

SCHEDULE 5

Payment to Avoid Reduction of Retiring Allowance

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,

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

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(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.