

1982 No. 133

EUROPEAN ASSEMBLY

**The European Assembly (United Kingdom Representatives)
Pensions (Amendment) Order 1982**

<i>Made</i> - - - -	<i>7th February 1982</i>
<i>Laid before Parliament</i>	<i>8th February 1982</i>
<i>Coming into Operation</i>	<i>1st March 1982</i>

The Secretary of State, in exercise of the powers conferred on him by section 4(1), (2), (3) and (4) of the European Assembly (Pay and Pensions) Act 1979(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the European Assembly (United Kingdom Representatives) Pensions (Amendment) Order 1982 and shall come into operation on the 1st March 1982.

Interpretation

2.—(1) In this Order, “the principal Order” means the European Assembly (United Kingdom Representatives) Pensions Order 1980(b).

(2) In article 2(1) of the principal Order, after the definition of “the Managers”, there shall be inserted the following definition:—

“the 1982 Order” means the European Assembly (United Kingdom Representatives) Pensions (Amendment) Order 1982;”.

Benefits deriving from early retirement pensions

3. In articles 10(1)(a), 10(8)(a) and (b), 11(2)(a), 13(1)(b) and 16(1) of the principal Order, after the words “under article 6”, there shall be inserted the words “or article 8”, and in articles 13(3) and 16(2)(b), after the words “under article 6”, there shall be inserted the words “or article 8 as the case may be”.

Transfers from other pension schemes

4. Article 18 of the principal Order shall be amended by substituting for paragraph (2) the following paragraph:—

(a) 1979 c.50.

(b) S.I. 1980/1450.

“(2) A request made by a person under paragraph (1) shall not have effect unless it is made before the end of the period of twelve months beginning with any date after the coming into operation of the 1982 Order on which he becomes a Representative, whether for the first time or after ceasing to be a Representative, but for this purpose a person shall be treated as not ceasing to be a Representative at the end of a period for which he is elected to serve as a Representative if he is re-elected so to serve for a further period which immediately follows the earlier period.”.

Purchase of added years

5.—(1) In the Arrangement of Schedules to the principal Order there shall be inserted after “2. Persons qualifying for children’s pensions.” the words “3. Purchase of Added Years.” and “4. Contributions for Added Years.”

(2) In article 2(1) of the principal Order, in the definition of “aggregate period of reckonable service”, and in article 5(1), after the words “and 21” there shall be inserted the words “and to Schedule 3”, and in article 7(1) after the words “article 21” there shall be inserted the words “and Schedule 3”.

(3) For paragraph (1) of article 21 of the principal Order there shall be substituted the following paragraph:—

“(1) Schedules 3 and 4 shall have effect with respect to the purchase of additional periods of reckonable service by Representatives, and subject to the provisions of those Schedules the aggregate period of reckonable service of a Representative who purchases such an additional period shall be treated as increased by such period.”.

(4) Paragraphs (2), (3) and (4) of article 21 of the principal Order are hereby revoked.

(5) There shall be inserted at the end of the principal Order the following new Schedules, to be numbered Schedules 3 and 4:—

Article 21

SCHEDULE 3

PURCHASE OF ADDED YEARS

Interpretation

1. For the purpose of this Schedule:—

(a) “actual reckonable service” in respect of a Representative means his aggregate period of reckonable service excluding any period added by the direction of the Managers under article 18(3)(c) and excluding any added years;

(b) “added year” means a period of reckonable service purchased under the provisions of this Schedule;

(c) “dual mandate Representative” means a Representative to whom section 1(2)(b) of the Act of 1979 applies;

(d) "periodical contributions" means the sums payable by a Representative whose application to purchase added years otherwise than by a single payment has been accepted by the Managers;

(e) "retained benefits" means benefits accrued or accruing to a Representative other than under this Order being benefits within the classes taken into account by the Commissioners of Inland Revenue in determining maximum benefits for the purposes of their approval of retirement benefit schemes under Chapter II of Part II of the Finance Act 1970(a);

(f) "retained lump sum benefits" means retained benefits which are payable as single payments whether by way of commutation of accrued pension rights, refund of contributions or otherwise;

(g) "single mandate Representative" means a Representative to whom section 1(2)(b) of the Act of 1979 does not apply.

Purchase of added years by periodical contributions

2.—(1) A Representative may apply in writing to the Managers to purchase added years by periodical contributions payable until he attains the age of sixty-five years and the Managers shall accept his application if all the following conditions in respect of that application are satisfied:—

- (a) at the date when the Managers receive the application there will be an interval between the Representative's birthday next following and the Representative's sixty-fifth birthday of not less than three years;
- (b) at the date when the Managers receive the application the Representative's prospective actual reckonable service up to the date when he attains the age of sixty-five years is not less than six years;
- (c) the Representative has satisfied the Managers, in whatever manner the Managers shall require, that he is in good health;
- (d) the number of added years which the Representative has applied to purchase does not exceed the maximum permitted by paragraph 8;
- (e) the Representative has supplied to the Managers such information and evidence as they may require and has indicated whether his application is made under the provisions of this sub-paragraph or sub-paragraph (2) of this paragraph; and
- (f) the Representative is, at the date when the Managers receive the application, a single mandate Representative.

(2) A representative may, within the period of twelve months from the coming into operation of the 1982 Order or within the period of twelve months immediately following the date when he commenced a period of service as a single mandate Representative, whichever is the later, or in either case within such longer period as the Managers may in special circumstances and at their discretion allow, apply in writing to the Managers to purchase added years by the payment of periodical contributions for a period of either four or five years and the Managers shall accept his application if, at the date when the Managers receive the application, the Representative has not reached the age of sixty-five years and if the conditions of sub-paragraph (1)(b), (c), (d), (e) and (f) of this paragraph are satisfied in respect of that application.

(a) 1970 c.24.

Applications to be irrevocable

3. An application by a Representative to purchase added years shall be irrevocable on and from the date when the Managers accept his application.

Payment of periodical contributions

4. Where an application by a Representative to purchase added years by periodical contributions is accepted by the Managers:—

- (a) contributions shall, subject to the provisions of paragraph 5, be payable to the Treasury:—
 - (i) in the case of an application under paragraph 2(1), from the date of the Representative's birthday next following the receipt by the Managers of his application and until the Representative attains the age of sixty-five years; and
 - (ii) in the case of an application under paragraph 2(2), for whichever of the periods of four or five years the Representative has chosen for the payment of periodical contributions, beginning on such date not later than two months from the date of acceptance of the application as the Managers shall specify by notice in writing to the Representative;
- (b) contributions by a Representative shall be payable by deductions from his salary or, in the case of arrears, in such manner as the Treasury shall require; and
- (c) the contributions payable by a Representative for the added years shall be calculated in accordance with the appropriate Table contained in Part 1 of Schedule 4; except that, where an application is made by a Representative under paragraph 2(2) within the period of twelve months beginning on the date of the coming into operation of the 1982 Order, the date of his birth shall be treated, for the purpose of such calculation only, as if it were eight months later than its actual date.

Interrupted service

5.—(1) If a Representative dies or ceases to be a Representative because of ill-health in circumstances to which paragraphs (1), (2), (3) or (7) of article 9 apply and he:—

- (a) has applied to purchase added years by periodical contributions; and
- (b) has been notified in writing by the Managers that his application has been accepted,

no further contributions will be payable from the day following the date of his death or from the day following the date he ceases to be a Representative, as the case may be, and any added years that he has applied to purchase by periodical contributions shall be credited in full as reckonable service.

(2) If a Representative who has applied to purchase added years by periodical contributions and whose application has been accepted by the Managers ceases to be a Representative in circumstances to which paragraphs (1), (2), (3) or (7) of article 9 do not apply, or ceases to be a single mandate Representative, no contributions will be payable by him from the day following the date when he so ceases, but his reckonable service as a single mandate Representative will be increased in respect of each application by

$\frac{A \times B}{C}$ —where:
C

A is the number of added years he applied to purchase by periodical contributions;

B is the period (expressed to the nearest day) during which periodical contributions have been paid;

C is the total period during which periodical contributions would have been payable in accordance with paragraph 4(a).

(3) If a Representative to whom sub-paragraph (2) of this paragraph has applied subsequently commences a further period of service as a single mandate Representative before he has attained the age of sixty-five years, in circumstances in which the periods together constitute an aggregate period of reckonable service as a single mandate Representative, then subject to sub-paragraphs (4) and (6) of this paragraph, he may give notice to the Managers in writing within the period of three months beginning with the date upon which he commenced the further period of service that he intends to resume payment of his periodical contributions in respect of the added years for which he was making periodical contributions in his immediately preceding period of service and such contributions shall then be payable from the date when he commenced the further period of service, and shall continue until he attains the age of sixty-five years at the rate or rates applicable during that immediately preceding period.

(4) Where a Representative who ceased for a period to pay periodical contributions by reason only of his ceasing to serve as a Representative or as a single mandate Representative, but subsequently became a single mandate Representative again and resumed the purchase of added years by periodical contributions in accordance with sub-paragraph (3) of this paragraph thereafter becomes entitled to a pension under article 6 or article 8, his reckonable service as a single mandate Representative shall be increased in accordance with sub-paragraph (2) of this paragraph except that C shall be read as the total period during which he would have paid contributions for those added years if his service as a single mandate Representative had been continuous.

(5) If a Representative to whom sub-paragraph (2) of this paragraph has applied, subsequently commences a further period of service as a single mandate Representative before he has attained the age of sixty-five years, in circumstances in which the periods together constitute an aggregate period of reckonable service, then subject to sub-paragraphs (4) and (6) of this paragraph, he may, if, in consequence of his break in service as a single mandate Representative there has been a reduction in the number of added years which he is able to purchase in full, with the agreement of the Managers, and subject to the provisions of paragraphs 2(1)(b) and 8(1), apply to purchase by periodical contributions payable until he attains the age of sixty-five years some or all of the number of added years comprised in that reduction at the rate applicable to the Representative's birthday next following the receipt by the Managers of his application.

(6) Sub-paragraphs (3), (4) and (5) of this paragraph shall not apply where the application to purchase added years before the Representative ceased to be a Representative, or a single mandate Representative, was made under paragraph 2(2).

Purchase of added years by lump sum

6.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, a Representative may apply in writing to the Managers to purchase added years by a lump sum payment.

(2) The Managers shall accept an application to purchase added years under this paragraph if all the following conditions in respect of that application are satisfied:—

- (a) at the date when the Managers receive the application the Representative's prospective actual reckonable service up to the date when he attains the age of sixty-five years is not less than six years;
- (b) the Representative has not reached the age of sixty-five years;
- (c) the Representative applies to the Managers within the period of twelve months immediately following the date when he commenced a period of service as a single mandate Representative or within such longer period as the Managers may in special circumstances and at their discretion allow;
- (d) the Representative has not applied to the Managers under the provisions of article 9 for an early pension because of ill-health;
- (e) the number of added years which the Representative applies to purchase does not exceed the maximum permitted by paragraph 8;
- (f) the Representative has supplied to the Managers such information and evidence as they may require; and
- (g) the Representative is, at the date when the Managers receive the application, a single mandate Representative.

(3) A Representative who has applied to purchase added years under the provisions of paragraph 2(2) and to whom paragraph 5(2) applies may, in respect of any such application, if:—

- (a) in consequence of his ceasing to be a Representative or a single mandate Representative there has been a reduction in the number of added years which he is able to purchase in full,
- (b) the conditions of sub-paragraph (2)(d), (e) and (f) of this paragraph are satisfied in respect of the application made under this sub-paragraph, and
- (c) the application under this sub-paragraph is made within three months of his ceasing to be a Representative or a single mandate Representative,

apply in writing to the Managers to purchase by a lump sum payment some or all of the number of added years comprised in that reduction at the rate applicable at the Representative's birthday next following the receipt by the Managers of the application.

Lump sum payments

7.—(1) Any Representative who has applied to the Managers to purchase added years by a lump sum payment shall, within the period of six months commencing on the date when his application is accepted by the Managers, make the lump sum payment to the Treasury which shall be calculated by the Managers by reference to the pensionable salary of a single mandate

Representative at the time when his application was received by the Managers and in accordance with Part 2 of Schedule 4 and the amount of his reckonable service as a single mandate Representative shall be increased accordingly with effect from the date that the lump sum payment is received by the Treasury.

(2) If, after an application to purchase added years by lump sum payment has been made by a Representative and accepted by the Managers, the payment is not received by the Treasury within the period of six months commencing on the date when his application is accepted by the Managers, the application to purchase shall cease to be valid.

Limits on purchase of added years

8.—(1) Subject to sub-paragraph (2) of this paragraph the annual amount of a Representative's periodical contributions, when aggregated with the annual amount of the Representative's contributions under article 4, shall not exceed 15 per cent. of the ordinary salary of a single mandate Representative.

(2) The foregoing sub-paragraph shall not apply to the purchase of added years by periodical contributions payable for a period of four years in accordance with paragraphs 2(2) and 4(a)(ii) and for the purpose of the calculation referred to in the foregoing sub-paragraph such contributions shall be disregarded.

(3) Subject to sub-paragraph (1) above, the maximum added years that a Representative may purchase both by lump sum payment and by periodical contributions shall be calculated, as appropriate, by reference to the Representative's prospective actual reckonable service as a single mandate Representative until he attains the age of sixty-five years and to the level of his retained benefits.

(4) The maximum added years that a Representative with no retained benefits may purchase shall, subject to sub-paragraph (5) of this paragraph, be as specified below:

(A)	(B)
Prospective actual reckonable service as a single mandate Representative to the Representative's 65th birthday	Maximum added years
More than 10 years	40 (minus whatever figure appears in column A)
10 years	30
9 "	23
8 "	16
7 "	9
6 "	2
Less than 6 "	Nil

Where the period of prospective actual reckonable service includes part of a year, the maximum added years appropriate to that period expressed in years and days shall be calculated proportionately by reference to the figures in column (B).

(5) Where a Representative applies to the Managers to purchase added years under paragraph 6(3) and he has at the date of the receipt by the Managers of his application attained the age of sixty-five years, column (A) of the table in sub-paragraph (4) of this paragraph shall apply as if it referred to the period of the Representative's actual reckonable service as a single mandate Representative calculated to the date when he attained the age of sixty-five years. Where that period of actual reckonable service includes part of a year, the maximum added years appropriate to that period expressed in years and days shall be calculated proportionately by reference to the figures in column (B).

(6) The maximum added years that a Representative with retained benefits may purchase shall not exceed the limits specified in sub-paragraphs (4) and (5) of this paragraph and shall not be such that the total pension under article 6 when aggregated with the retained benefits, will exceed 40/60ths of the relevant terminal salary of the Representative.

Commutation of pension purchased by added years

9.—(1)(a) A Representative who has no retained benefits but who has purchased added years may, if he becomes entitled to a pension under article 6 or article 8, commute part of his pension under article 7, and the lump sum which shall be determined by the Managers in respect of added years that he has purchased shall be calculated at the rate of three additional 80ths of his relevant terminal salary for each complete year and proportionately for any part of a year, subject to a maximum as prescribed in column (B) of the following table:

(A) Actual reckonable service	(B) Maximum additional 80ths
More than 20 years	120 less X where X is the actual reckonable service in complete years multiplied by 3
20 years	60
19 „	51
18 „	45
17 „	39
16 „	33
15 „	27
14 „	21
13 „	15
12 „	12
11 „	9
10 „	6
9 „	3

Where the period of actual reckonable service includes part of a year the maximum additional 80ths appropriate to that period expressed in years and days shall be calculated proportionately by reference to the figures in column (B).

(b) If the actual reckonable service as a Representative is less than nine years he shall not be entitled to commute any part of his pension which is derived from a purchase of added years.

(2) A Representative who has retained lump sum benefits and who has purchased added years may, if he becomes entitled to a pension under article 6 or article 8, apply to the Managers to commute part of his pension under article 7 subject to the maximum specified in sub-paragraph (1)(a) of this paragraph and provided also that the total lump sum paid to the Representative when aggregated with the retained lump sum benefits shall not exceed in total 120/80ths of the relevant terminal salary of the Representative.

(3) For the purposes of this paragraph:—

- (a) where the relevant terminal salary of the former Representative is calculated in accordance with article 6(7)(b) by reference to a period during which the Representative was a single mandate Representative, his actual reckonable service shall be divided by three in respect of those parts of such service during which he was a dual mandate Representative, and
- (b) if, during his last twelve months' service (whether continuous or discontinuous) he was a dual mandate Representative his relevant terminal salary shall be calculated as if he had been a single mandate Representative.

Further applications to purchase added years

10. Subject to the provisions of this Order, the Managers may accept more than one application from a Representative to purchase added years by the payment of periodical contributions or lump sum payments.

Article 21

SCHEDULE 4

CONTRIBUTIONS FOR ADDED YEARS

PART 1—PERIODICAL CONTRIBUTIONS

Tables for the calculation of the cost of purchasing added years by periodical contributions. The contribution due is that percentage of the Representative's ordinary salary determined as the appropriate percentage shown in the table opposite the Representative's age on his birthday next following the receipt by the Managers of his application multiplied by the number, in years and fractions of years, of added years being bought.

TABLE A

(for the calculation of the cost of purchasing added years by periodical contributions payable until the Representative's 65th birthday pursuant to an application under Schedule 3, paragraph 2(1) or 5(5))

Age next birthday	MALES %	FEMALES %	Age next birthday	MALES %	FEMALES %
27	.44	.40	45	1.00	.90
28	.46	.41	46	1.06	.96
29	.48	.43	47	1.13	1.03
			48	1.21	1.10
30	.49	.45	49	1.30	1.18
31	.51	.46			
32	.53	.48	50	1.40	1.27
33	.55	.50	51	1.51	1.38
34	.57	.52	52	1.63	1.50
			53	1.77	1.65
35	.59	.54	54	1.94	1.82
36	.62	.57			
37	.65	.59	55	2.13	2.03
38	.68	.62	56	2.37	2.28
39	.71	.65	57	2.68	2.59
			58	3.08	3.00
40	.74	.69	59	3.60	3.54
41	.78	.72			
42	.83	.76	60	4.33	4.30
43	.88	.80	61	5.42	5.43
44	.94	.85	62	7.24	7.32

TABLE B

(for the calculation of the cost of purchasing added years by periodical contributions payable for a period of 4 years pursuant to an application under Schedule 3, paragraph 2(2))

Age next birthday	MALES %	FEMALES %	Age next birthday	MALES %	FEMALES %
27	3.96	3.75	55	5.29	5.21
28	3.98	3.78	56	5.35	5.33
29	4.00	3.82	57	5.43	5.46
			58	5.53	5.60
30	4.03	3.86	59	5.65	5.75
31	4.06	3.90			
32	4.09	3.94	60	5.79	5.90
33	4.12	3.98	61	5.94	6.05
34	4.16	4.02	62	6.09	6.21
			63	6.23	6.36
35	4.20	4.06	64	6.12	6.24
36	4.25	4.10			
37	4.30	4.14	65	6.00	6.12
38	4.35	4.18	66	5.88	5.99
39	4.40	4.22	67	5.76	5.84
			68	5.63	5.67
40	4.45	4.26	69	5.49	5.48
41	4.50	4.31			
42	4.56	4.36	70	5.34	5.27
43	4.62	4.41	71	5.18	5.06
44	4.68	4.47	72	5.00	4.85
			73	4.80	4.65
45	4.75	4.53	74	4.59	4.45
46	4.82	4.59			
47	4.88	4.65	75	4.39	4.25
48	4.93	4.71	76	4.20	4.06
49	4.98	4.77	77	4.02	3.88
			78	3.85	3.71
50	5.03	4.83	79	3.69	3.54
51	5.08	4.89			
52	5.13	4.96	80	3.55	3.38
53	5.18	5.03			
54	5.23	5.11			

TABLE C

(for the calculation of the cost of purchasing added years by periodical contributions payable for a period of 5 years pursuant to an application under Schedule 3, paragraph 2(2))

Age next birthday	MALES %	FEMALES %	Age next birthday	MALES %	FEMALES %
27	3·20	3·03	55	4·26	4·22
28	3·22	3·05	56	4·31	4·30
29	3·24	3·08	57	4·38	4·39
			58	4·47	4·49
30	3·26	3·11	59	4·58	4·61
31	3·28	3·14			
32	3·30	3·17	60	4·70	4·75
33	3·33	3·20	61	4·84	4·90
34	3·36	3·23	62	4·96	5·03
			63	5·06	5·14
35	3·40	3·26	64	4·97	5·04
36	3·44	3·29			
37	3·48	3·32	65	4·88	4·95
38	3·52	3·35	66	4·79	4·85
39	3·56	3·39	67	4·69	4·73
			68	4·59	4·59
40	3·60	3·43	69	4·49	4·44
41	3·65	3·48			
42	3·69	3·53	70	4·38	4·28
43	3·73	3·58	71	4·26	4·11
44	3·78	3·63	72	4·12	3·94
			73	3·96	3·78
45	3·83	3·68	74	3·79	3·63
46	3·88	3·73			
47	3·93	3·78	75	3·63	3·48
48	3·98	3·83	76	3·48	3·33
49	4·02	3·88	77	3·34	3·19
			78	3·21	3·05
50	4·06	3·93	79	3·09	2·92
51	4·10	3·98			
52	4·14	4·03	80	2·98	2·79
53	4·18	4·09			
54	4·22	4·15			

PART 2—LUMP SUM

Table for the calculation of the single payment required to purchase added years. The payment due, calculated as at the date of the receipt by the Managers of the application, per £100 of pensionable salary of a Representative, is the appropriate figure shown in the table opposite the Representative's age on his birthday next following, multiplied by the number, in years and fractions of years, of added years being bought

Age next birthday	MALES %	FEMALES %	Age next birthday	MALES %	FEMALES %
27	12.25	12.95	55	15.83	17.68
28	12.33	13.04	56	16.17	18.02
29	12.42	13.12	57	16.67	18.38
			58	17.17	18.81
30	12.50	13.21	59	17.67	19.34
31	12.58	13.39			
32	12.67	13.48	60	18.33	19.95
33	12.75	13.65	61	19.17	20.56
34	12.83	13.82	62	19.17	20.56
			63	19.17	20.56
35	12.92	13.91	64	19.17	20.56
36	13.00	14.09			
37	13.08	14.26	65	19.17	20.56
38	13.17	14.44	66	19.17	20.56
39	13.25	14.61	67	18.58	19.95
			68	18.00	19.34
40	13.33	14.79	69	17.50	18.72
41	13.42	14.96			
42	13.50	15.14	70	16.92	18.11
43	13.58	15.31	71	16.33	17.50
44	13.67	15.49	72	15.83	16.80
			73	15.29	16.01
45	13.75	15.66	74	14.62	15.23
46	13.83	15.84			
47	14.00	16.01	75	14.08	14.44
48	14.17	16.19	76	13.46	13.65
49	14.33	16.36	77	12.83	12.86
			78	12.29	12.08
50	14.50	16.54	79	11.67	11.29
51	14.67	16.71			
52	14.83	16.89	80	11.12	10.58
53	15.17	17.15			
54	15.50	17.41			

Home Office.
7th February 1982.

W.S.I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The European Assembly (United Kingdom Representatives) Pensions Order 1980 ("the principal Order") made provision for the pensions payable to or in respect of persons ceasing to be Representatives to the Assembly of the European Communities for United Kingdom constituencies. This Order amends the principal Order in three respects.

Article 3 extends certain provisions relating to the benefits payable in respect of a deceased Representative to cover the case where the Representative had been in receipt of a pension following early retirement.

Article 4 makes amendments to the provisions relating to transfers from other schemes which are broadly analogous to the amendments made in respect of Members of the House of Commons by section 4 of the House of Commons Members' Fund and Parliamentary Pensions Act 1981(c.7).

Article 21 of the principal Order made provision for the purchase of added years of reckonable service by reference, with modifications, to the Parliamentary Pensions (Purchase of Added Years) Order 1978 (S.I. 1978/1837). The amendments made by article 5 of this Order have the effect of replacing article 21 of the principal Order by provisions setting out in full the arrangements for the purchase of added years. Following the amendments made in the case of Members of the House of Commons by the Parliamentary Pensions (Purchase of Added Years) (Amendment) Order 1981 (S.I. 1981/800), the new provisions also include additional methods and opportunities for the purchase of added years.

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