

## SCHEDULE D1

### **Further provisions about pensionable remuneration**

#### **Optional alternative relevant periods**

4.—(1) Where a reduction in a member's remuneration is certified as material under this paragraph, then the relevant period is—

- (a) such one of the last 5 of the 13 years ending with the day on which he ceases to be a member, or
- (b) such consecutive 3 of those 13 years,

as he may elect (or, in a case within paragraph 2(3), as may be determined by the employing authority).

(2) Where by virtue of this paragraph the relevant period is a period of 3 consecutive years, the member's pensionable remuneration is the aggregate of his remuneration during that period divided by three.

(3) Subject to sub-paragraph (7), where a member suffers a material reduction in remuneration he is entitled to be issued with a certificate to that effect by the employing authority.

(4) A member suffers a reduction in remuneration if—

- (a) the remuneration of an employment which he continues to hold is reduced, or
- (b) he is transferred to another employment under the same LGPS employer at a reduced remuneration.

(5) Subject to sub-paragraph (6), a reduction in remuneration is only material if it is such that the member's pensionable remuneration would be likely to be less if the relevant period were the period applicable under regulation D1(2)(a) than if it were the period applicable under sub-paragraph (1).

(6) A reduction in remuneration is not material if—

- (a) it did not result from circumstances beyond the member's control, or
- (b) it was temporary, or
- (c) it consisted in the termination of, or a reduction in, a temporary increase in remuneration.

(7) The employing authority may issue a certificate without an application from the member, but need not issue a certificate if he does not apply for one within 12 months after the date of reduction.

(8) A certificate issued under this paragraph is to specify the date of the material reduction and the authority is to keep, for 10 years from that date, a record of the certificate including such information as would be necessary for applying sub-paragraph (1).