

## SCHEDULES

### SCHEDULE 9

Regulation 30

Determination of pensionable earnings: setting contribution rates

#### Introduction

1. For the purposes of this Schedule—
  - (a) “previous scheme year” means the scheme year immediately preceding the scheme year in respect of which contributions are payable in accordance with this scheme (“the current scheme year”); and
  - (b) if a member holds two or more pensionable employments at the same time—
    - (i) the determinations referred to in paragraphs 2 to 4 apply to each such employment separately; and
    - (ii) each such employment is treated separately for the purpose of paying contributions.

#### Continuous employment spanning two scheme years

2.—(1) Sub-paragraph (2) applies for the purposes of determining the relevant contribution rate for the current scheme year for a member (M) who is in pensionable employment with the same employing authority on both—

- (a) the last day of the previous scheme year; and
- (b) the first day of the current scheme year.

(2) Where M is within Column 1 of one of the following Cases, M must pay contributions during the current scheme year at the rate specified in Column 2 of the table in paragraph (3) of regulation 30 in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to the amount determined as mentioned in the Column 2 relating to that Case.

<i>Column 1</i>	<i>Column 2</i>
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#### CASE 1

M—  (a) was in pensionable employment with an employing authority on a whole time basis throughout the previous scheme year; and  (b) paid contributions in respect of that employment at the same percentage rate throughout that year.	The amount of M’s pensionable earnings received during the previous scheme year
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**CASE 2**

<p>M—</p> <p>(a) was in pensionable employment with an employing authority on a part-time basis throughout the previous scheme year;</p> <p>(b) paid contributions in respect of that employment at the same percentage rate throughout that year.</p>	<p>The amount of M’s pensionable earnings determined by reference to the amount the scheme manager determines would have been paid in respect of a single comparable whole-time employment during the previous scheme year</p>
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**CASE 3**

<p>M—</p> <p>(a) was in pensionable employment with an employing authority on a combination of a whole-time and part-time basis throughout the previous scheme year;</p> <p>(b) paid contributions in respect of that employment at the same percentage rate throughout that year.</p>	<p>The amount which is the aggregate of—</p> <p>(a) M’s pensionable earnings received during the previous scheme year in respect of M’s whole-time employment, and</p> <p>(b) the amount the scheme manager determines would have been paid in respect of a single comparable whole-time employment for that period in respect of M’s part-time employment</p>
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**CASE 4**

<p>M—</p> <p>(a) was in pensionable employment with an employing authority on a whole-time basis throughout the previous scheme year;</p> <p>(b) did not pay contributions in respect of that employment at the same percentage rate throughout that year.</p>	<p>The amount of M’s pensionable earnings determined by the formula—</p> $\frac{RPE}{NDPE} \times 365$
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Where—

RPE is the pensionable earnings received in respect of M’s employment for the period—

- (i) starting on the date M’s contribution rate last changed in the previous scheme year; and
- (ii) ending on the last day of that year; and

NDPE is the number of days of pensionable employment with the employing authority—

- (i) starting on the date M’s contribution rate last changed in that year; and
- (ii) ending on the last day of that year.

**CASE 5**

<p>M—</p> <p>(a) was in pensionable employment with an employing authority on a part-time basis throughout the previous scheme year; and</p> <p>(b) did not pay contributions in respect of that employment at the same percentage rate throughout that year.</p>	<p>The amount of M’s pensionable earnings determined by the formula—</p> $\frac{CWTE}{NDPE} \times 365$
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Where—

CWTE is the amount the scheme manager determines would have been paid in respect of a single comparable whole-time employment in respect of M’s part-time employment with the authority for the period—

- (i) starting on the date M’s contribution rate last changed in the previous scheme year; and
- (ii) ending on the last day of that year; and

NDPE is the number of days of pensionable employment with the employing authority—

- (i) starting on the date M’s contribution rate last changed in that year; and
- (ii) ending on the last day of that year.

**CASE 6**

<p>M—</p> <p>(a) was in pensionable employment with an employing authority on a combination of a whole-time and a part-time basis throughout the previous scheme year;</p> <p>(b) did not pay contributions in respect of that employment at the same percentage rate throughout that year.</p>	<p>The amount of M’s pensionable earnings determined by the formula—</p> $\frac{RPE + CWTE}{NDPE} \times 365$
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Where—

RPE is the pensionable earnings received for the whole-time employment with the authority for the period—

- (i) starting on the date M’s contribution rate last changed in the previous scheme year; and
- (ii) ending on the last day of that year;

CWTE is the amount the scheme manager determines would have been paid in respect of a single comparable whole-time employment in respect of M’s part-time employment with the authority for the period—

- (i) starting on the date M’s contribution rate last changed in the previous scheme year; and
- (ii) ending on the last day of that year; and

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NDPE is the number of days of pensionable employment with the authority for the period—

- (i) starting on the date M’s contribution rate last changed in that year; and
- (ii) ending on the last day of that year.

**CASE 7**

<p>M—</p> <p>(a) started pensionable employment with an employing authority on a whole-time basis during the previous scheme year;</p> <p>(b) paid contributions in respect of that employment at the same percentage rate from the date the employment started to the last day of that year.</p>	<p>The amount of M’s pensionable earnings determined by the formula—</p> $\frac{RPE}{NDPE} \times 365$
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Where—

RPE is the pensionable earnings received in respect of the employment during the previous scheme year; and

NDPE is the number of days of pensionable employment with the authority during that year.

**CASE 8**

<p>M—</p> <p>(a) started pensionable employment with an employing authority on a part-time basis during the previous scheme year;</p> <p>(b) paid contributions in respect of that employment at the same percentage rate from the date the employment started to the last day of that year.</p>	<p>The amount of M’s pensionable earnings determined by the formula—</p> $\frac{CWTE}{NDPE} \times 365$
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Where—

CWTE is the amount the scheme manager determines would have been paid for the employment during the previous scheme year in respect of a single comparable whole-time employment; and

NDPE is the number of days of pensionable employment with the authority during that year.

**CASE 9**

<p>M—</p> <p>(a) started pensionable employment with an employing authority during the previous</p>	<p>The amount of M’s pensionable earnings determined by the formula—</p>
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<p>scheme year and has since been employed on both a whole-time and a part-time basis;</p> <p>(b) paid contributions in respect of that employment at the same percentage rate from the date the employment started to the last day of that year.</p>	$RPE + \frac{CWTE}{NDPE} \times 365$
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Where—

RPE is the pensionable earnings received for the whole-time employment with the authority during the previous scheme year;

CWTE is the amount the scheme manager determines would have been paid in respect of a single comparable whole-time employment in respect of M's part-time employment with the authority during that year; and

NDPE is the number of days of pensionable employment with the authority during that year.

#### CASE 10

<p>M—</p> <p>(a) started pensionable employment with an employing authority on a whole-time basis during the previous scheme year;</p> <p>(b) did not pay contributions in respect of that employment at the same percentage rate from the date the employment started to the last day of that year.</p>	<p>The amount of M's pensionable earnings determined by the formula—</p> $\frac{RPE}{NDPE} \times 365$
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Where—

RPE is the pensionable earnings received for the whole-time employment with the employing authority for the period—

(i) starting on the date M's contribution rate last changed in the previous scheme year; and

(ii) ending on the last day of that year; and

NDPE is the number of days of pensionable employment with the authority—

(i) starting on the date M's contribution rate last changed in that year; and

(ii) ending on the last day of that year.

#### CASE 11

<p>M—</p> <p>(a) started pensionable employment with an employing authority on a part-time basis during the previous scheme year;</p> <p>(b) did not pay contributions in respect of that employment at the same percentage rate</p>	<p>The amount of M's pensionable earnings determined by the formula—</p> $\frac{CWTE}{NDPE} \times 365$
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from the date the employment started to the last day of that year.	
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Where—

CWTE is the amount the scheme manager determines would have been paid in respect of a single comparable whole-time employment in respect of M’s part-time employment with the authority for the period—

- (i) starting on the date M’s contribution rate last changed in the previous scheme year; and
- (ii) ending on the last day of that year; and

NDPE is the number of days of pensionable employment with the authority—

- (i) starting on the date M’s contribution rate last changed in that year; and
- (ii) ending on the last day of that year.

**CASE 12**

<p>M—</p> <p>(a) started pensionable employment with an employing authority during the previous scheme year and has since been employed on both a whole-time and a part-time basis with the authority;</p> <p>(b) did not pay contributions in respect of that employment at the same percentage rate from the date the employment started to the last day of that year.</p>	<p>The amount of M’s pensionable earnings determined by the formula—</p> $\frac{RPE + CWTE}{NDPE} \times 365$
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Where—

RPE is the pensionable earnings received for the whole-time employment with the authority for the period—

- (i) starting on the date M’s contribution rate last changed in the previous scheme year; and
- (ii) ending on the last day of that year;

CWTE is the amount the scheme manager determines would have been paid in respect of a single comparable whole-time employment in respect of M’s part-time employment with the authority for the period—

- (i) starting on the date M’s contribution rate last changed in the previous scheme year; and
- (ii) ending on the last day of that year;

NDPE is the number of days of pensionable employment with the employing authority for the period—

- (i) starting on the date M’s contribution rate last changed in that year; and
- (ii) ending on the last day of that year.

(3) If M does not fall within any of the cases in sub-paragraph (2)—

- (a) the scheme manager must determine the amount of M’s pensionable earnings; and

- (b) M must pay contributions during the current scheme year at the rate specified in column 2 of the table in paragraph (3) of regulation 30 in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to the amount so determined.
- (4) For the purposes of sub-paragraph (3)(a), the scheme manager must take the advice of the scheme actuary and have regard to—
  - (a) pensionable earnings attributable to pensionable service comparable to M's;
  - (b) prevailing pay scales;
  - (c) prevailing rates of pensionable allowances.
- (5) A member is regarded as being in pensionable employment throughout the previous scheme year regardless of any period in that year during which the member continued to be employed by the same employer, but did not make contributions to this scheme.
- (6) For the purposes of calculating the member's pensionable earnings—
  - (a) contributions for any period referred to in sub-paragraph (2) are deemed to have been paid;
  - (b) additional pensionable earnings that the member is treated as having received during an absence from work (see regulation 28) is included.
- (7) The amount of pensionable earnings determined in accordance with this paragraph must be rounded down to the nearest whole pound.

### **Change to employment or rate of pensionable earnings or allowances**

3.—(1) If, at any time during the current scheme year, a member starts a new employment, the member must pay contributions in respect of the employment at the rate specified in column 2 of the table in paragraph (3) of regulation 30 in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to the member's pensionable earnings determined in accordance with sub-paragraph (5).

(2) If at any time during the current scheme year, a change is made to a member's annual rate of pensionable earnings or pensionable allowances in respect of an existing employment, the member must pay contributions—

- (a) from the first day of the next pay period immediately following the pay period in which the change is made at the rate specified in column 2 of the table in paragraph (3) of regulation 30 in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to the member's pensionable earnings determined in accordance with sub-paragraph (5); and
- (b) as if the member's employment had started on that date.

(3) Sub-paragraph (2) does not apply to a change made to a member's annual rate of pensionable allowances in respect of an existing employment that is determined by the member's employer to have been made in respect of—

- (a) unplanned changes to the member's duties, or
- (b) changes to the member's duties that are unlikely to last for more than 12 months.

(4) If the change to a member's pensionable earnings mentioned in sub-paragraph (2) is made in respect of an existing part-time employment, that sub-paragraph does not apply unless there is a corresponding change to the amount of pensionable earnings that would be paid to the member in respect of a whole-time comparable employment.

(5) Where sub-paragraph (1) or (2) applies the scheme manager must determine the member's pensionable earnings—

- (a) if the employment is whole-time by applying the formula—

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$$\frac{EPE}{NDPE} \times 365$$

- (b) if the employment is part-time by applying the formula—

$$\frac{CWTE}{NDPE} \times 365$$

where, for the purposes of this sub-paragraph:

EPE is the pensionable earnings that the member's employing authority estimates will be payable to the member in respect of the employment mentioned in that sub-paragraph during the current scheme year;

CWTE is the amount the scheme manager determines would have been paid in respect of a single comparable whole-time employment in respect of the member's part-time employment with the authority during that year; and

NDPE is the number of days of pensionable employment from the date the employment starts to the end of that year.

- (6) Sub-paragraph (7) applies if—
- (a) sub-paragraph (1) applies to a member; and
  - (b) at the time the member becomes an active member in an employment falling within group A, B, or C in regulation 27(1), it is apparent that the member's pensionable earnings in the employment includes a variable amount.
- (7) The variable amount mentioned in sub-paragraph (6)—
- (a) is to be taken as such amount as the employing authority considers appropriate for the current scheme year; and
  - (b) in the case of a member who works part-time, is the variable amount that would be paid in respect of a comparable whole-time employment.

#### **Small payments: changed circumstances**

4.—(1) This regulation applies if a payment not exceeding £150 is made to a member in respect of work undertaken by the member—

- (a) during a earlier scheme year, or
- (b) during a period before the percentage rate at which contributions are due from the member changed by virtue of paragraph 3, or
- (c) in part during the scheme year referred to in paragraph (a) and in part during the scheme year to which paragraph (b) applies.

(2) If the member is in pensionable employment with the employing authority making the payment on the day it is made, for all purposes of this scheme—

- (a) the payment must be made to the member as if it has been made in respect of work undertaken in the current scheme year; and
- (b) contributions are payable in respect of the payment at the rate applicable to the member on the day the payment is made.

(3) If the member is not in pensionable employment with the employing authority making the payment on the day it is made, for all purposes of this scheme—

- (a) the payment must be treated as if it has been made to the member in respect of work undertaken in the scheme year in which the members pensionable employment with the employing authority ceased; and



- (b) contributions are payable in respect of the payment at the rate applicable to the member on the day the employment ceased.

**Payments for unsocial hours**

- 5.—(1) This regulation applies if, during the current scheme year—
  - (a) a payment is made to a member that is determined by the member’s employing authority to have been in respect of work done during unsocial hours; and
  - (b) the payment is made in respect of work done by the member during a period falling within the 2 calendar months immediately preceding the calendar month in which the payment is made.
- (2) If, on the day the payment is made, the member is in pensionable employment with the employing authority which made the payment, for all purposes of this scheme—
  - (a) the payment must be treated as if it has been made to the member in respect of work undertaken by the member in the current scheme year; and
  - (b) contributions are payable in respect of the payment at the rate applicable to the member on the day the payment is made.
- (3) If, on the day the payment is made, the member is not in pensionable employment with the employing authority which made the payment, for all purposes of this scheme—
  - (a) the payment must be treated as if it has been made to the member in respect of work undertaken by the member in the current scheme year; and
  - (b) contributions are payable in respect of the payment at the rate applicable to the member on the day the member’s pensionable employment with the authority ceased as determined in accordance with this Schedule.