

SCHEDULE C4

Limitations on contributions and benefits

Part I

General

“Class A members”, “Class B members” and “Class C members”

1.—(1) In this Schedule,

“member” includes a former member;

“Class A member” means a member who—

- (a) became a member on or after 1st June 1989 and is not to be treated as a Class B member or Class C member by virtue of sub-paragraph (2); or
- (b) was a Class B member or a Class C member immediately before that date and is deemed to have become a Class A member by virtue of making an election under sub-paragraph (3);

“Class B member” means a member who—

- (a) became a member on or after 17th March 1987 and before 1st June 1989;
- (b) is not to be treated as a Class C member by virtue of sub-paragraph (2); and
- (c) is not deemed to have become a Class A member by virtue of making an election under sub-paragraph (3);

“Class C member” means a member who—

- (a) became a member before 17th March 1987 or is to be treated as a Class C member by virtue of sub-paragraph (2); and
- (b) is not deemed to have become a Class A member by virtue of duly making an election under sub-paragraph (3).

(2) A person may be treated for the purposes of this Schedule as being a Class B member or a Class C member, notwithstanding that he did not become a member of the Scheme before 1st June 1989 or, as the case may be, 17th March 1987, if on application to them by the Committee the Commissioners of Inland Revenue agree in writing that he may be so treated by virtue of previous membership of a pension scheme approved under Chapter I of Part XIV of the Income and Corporation Taxes Act 1988.

(3) If a Class B member or a Class C member duly elects by notice in writing to the Committee before the relevant date that he wishes to be treated as a Class A member for the purposes of this Schedule, he shall be deemed to have become a Class A member on 1st June 1989.

(4) For the purposes of sub-paragraph (3) “the relevant date”, in relation to any member, means the date on which he ceases to be a member for any reason (including death).

(5) For the purposes of this paragraph, a person shall only be treated as being a Class B member or a Class C member at any time by virtue of having become a member before 1st June 1989 or, as the case may be, 17th March 1987, if—

- (a) he has continued to be a member throughout a period beginning before that date and ending with that time; or
- (b) the conditions mentioned in sub-paragraph (7) are satisfied in relation to the part of that period when he was not a member.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) Where a member who was eligible to become a member at a time when he would have become a Class B member or a Class C member as the case may be applies for membership after that date by virtue of being a person to whom regulation K17 applies, he shall be treated as a Class B or a Class C member as the case may be at any time if—

- (a) he continues to be a member throughout the period beginning with the date when he becomes a member of the Scheme and ending with that time; or
- (b) the conditions mentioned in sub-paragraph (7) are satisfied in relation to the part of that period when he was not a member.

(7) The conditions mentioned in sub-paragraph (5)(b) and (6)(b) are—

- (a) that his membership ceased on his secondment or posting to another employer, at the time of the secondment or posting he had a definite expectation that he would become a member again when it ended, and he again became a member at the end of his secondment or posting;
- (b) his membership ceased by reason of his unpaid absence and he began paying contributions again under regulation C3 within one month of returning to work;
- (c) in the case of a female member, her membership ceased wholly or partly because of pregnancy or confinement and she began paying contributions again under that regulation within one month of returning to work in accordance with Article 111 the Employment Rights (Northern Ireland) Order 1996(1) (which confers the right to return to work following pregnancy or confinement);
- (d) his membership ceased otherwise than as mentioned in paragraph (a), (b) or (c) and within one month of such cessation he returned to work and began paying contributions again under regulation C3; or
- (e) that his membership ceased by reason of the member opting out of the Scheme as a result of a contravention which is actionable under section 62 of the Financial Services Act 1986(2).

Remuneration of Class A members: “permitted maximum”

2.—(1) Subject to paragraph 6, in determining the remuneration of a Class A member for the purposes of these regulations, any payments in excess of the permitted maximum shall be disregarded.

(2) For the purposes of this Schedule “permitted maximum” shall be construed in accordance with section 590C(2) of the Income and Corporation Taxes Act 1988(3).

(1) S.I. 1996/1919 (N.I.16)

(2) 1986 c. 60

(3) 1988 c. 1; section 590C was inserted by the Finance Act 1989 (c. 26), Schedule 6, paragraphs 4 and 18(2); subsection (8A) of section 590C was inserted by paragraph 5(3) of that Schedule