

SCHEDULES

SCHEDULE 3

THE 85 YEAR RULE: TRANSITIONAL PROVISIONS AND SAVINGS

8.—(1) This paragraph applies to a person who was an active member of one of the earlier Schemes before 1st October 2006 and who—

- (a) ceases to be an active member of the 2002 Scheme, the 2009 Scheme or the Scheme (whether before, on or after that date); and
- (b) resumes active membership.

(2) If a member to whom this paragraph applies aggregates any period of membership after the resumption of employment with the period of membership accrued in the previous local government employment—

- (a) where the member resumed active membership in the Scheme and has had a disqualifying break, this Schedule does not apply to the earlier period, except in applying this Schedule to the later period of membership, for the purposes of paragraph 4 (determining whether the member satisfies the 85 year rule); or
- (b) where a member resumed active membership in an earlier Scheme, or resumed active membership in the Scheme without a disqualifying break, this Schedule applies to the whole period of aggregated membership.

(3) A disqualifying break for the purposes of paragraph (2) is a continuous break in active membership of a public sector pension scheme of more than five years.