

## SCHEDULE K1

### REVIVAL OF RIGHTS FOR CERTAIN COMMUNITY SCHEME TRANSFEREES

#### *Persons who ceased local government employment after March 1972*

#### 3. Where—

- (a) the person ceased to be employed in his local government employment on or after 31st March 1972; and
- (b) apart from regulations K2 to K11, he would have been entitled to a pension (other than a pension under regulation D17 (guaranteed minimum pensions for members in contracted-out employment etc.) or D19 (equivalent pension benefits)) in respect of the service to which the transfer value relates,

then, subject to paragraph 5, he and those claiming through him shall have the same rights as they would have had by virtue of these regulations, the 1986 regulations, the 1974 regulations and any local Act scheme (so far as applicable) if the payment of the transfer value had not been requested or made.

#### 4.—(1) Where—

- (a) the person ceased to be employed in his local government employment on or after 31st March 1972; and
- (b) he would not, apart from regulations K2 to K11, have been entitled to a pension (other than a pension under regulation D17 (guaranteed minimum pensions for members in contracted-out employment etc.) or regulation D19 (equivalent pension benefits)) in respect of the service to which the transfer value relates,

then, subject to paragraph 5, he and those claiming through him shall have the same rights as they would have had by virtue of these regulations, the 1986 regulations, the 1974 regulations and any local Act scheme (so far as applicable) on the assumptions mentioned in sub-paragraph (2).

#### (2) The assumptions referred to in sub-paragraphs (1) are—

- (a) that on the termination of his local government employment he had been entitled to count—
  - (i) where the termination occurred before 6th April 1988, an aggregate of five years' reckonable service and qualifying service (as defined in the 1986 regulations), or
  - (ii) where the termination occurred on or after 6th April 1988 and before the commencement date, an aggregate of two years' reckonable service and qualifying service (as so defined), or
  - (iii) where the termination occurred on or after the commencement date, a total period of membership of 2 years, or
  - (iv) if he was subject to a local Act scheme, five years' service which would have been taken into account under the scheme for the purpose of determining whether he was entitled to benefit and
- (b) that the payment of the transfer value had not been requested or made.

#### 5. Paragraphs 3 and 4 shall not confer any right to—

- (a) a return of contributions, or
- (b) the payment of any benefit for any period ending on or before the date on which the person left his employment with the Community institution.