

SCHEDULE 9

Determination of pensionable earnings: setting contribution rates

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 two 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.