

## SECOND SCHEDULE

### ACCRUED RIGHTS

2. The accrued rights upon the happening of a contingency in the case of a person who, on the 1st January, 1946, or at any time thereafter, had pension rights in a pension scheme associated with his former employment shall, subject to the following provisions of this Schedule, be deemed to be equal to such payments as would have been payable under that scheme to or in respect of the person in relation to that contingency if he had remained in his former employment without increase of emoluments until the age at which he was under that scheme entitled to retire with a pension other than a return of contributions or until the happening of the contingency, whichever is the earlier:

Provided that—

- (a) any provision in that scheme whereby any payments thereunder are calculated by reference to average emoluments over any period shall be construed as referring to the rate of emoluments at the end of that period; and
- (b) where a person to whom Rule 5 applies either retires from the Civil Service at or after Civil Service retiring age or retires from the Civil Service upon such medical certificate as is mentioned in Section 10 of the Superannuation Act, 1859, his accrued rights on such retirement shall be deemed to be equal to such payments as would have been payable to him under that scheme (as modified where it applies, by the foregoing provision of this proviso) on retirement from his former employment if he had remained in his former employment until the age at which he retired from the Civil Service at the same salary (or on the same salary scale) as was applicable to him when his former employment ceased, and, in the case of retirement upon medical certificate, had been compelled then to retire from his former employment by reason of ill-health.