

LGPC CIRCULAR NO. 108 – DECEMBER 2001

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PART-TIMERS' PENSION RIGHTS – UPDATE

Purpose of the Circular

1. The purpose of this Circular is to update authorities in relation to the current position in respect of the Employment Tribunal part-timers' pension rights cases. This Circular supplements Circulars 94 (February 2001), 96 (March 2001), 101 (June 2001) and 104 (October 2001).

Update

2. Circular 104 confirmed that a Directions Hearing covering the two LGPS part-timer test cases was to be held on 21 November 2001 at the London Central Office of Employment Tribunals.
3. The Directions Hearing took place as planned and concentrated on running through the various issues raised by the test cases, deciding what should be heard, and planning the future timetable.
4. The Unions submitted two additional test cases. The Secretary of State and the relevant employer will need to submit a Notice of Appearance in respect of these two additional cases.
5. All other LGPS cases (i.e. other than the test cases) remain stayed.
6. There is to be a further Directions Hearing in the week beginning 4 March 2002 and the main hearings for the test cases will take place at the London Central Office over a period of 4 weeks commencing on 17 June 2002.

7. The Tribunal expects the Secretary of State and the Unions to ensure all issues on which they may have differences and which will affect a significant number of cases are covered by test cases. The Tribunal will not consider issues unless they are in a test case and are of widespread application. It is possible that further LGPS test cases will need to be identified.

8. Certain practical matters, such as how to calculate the amount of contributions due, are likely to be left in abeyance by the Tribunal pending the possibility of a negotiated agreement with the Unions.
9. The LGPC will keep authorities informed of progress.

Actions for authorities administering the LGPS

10. Administering authorities may wish to bring the content of this Circular to the attention of other employers in their Fund (other than local authorities to whom this Circular has been sent direct by the Secretariat).

Terry Edwards
LGPC Pensions Consultant
December 2001

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