

## SCHEDULE K1

Regulation K13

### **Revival of rights for certain community scheme transferees**

#### **Persons to whom this Schedule applies**

1.—(1) This Schedule applies where—

- (a) a person became employed by a Community institution after having been employed in local government employment,
- (b) the scheme managers of the Communities' scheme were paid a transfer value under regulation K2 in relation to his previous service in local government employment,
- (c) he ceased to be employed in his employment with the Community institution without the right to an immediate or prospective pension, and
- (d) the Committee has been paid the appropriate transfer sum for the credit of the fund.

(2) In this paragraph “Community institution” includes a body treated as one of the Communities' institutions for the purposes of the Communities' scheme.

(3) In sub-paragraph (1)(d) “appropriate transfer sum” means the aggregate—

- (a) of a sum equal to the amount of the transfer value which the scheme managers received, and
- (b) if the period beginning with the date on which the transfer value was received by the scheme managers and ending on the date on which the sum mentioned in sub-paragraph (a) was paid is at least 6 months, of compound interest on that sum for that period—
  - (i) at the rate of 6 per cent. with yearly rests for each complete period of a year ending before 1st April 1977, and
  - (ii) at the rate of 2.25 per cent. with three-monthly rests for each complete period of three months beginning after 31st March 1977.

#### **Persons who ceased local government employment on or after 1st March 1993**

2. Where—

- (a) the person ceased to be employed in his local government employment on or after 1st March 1993; and
- (b) apart from regulations K2 to K12, he would have been entitled to a pension (other than a pension under regulation D16 (guaranteed minimum pensions for members in contracted-out employment etc.) or D18 (equivalent pension benefits)) in respect of the service to which the transfer value relates,

then, subject to paragraph 4, he and those claiming through him shall have the same rights as they would have had by virtue of these regulations, the 1992 regulations and the 1981 regulations (so far as applicable) if the payment of the transfer value had not been requested or made.

3.—(1) Where—

- (a) the person ceased to be employed in his local government employment on or after 1st March 1993; and
- (b) he would not, apart from regulations K2 to K12, have been entitled to a pension (other than a pension under regulation D16 (guaranteed minimum pensions for members in contracted-out employment etc.) or regulation D18 (equivalent pension benefits)) in respect of the service to which the transfer value relates,

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then, subject to paragraph 4, he and those claiming through him shall have the same rights as they would have had by virtue of these regulations, the 1992 regulations and the 1981 regulations (so far as applicable) on the assumptions mentioned in sub-paragraph (2).

- (2) The assumptions referred to in sub-paragraph (1) are—
  - (a) that on the termination of his local government employment he had been entitled to count—
    - (i) an aggregate of two years' reckonable service and qualifying service (as defined by the 1992 regulations), or
    - (ii) where the termination occurred on or after the commencement date a total period of membership of two years, and
  - (b) that the payment of the transfer value had not been requested or made.
4. Paragraphs 2 and 3 shall not confer any right to—
  - (a) a return of contributions, or
  - (b) the payment of any benefit for any period ending on or before the date on which the person left his employment with the Community institution.

**Interpretation of references to those claiming through a person**

5. For the purposes of this Schedule references to those claiming through a person shall be construed as references to his spouse, dependants, children and personal representatives, so far as is appropriate in his particular case.