

SCHEDULE C5

Regulation C27

Provisions concerning outstanding payments due under previous regulations

Continuation of certain payments

1.—(1) Without prejudice to Schedule M2 to these regulations, where immediately before the commencement date any payments remained to be made (or were deemed to be due) under a provision of the 1992 regulations which is re-enacted in these regulations, they shall be deemed to be payments due under the corresponding provision of these regulations.

(2) Without prejudice to the generality of sub-paragraph (1), any payments remaining to be made under a provision of the 1992 regulations specified in column (1) of the Table below (including any payments treated as being made under any such provision by virtue of regulation C10(1) of those regulations), shall be deemed to be payments due under the provision of these regulations specified in column (2).

Table

| <i>Column (1)</i> <i>1992 regulations</i> | <i>Column (2)</i> <i>These regulations</i> |
|--|---|
| Regulation C2 | Regulation C5 |
| Regulation C3 | Regulation C7 |
| Regulation C5 | Regulation C9 |
| Regulation C9 | Regulation C13 |
| Regulation C11 | Regulation C24 |

(3) Subject to any contrary provision made by these regulations and, in particular, the following provisions of this Schedule, where—

- (a) immediately before 1st March 1993 any payments remained to be made under regulation C10 of the 1992 regulations, or
- (b) immediately before the commencement date any payments remained to be made under a provision of the 1992 regulations specified in paragraph (4) (including any payments treated as being made under any such provision by virtue of regulation C10(1) of those regulations),

then, notwithstanding the revocations made by these regulations—

- (i) those payments remain payable;
- (ii) in so far as any provisions which immediately before the commencement date have effect in relation to those payments are not re-enacted in these regulations, they shall be deemed to have continued in effect in relation to those payments (with such modifications as may be appropriate); and
- (iii) where any such provisions are so re-enacted, the corresponding provision of these regulations shall continue to have effect in relation to them.

(4) The payments mentioned in paragraph (3)(b) are payments under the following provisions of the 1992 regulations—

- (a) regulation C6 (additional payments by certain pensionable employees in respect of previous service);
- (b) regulation C7 (additional payments in respect of previous part-time service);

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(c) regulation C9 (payments to avoid reduction of retiring allowance or death grant, where election to make payment by lump sum or instalments).

(5) The following provisions of this Schedule are without prejudice to the generality of this paragraph.

Counting of extra membership periods on completion of payments begun under earlier provisions

2. Without prejudice to paragraph 7 of Schedule M2—

- (a) where paragraph 1(1) applies, on the making or, as the case may be, the completion or discontinuance of any payments deemed to be due under regulation C9, a member is entitled to count additional membership in accordance with regulation C9(1);
- (b) on the making or as the case may be the completion or discontinuance of any such payments as are mentioned in paragraph 1(4) or paragraph 1(5) (“the relevant event”) a member is entitled to count additional membership to the same extent as if the relevant event had occurred—
 - (i) in the case of the payments mentioned in paragraph 1(4), before 1st March 1993; and
 - (ii) in the case of the payments mentioned in paragraph 1(5), before the commencement date.

Part-timers buying additional periods

3.—(1) Notwithstanding any other provision in these regulations where immediately before the commencement date paragraph 6 of Schedule 9 to the 1981 regulations (amount payable by a part-time employee purchasing additional periods of reckonable service to be calculated by reference to remuneration in a single comparable whole-time employment) is deemed to have applied in accordance with sub-paragraph (3) as respects the amount to be paid by an employee, then, subject to regulation C12(5)—

- (a) the period which he is entitled to count as a period of membership, and
- (b) the payments to be made by him,

shall continue to be calculated in the same manner as was applicable immediately before the commencement date.

(2) Where—

- (a) immediately before the commencement date a pensionable employee in whole-time employment was making payments under regulation C5 of the 1992 regulations in order to reckon an additional period as reckonable service, and
- (b) on that date that employment ceases to be whole-time and becomes part-time employment by virtue only of the amendment of any definitions by these regulations,

then—

- (i) nothing in these regulations shall affect the period which he is entitled to count as a period of membership by virtue of his having made payments before the commencement date calculated in accordance with the 1992 regulations, and
- (ii) without prejudice to any variation of the election which may be agreed between him and his employing authority or to any relevant change in his circumstances after that date—
 - (I) payments made by him on or after that date shall be made by reference to his actual remuneration for the time being, but

(II) the period of membership which he is entitled to count by virtue of them shall continue to be calculated on the same basis as if his employment were a whole-time employment.

(3) Paragraph 6 of Schedule 9 to the 1981 regulations is deemed to have applied from the 1st March 1993 to immediately before the commencement date.

Additional payments by certain members in respect of previous service

4. Without prejudice to the previous provisions of this Schedule the revocation of regulation C6 of the 1992 regulations (additional payments by certain members in respect of previous service) shall not affect its operation as respects anything which immediately before the commencement date remains to be done under that regulation, and payments made under that regulation are to be treated for the purposes of these regulations as if they consisted of contributions made under regulation C3 in respect of employment in relation to which the person was a member.

5.—(1) Without prejudice to the previous provisions of this Schedule, a person who has made, or whose widow or widower has made, one or more payments under regulation C7(15) or (19) of the 1992 regulations is entitled to count as a period of membership in whole-time service an additional period of an amount equal to the appropriate proportion of the additional period specified in the notice of election under regulation C7(5) of the 1992 regulations.

(2) In sub-paragraph (1) the “appropriate proportion” means the proportion which the person’s contractual hours of employment as at the relevant date (within the meaning of paragraph 2 of Schedule 10 to the 1992 regulations) bears to the contractual hours of a comparable whole-time employment as at that date.

(3) Where a person has become entitled under sub-paragraphs (1) and (2) to count an additional period as a period of membership in whole-time service by virtue of a lump sum payment having been made in accordance with regulation C7(19) of the 1992 regulations—

- (a) the additional period shall be treated as having been able to be counted at the time when the person ceased to be a member; and
- (b) the person shall be entitled to receive, within one month after making the lump sum payment, a sum equal to the additional amount he would have received if any benefits already paid to him had been calculated by reference to the increased period of membership.

(4) Regulation C17 (notice to discontinue contributions) applies to payments under regulation C7(15) of the 1992 regulations as it applies to the payments there mentioned, and a person who so discontinues such payment shall be entitled to count under sub-paragraphs (1) and (2) as membership in whole-time service an additional period equal to the appropriate proportion of the length of the period of membership in whole-time service which he would have been entitled to count under that paragraph if payment had been completed.

(5) Where a person began to make payments under regulation C7(15) of the 1992 regulations but ceases to be a member before he has completed payment of the sum payable by him under regulation C8(9) of those regulations—

- (a) if he so ceases on his death or on ceasing to hold his employment by reason of permanent ill-health or infirmity of mind or body, he shall be treated as having completed payment of that sum;
- (b) except where paragraph (c) applies, if he so ceases for any other reason he shall be entitled to count under sub-paragraphs (1) and (2) as membership in whole-time service an additional period equal to the appropriate proportion of the period of membership in whole-time service which he would have been entitled so to count if payment had been completed; and

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(c) if he so ceases by reason of his ceasing to be employed by a LGPS employer and within one month after the date on which he so ceases he pays the Committee a capital sum equal to the total of the instalments remaining unpaid, he shall then be treated as having completed payment.

(6) In sub-paragraphs (4) and (5) “appropriate proportion” means the proportion which the aggregate of the total amount paid by way of instalments under paragraph (15) of regulation C7 of the 1992 regulations and this paragraph and the amount paid or payable by the employing authority under paragraph (13) or, as the case may be, paragraph (14) of that regulation and under this paragraph bears to the total sum payable by him and his employing authority under those provisions.

Incomplete payments under provisions saved by this Schedule

6. Regulation C20 (effect of opting out of membership on certain additional payments) applies where a person is by virtue of this Schedule continuing to make additional periodical payments in pursuance of the 1992 regulations or the 1981 regulations as it applies where he has elected to make payments under regulation C9, C13 or C14.

7. Regulation C19(7) shall apply to a person who has given notice under paragraph (2) of regulation C8 of the 1992 regulations (discontinuance of payments under regulation C5 of those regulations on making an election under regulation C7 of those regulations) as if payment of additional contributions under regulation C8 had been discontinued under regulation C18.

Continuing provision relating to payments originally made under the 1981 regulations

8. Without prejudice to paragraph 1, Schedule 10 to the 1981 regulations shall be deemed to have continued to have effect in relation to any payments under regulation 43 of the 1981 regulations which remain payable by virtue of paragraph 1.

Reduction of added years

9. Notwithstanding the revocation of regulation D8 of the 1992 regulations (reduction of added years reckonable on payment as reckonable service), in so far as that regulation is capable of continuing to have effect it shall continue to do so.

Reduction of returned contributions in certain cases

10. Notwithstanding the revocation of regulation C17 of the 1992 regulations (reduction of returned contributions following payment in lieu of contributions), in so far as that regulation is capable of continuing to have effect it shall continue to do so.