) under paragraph (3) of that regulation relating to a reduction or restriction of pay occurring before 1st April 2008;	Regulations 20(4)(a) and 20A; Regulation 23, as it applies to a member in respect of whom a certificate is issued (whether before or after <b>1st April 2012</b> ) under paragraph (3) of that regulation relating to a reduction or restriction of pay occurring before <b>1st April 2012</b> ;
[Regulation 38 for the purpose of enabling an administering authority to make after 31st March 2008 a payment required by paragraph (6);] <i>ins. 2008/2425</i>	[Regulation 38 for the purpose of enabling an administering authority to make after <b>31st March 2012</b> a payment required by paragraph (6);] <i>ins. 2008/2425</i>
Regulation 42, as continued in force by regulation 6(3); [Regulation 44 for the purpose of enabling an administering authority to make after 31st March 2008 a determination whether a child of a deceased member is an “eligible child” within the meaning of regulation 44;] <i>ins. 2008/2425</i>	Regulation 42, as continued in force by regulation 6(3); [Regulation 44 for the purpose of enabling an administering authority to make after <b>31st March 2012</b> a determination whether a child of a deceased member is an “eligible child” within the meaning of regulation 44;] <i>ins. 2008/2425</i>
[Regulation 52 for the purpose of enabling an employing authority to pass after 31st March 2008 a resolution under paragraph (1A);] <i>ins. 2008/2425</i>	...
Regulation 55, as it applies to a member who has elected, before 1st April 2008, to make additional contributions to increase his total membership by an additional period.	Regulation 55, as it applies to a member who has elected, before <b>1st April 2012</b> , to make additional contributions to increase his total membership by an additional period.
]Regulation 66(8);] <i>ins. 2008/1083</i>	[Regulation 66(8);] <i>ins. 2008/1083</i>
Regulation 76, as it applies to the year ending 31st March 2008.	Regulation 76, as it applies to the year ending <b>31st March 2012</b> .
<del>Regulations 83(1) to (8), (11) and (12)</del> [Regulation 83;] <i>subst. 2008/1083</i>	<del>Regulations 83(1) to (8), (11) and (12)</del> [Regulation 83;] <i>subst. 2008/1083</i>
<del>Regulation 108(A);</del> Regulation 108A; <i>subst. 2010/2090</i>	
Regulation 122(6C) and (6D);	

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Regulation 122A;	
[Regulation 130C(25);] <i>ins. 2008/2425</i>	
Regulations 136 to 142;	
Regulations 144 to 161;	Regulations <b>145 to 160</b> ;
Schedules 1A, 5A, 6, 7 and 8.	<b>Schedule 1A.</b>
[Schedule 3, paragraph 3 and Notes 1 and 2;] <i>ins. 2008/1083</i>	[Schedule 3, paragraph 3 and Notes 1 and 2;] <i>ins. 2008/1083</i>
The Local Government Pension Scheme (Transitional Provisions) Regulations 1997	The Local Government Pension Scheme (Transitional Provisions) Regulations 1997
The Local Government Pension Scheme (Amendment) Regulations 1998	The Local Government Pension Scheme (Amendment) Regulations 1998
The Local Government Pension Scheme (Amendment) (Environment Agency) Regulations 1998	
The Local Government Pension Scheme Regulations 1997 (Amendment) Regulations 1998	The Local Government Pension Scheme Regulations 1997 (Amendment) Regulations 1998
The Local Government Pension Scheme (Transitional Provisions etc) (Amendment) Regulations 1998	The Local Government Pension Scheme (Transitional Provisions etc) (Amendment) Regulations 1998
The Local Government Pension Scheme (Miscellaneous Provisions) Regulations 1999	The Local Government Pension Scheme (Miscellaneous Provisions) Regulations 1999
The Local Government Pension Scheme (Amendment etc.) Regulations 1999	The Local Government Pension Scheme (Amendment etc.) Regulations 1999
The Local Government Pension Scheme (Amendment) Regulations 2000	The Local Government Pension Scheme (Amendment) Regulations 2000
The Local Government Pension Scheme (Greater London Authority etc) Regulations 2000	
The Local Government Pension Scheme (Merseyside Transport Limited) Regulations 2000	
The Local Government Pension Scheme (Pension Sharing on Divorce) Regulations 2000 (except regulation 4)	The Local Government Pension Scheme (Pension Sharing on Divorce) Regulations 2000 (except regulation 4)
The Local Government Pension Scheme (Miscellaneous) Regulations 2001	The Local Government Pension Scheme (Miscellaneous) Regulations 2001
The Local Government Pension Scheme (Amendment) Regulations 2001	The Local Government Pension Scheme (Amendment) Regulations 2001

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The Local Government Pension Scheme (Her Majesty's Chief Inspector of Schools in England) (Transfers) Regulations 2001(	
The Local Government Pension Scheme (Amendment No 2) Regulations 2001	The Local Government Pension Scheme (Amendment No 2) Regulations 2001
The Local Government Pension Scheme (Amendment) Regulations 2002	The Local Government Pension Scheme (Amendment) Regulations 2002
The Local Government Pension Scheme (Miscellaneous) Regulations 2002	The Local Government Pension Scheme (Miscellaneous) Regulations 2002
The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003	
The Local Government Pension Scheme (Amendment) Regulations 2003	
The Local Government Pension Scheme (Amendment) (No 2) Regulations 2003	
The Local Government Pension Scheme (Amendment) Regulations 2004	
The Local Government Pension Scheme and Discretionary Compensation (Members of County and County Borough Councils in Wales) Regulations 2004	
The Local Government Pension Scheme (Amendment) (No. 2) Regulations 2004	
The Local Government Pension Scheme (Amendment) Regulations 2005	
The Local Government Pension Scheme and Management and Investment of Funds (Amendment) Regulations 2005 (Regulations 2-7 only)	
The Local Government Pension Scheme (Civil Partnership) (Amendment) Regulations 2005	
The Local Government Pension Scheme (Amendment) (No. 2) Regulations 2005	
The Local Government Pension Scheme (Amendment) Regulations 2006	
The Local Government Pension Scheme (Amendment) (No. 2) Regulations 2006	

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The Local Government Pension Scheme (Amendment) Regulations 2007	
The Local Government Pension Scheme (Amendment) (No 2) Regulations 2007	
The Local Government Pension Scheme (Amendment) (No 3) Regulations 2007	
Regulation 10	Regulation 10
SCHEDULE 2	SCHEDULE 2
1. Subject to paragraph 7, where a member—	1. Subject to paragraph 7, where a member—
(a) makes a request to receive the immediate payment of retirement benefits under regulation 18(1) of the Benefits Regulations; and	(a) makes a request to receive the immediate payment of retirement benefits under regulation 18(1) of the Benefits Regulations; and
(b) satisfies the 85 year rule;	(b) satisfies the 85 year rule;
that part of his retirement pension and grant which is calculated by reference to any period of membership before the relevant date shall not be reduced in accordance with regulation 18(2) of the Benefits Regulations.	that part of his retirement pension and grant which is calculated by reference to any period of membership before the relevant date shall not be reduced in accordance with regulation 18(2) of the Benefits Regulations.
2. For the purposes of paragraph 1, the relevant date, for a member who was a member before 1st October 2006 is—	2. For the purposes of paragraph 1, the relevant date, for a member who was a member before <i>1st April 2012</i> is—
(a) in the case of a member who will be aged 60 or more on 31st March 2016, the earlier of—	(a) in the case of a member who will be aged 60 or more on <i>31st March 2022</i> , the earlier of—
(i) 1st April 2016, and	(i) <i>1st April 2022</i> , and
(ii) the date of the day after the day on which the member leaves local government employment; or	(ii) the date of the day after the day on which the member leaves local government employment; or
<del>(b) in any other case, who was an active member immediately before 1st April 2008.</del> [(b) in any other case, 1st April 2008.] <i>subst. 2008/1083</i>	<del>(b) in any other case, who was an active member immediately before 1st April 2008.</del> [(b) in any other case, <i>1st April 2012</i> .] <i>subst. 2008/1083</i>
3.—(1) For the purposes of this Schedule, a member satisfies the 85 year rule if the sum of —	3.—(1) For the purposes of this Schedule, a member satisfies the 85 year rule if the sum of —
(a) his age in whole years on the date his local government service ends or the date he makes a request under regulation 18(1) of the Benefits Regulations if later;	(a) his age in whole years on the date his local government service ends or the date he makes a request under regulation 18(1) of the Benefits Regulations if later;
(b) his total membership in whole years;	(b) his total membership in whole years;
(c) in a case where he makes a request after his local government	(c) in a case where he makes a request after his local government

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employment ends, the period beginning with the end of that employment and ending with the date he makes a request; and	employment ends, the period beginning with the end of that employment and ending with the date he makes a request; and
(d) in the case of a person who was a member immediately before 1st April 1998, any qualifying period counted by virtue of regulation 123 of the 1997 Regulations which was awarded before 1st April 2008,	(d) in the case of a person who was a member immediately before 1st April 1998, any qualifying period counted by virtue of regulation 123 of the 1997 Regulations which was awarded before <b>1st April 2012</b> ,
is 85 years or more.	is 85 years or more.
(2) But, in calculating his total membership, no account is to be taken of any increase in membership awarded under regulation 12 of the Benefits Regulations.	(2) But, in calculating his total membership, no account is to be taken of any increase in membership awarded under regulation 12 of the Benefits Regulations.
4.—(1) This paragraph applies to a member to whom regulation 4 of these Regulations (membership accrued before 1st April 2008: deferred members) or regulation 16 of the Administration Regulations (re-employed and rejoining deferred members) applies.	4.—(1) This paragraph applies to a member to whom regulation 4 of these Regulations (membership accrued before <b>1st April 2012</b> : deferred members) or regulation 16 of the Administration Regulations (re-employed and rejoining deferred members) applies.
(2) Where such a member does not choose, or does not so choose as respects all periods of his membership, to be treated as if regulation 3 of these Regulations ) applied (membership accrued before 1st April 2008: active members), or to have his membership aggregated under regulation 16 of the Administration Regulations, as the case may be, then, then in applying paragraph 2 of this Schedule as respects any later membership, his total membership excludes unaggregated periods.	(2) Where such a member does not choose, or does not so choose as respects all periods of his membership, to be treated as if regulation 3 of these Regulations) applied (membership accrued before <b>1st April 2012</b> : active members), or to have his membership aggregated under regulation 16 of the Administration Regulations, as the case may be, then, then in applying paragraph 2 of this Schedule as respects any later membership, his total membership excludes unaggregated periods.
5.—(1) This paragraph applies to a member who was a member before 1st October 2006 who—	5.—(1) This paragraph applies to a member who was a member before <b>1st April 2012</b> who—
(a) before 1st October 2006 elected to make additional contributions to the Scheme to increase his total membership under regulation 55(1) of the 1997 Regulations (payments to increase total membership); and	(a) before <b>1st April 2012</b> elected to make additional contributions to the Scheme to increase his total membership under regulation 55(1) of the 1997 Regulations (payments to increase total membership); and
(b) was assumed to retire from a local government employment on a date before his 65th birthday (“the assumed date”) for the purposes of calculating his additional contributions under regulation 55(6) of the 1997 Regulations.	(b) was assumed to retire from a local government employment on a date before his 65th birthday (“the assumed date”) for the purposes of calculating his additional contributions under regulation 55(6) of the 1997 Regulations.
(2) Where a member to whom this paragraph applies—	(2) Where a member to whom this paragraph applies—
(a) continues paying the additional contributions until the assumed date; and	(a) continues paying the additional contributions until the assumed date; and
(b) retires on or after the assumed date,	(b) retires on or after the assumed date,
he shall not pay any additional contributions after that date and the	he shall not pay any additional contributions after that date and the

*Local Government Pension Scheme (Transitional Provisions) Regulations 2008/238*

whole of the additional period may be counted as part of his total membership.	whole of the additional period may be counted as part of his total membership.
(3) An additional period counted as a period of total membership as a result of this paragraph shall be treated as a period of membership before 1st April 2008.	(3) An additional period counted as a period of total membership as a result of this paragraph shall be treated as a period of membership before <b>1st April 2012</b> .
6.—(1) Paragraphs 1 to 5 apply to a person who was a member before 1st October 2006 and who—	6.—(1) Paragraphs 1 to 5 apply to a person who was a member before <b>1st April 2012</b> and who—
(a) leaves local government employment and ceases to be a member of the 1997 Scheme or the Scheme (whether before or after that date); and	(a) leaves local government employment and ceases to be a member of the 1997 Scheme or the Scheme (whether before or after that date); and
(b) resumes such employment before the relevant date for the purposes of paragraph 1.	(b) resumes such employment before the relevant date for the purposes of paragraph 1.
(2) And any period of membership after that resumption is aggregated with the period of membership accrued in his previous local government employment for the purposes of paragraph 1.	(2) And any period of membership after that resumption is aggregated with the period of membership accrued in his previous local government employment for the purposes of paragraph 1.
(3) But any increase in his total membership under regulation 12 of the Benefits Regulations is not counted for the purpose of <del>paragraph 3(1)(e)</del> [paragraph 3(1)(b)]. <i>am. 2008/1083</i>	(3) But any increase in his total membership under regulation 12 of the Benefits Regulations is not counted for the purpose of <del>paragraph 3(1)(e)</del> [paragraph 3(1)(b)]. <i>am. 2008/1083</i>
<del>7.—(1) This paragraph applies to a member who retires, having reached the age of 60, on or after 1st April 2016 and before 1st April 2020, and who would (but for the provisions of paragraphs 1 and 2) have satisfied the 85 year rule before the latter date.</del>	
[(1) This paragraph applies to a member who retires, having reached the age of 60, on or after 1st April 2016 and before 1st April 2020, and whose retirement pension and grant would (but for the provisions of this paragraph) have been actuarially reduced by virtue of paragraphs 1 and 2.] <i>subst. 2008/1083</i>	
(2) That part of his retirement pension and grant which is calculated by reference to any period of membership after 31st March 2008 shall be reduced in accordance with guidance issued by the Government Actuary.	