

SCHEDULE 5

Regulation C9

Payment to Avoid Reduction of Retiring Allowance

PART I

LUMP SUM PAYMENT

1. The amount to be paid by an employee who has under regulation C9 elected to make payment by a lump sum is—

$$\frac{A \times B \times C}{100}$$

where—

A is the length of the period of reckonable service specified in his notice of election, expressed in complete years and any fraction of a year;

B is his remuneration at the date of the election; and

C is, in the case of a man, the figure specified in column 2 of the Table against his age on his birthday follow the date of the election; and in the case of a woman, a figure to be specified by the Government Actuary.

TABLE

(1) Age on birthday next following election	(2) Figure to be used
25	2.76
26	2.61
27	2.51
28	2.44
29	2.39
30	2.35
31	2.31
32	2.28
33	2.25
34	2.23
35	2.21
36	2.20
37	2.18
38	2.17
39	2.16
40	2.15
41	2.14

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(1) Age on birthday next following election	(2) Figure to be used
42	2.13
43	2.12
44	2.11
45	2.10
46	2.09
47	2.08
48	2.08
49	2.09
50	2.10
51	2.12
52	2.14
53	2.16
54	2.18
55	2.20
56	2.22
57	2.24
58	2.26
59	2.28
60	2.30
61	2.31
62	2.32
63	2.33
64	2.34

2. The amount is to be paid within one month after the date of the election.

PART II INSTALMENTS

3. The amount to be paid by an employee who has under regulation C9 elected to make payment by instalments is the amount he would have been required to pay under Part I if he had on the same date elected to make payment by a lump sum, increased by 5% for each complete year, and pro rata for any fraction of a year, during which under paragraph 4 instalments are due to be paid.

4. The employee is to specify in his notice of election the date up to which instalments are to be paid, which may not be—

- (a) later than his 65th birthday; or

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(b) earlier than the date on which he would attain pensionable age.

5. Instalments are to be of equal amounts and to be paid at such intervals as the Committee may determine, the first instalment being due to be paid not later than one month after the date of the election.

PART III

ADDITIONAL CONTRIBUTIONS

6. The amount to be paid by way of additional contributions by an employee who has under regulation C9 elected to make payment in that manner is—

$$\frac{A \times B \times C}{100}$$

where—

A is the length of the period of reckonable service specified in his notice of election, expressed in complete years and any fraction of a year;

B is his remuneration for the time being; and

C is, in the case of a man, the figure in the Table appropriate to his age on his birthday next following the date of the election and to his specified birthday (within the meaning of paragraph 8); and in the case of a woman, a figure to be specified by the Government Actuary.

TABLE

Age on birthday next following election	Figure to be used by reference to the undermentioned specified birthday					
	60	61	62	63	64	65
25	0.07					
26	0.07					
27	0.07					
28	0.07					
29	0.08					
30	0.08					
31	0.08					
32	0.08					
33	0.09					
34	0.09					
35	0.09					
36	0.10					

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Age on birthday next following election	Figure to be used by reference to the undermentioned specified birthday					
	60	61	62	63	64	65
37	0.10	0.10				
38	0.11	0.10	0.10			
39	0.12	0.11	0.10	0.09		
40	0.12	0.11	0.11	0.10	0.09	
41	0.13	0.12	0.11	0.10	0.10	0.09
42	0.14	0.13	0.12	0.11	0.10	0.10
43	0.14	0.13	0.12	0.12	0.11	0.10
44	0.15	0.14	0.13	0.12	0.11	0.11
45	0.16	0.15	0.14	0.13	0.12	0.11
46	0.17	0.16	0.15	0.14	0.13	0.12
47	0.19	0.17	0.16	0.15	0.14	0.13
48	0.21	0.19	0.17	0.16	0.15	0.14
49	0.23	0.21	0.18	0.17	0.16	0.15
50	0.25	0.23	0.20	0.18	0.17	0.16
51	0.28	0.25	0.22	0.20	0.18	0.17
52	0.32	0.28	0.25	0.22	0.20	0.18
53	0.37	0.32	0.28	0.24	0.22	0.20
54	0.43	0.36	0.31	0.27	0.24	0.22
55	0.52	0.42	0.36	0.31	0.27	0.24
56	0.65	0.51	0.42	0.35	0.30	0.27
57	0.87	0.63	0.50	0.41	0.34	0.30
58	1.30	0.84	0.62	0.49	0.40	0.35
59	2.62	1.26	0.83	0.61	0.48	0.41
60		2.53	1.24	0.82	0.60	0.48
61			2.48	1.22	0.80	0.60
62				2.40	1.20	0.80
63					2.37	1.21
64						2.39

7.—(1) For the purposes of paragraph 6 in relation to any additional contribution falling to be paid by an employee his remuneration for the time being is, subject to sub-paragraph (2), the remuneration

received by him for the interval (being an interval determined under paragraph 9) at the end of which the additional contribution falls to be paid.

(2) For the purposes of sub-paragraph (1)—

- (a) an employee is to be taken to have received for any period for which, while a contract of employment subsisted, he was absent from duty with reduced remuneration or without remuneration, otherwise than by reason of illness or injury, the remuneration that he would have received but for his absence from duty; and
- (b) any reduction in remuneration by reason of the actual or assumed enjoyment by the employee during any period of absence from duty of any statutory entitlement shall be disregarded.

8. An employee is to specify in his notice of election the birthday (“the specified birthday”) up to which additional contributions are to be paid, which may be—

- (a) his 65th birthday; or
- (b) any earlier birthday falling on or after the date on which he would attain pensionable age.

9. Additional contributions are to be paid, at such intervals as the Committee may determine, from the employee’s birthday next following the date of the election.

PART IV

UNCOMPLETED PAYMENTS

10. This Part applies where an employee has under regulation C9 elected to make payment by instalments or by way of additional contributions and has commenced payment, but before, as the case may be—

- (a) the date specified under paragraph 4; or
- (b) the birthday specified under paragraph 8,

a relevant event occurs.

11. The relevant events are—

- (a) the discontinuance of payment under regulation C9(11); and
- (b) where there has been no such discontinuance of payment—
 - (i) the employee’s ceasing to hold his employment; and
 - (ii) the death of the employee while in local government employment.

12. Where the relevant event is the discontinuance of payment under regulation C9(11), the period of reckonable service in respect of which the election was made is to be treated as having been—

$$\frac{A \times B}{C}$$

where—

A is the length of the period during which instalments or additional contributions have been paid;

B is the length of the period of reckonable service in respect of which the election was made; and

C is the length of the period during which, under Part II or Part III, instalments or additional contributions were to have been paid,

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each period being expressed in complete years and any fraction of a year.

13. Where the relevant event is—

- (a) the death of the employee; or
- (b) his ceasing to hold his employment by reason of permanent ill-health or infirmity of mind or body,

he is to be treated as having completed payment in accordance with Part II or, as the case may be, Part III.

14.—(1) Where the relevant event is the employee’s ceasing to hold his employment and—

- (a) condition (a) or (b) in regulation E2(3) is satisfied; and
- (b) the last day of his employment is not less than 12 months after the date of receipt of his notice of election under regulation C9; and
- (c) he gives notice in writing for the purpose to the Committee within the period of 3 months beginning on the day after the last day of his employment,

he may pay to the fund within the period specified in sub-paragraph (2) an amount calculated by the fund’s actuary to represent the capital value of the instalments or additional contributions remaining to be paid, and shall in that event be treated as having completed payment in accordance with Part II or, as the case may be, Part III.

(2) The period for making a payment under sub-paragraph (1) is the period of one month beginning on the date on which the person is notified by the Committee of the amount calculated as mentioned in that sub-paragraph.

(3) The Committee may accept a notice given under sub-paragraph (1)(c) notwithstanding that sub-paragraph (1)(b) is not satisfied.

15.—(1) Where the relevant event is the employee’s ceasing to hold his employment and neither paragraph 13(b) or paragraph 14 applies, he is, unless sub-paragraph (2) applies, to be treated as if paragraph 12 (discontinuance of payment) had applied.

(2) This sub-paragraph applies where the employee—

- (a) elected under regulation C9 to make payment by way of additional contributions; and
- (b) has within 12 months after ceasing to hold his employment again entered local government employment, without having—
 - (i) become entitled in relation to the first employment to the payment of any benefit; or
 - (ii) elected to receive a payment under regulation C15(6) (return of contributions); or
 - (iii) made a request for earlier payment under regulation C15(11); and
- (c) has not made an election for the purposes of regulation E2(8)(c) (retention of right to preserved benefits); and
- (d) within 3 months after his again entering local government employment pays to his new employing authority an amount equal to any additional contributions that would have been payable if he had not ceased to hold the first employment.

(3) Where sub-paragraph (2) applies, the election under regulation C9 continues to have effect as if the relevant event had not occurred.