
STATUTORY INSTRUMENTS

1985 No. 1116**EUROPEAN ASSEMBLY****The European Assembly (United Kingdom Representatives)
Pensions (Amendment) Order 1985**

<i>Made</i> - - - - -	16th July 1985
<i>Laid before Parliament</i>	26th July 1985
<i>Coming into Operation</i>	31st August 1985

The Secretary of State, in exercise of the powers conferred on him by section 4(1) and (3) 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.— (1) This Order may be cited as the European Assembly (United Kingdom Representatives) Pensions (Amendment) Order 1985 and shall come into operation on 31st August 1985.

(2) The following provisions of this Order shall have effect from 20th July 1983 but shall not have effect in relation to any pension which first became payable under the principal Order before that date:

(a) article 4(2)–(5) (which relate to the calculation of pension entitlement and maximum pension); and

(consequential on article 4(2) of this Order):

(b) article 6(2), article 8, article 9(2) and (5), article 11(1), article 11(2) (in so far as it provides for the insertion of paragraph (9) of article 11 of the principal Order) and article 29 (in so far as it provides for the insertion of Schedule 5 to the principal Order).

(3) Articles 3 and 19(a) of this Order shall have effect from 31st July 1984.

(4) In accordance with the revocation, under article 30(3) of, and Schedule 5 to, this Order, of article 6(1)(c) of the principal Order, the following provisions of this Order shall apply in respect of any person who was or is a Representative at any time on or after 31st July 1984: articles 6(1), 6(3), 9(1), 9(4)(a), 10, 11(2) (in so far as it provides for the insertion of paragraph (10) of article 11 of the principal Order), 12, 13, 14, 16, 18 and 19(b).

(5) Article 5 and (in so far as it provides for the insertion of Schedule 6 to the

(a) 1979 c.50.

principal Order) article 29 of this Order shall apply in relation to the determination of the permitted maximum under article 7(4) of the principal Order in respect of any person:

- (a) who, on or before the date of the coming into operation of this Order, has given notice in accordance with article 7 of the principal Order in respect of the commutation of his pension, and in respect of whose notice no direction has at that date been given by the Managers under paragraph (2) of article 7; or
- (b) who gives such notice after the date of the coming into operation of this Order.

Interpretation and amendment of article 2 of the principal Order (Interpretation)

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

(2) In article 2(1) of the principal Order:

- (a) after the definition of “the Act of 1979” there shall be inserted the following definition:

““actual reckonable service” means in respect of a person, his aggregate period of reckonable service excluding any increase in that period by virtue of article 9(4), any period added by the direction of the Managers under article 18(3)(c) and any added years purchased under the provisions of Schedule 3;”;

- (b) after the definition of “contributions equivalent premium” there shall be inserted the following definitions:

““excess number” means (in article 21A) in respect of a person’s added years, the number of those added years annual pension in respect of which, calculated in accordance with article 6 (apart from article 6(2A)), would equal the amount by which his prospective pension exceeds the aggregate annual pension in respect of him referred to in article 21A(2), assuming for the purpose of such calculation in accordance with article 6 that he is not a person to whom section 1(2)(b) of the Act of 1979 has applied;

“fraction of a year” means part of a year of reckonable service expressed as the proportion borne by the number of days in that part to three hundred and sixty-five; and

“fraction of an added year” shall be construed accordingly;”;

- (c) after the definition of “the Managers” there shall be inserted the following definitions:

““N” means, in respect of the pension (for the purposes of Schedule 5) of a “relevant person”, as defined in Schedule 5, and (for the purposes of Schedule 6) of a person within any of the cases specified in Schedule 6, the period in years and any fraction of a year of his actual reckonable service before the relevant date for the

(a) S.I. 1980/1450, amended by S.I. 1982/133. Supplementary provision is contained in S.I. 1982/1142.

determination under article 6, 8 or 17 (as the case may be) of his pension or before (if earlier) the date of his sixty-fifth birthday;

“NS” means, in respect of the pension (for the purposes of Schedule 5) of a “relevant person”, as defined in Schedule 5, and (for the purposes of Schedule 6) of a person within any of the cases specified in Schedule 6, the lesser of 40 years and the period in years and any fraction of a year of his prospective actual reckonable service at the relevant date for the determination under article 6, 8 or 17 (as the case may be) of his pension;

“national insurance pension” means in respect of a person, the annual amount payable at the weekly rate, applicable on the date from which a pension has become payable to him by virtue of article 8A(1), under section 6(1)(a) of the Act of 1975(a) (basic component of a national insurance Category A retirement pension), not being a “specified sum” within section 1(2)(c) of the Social Security (No. 2) Act 1980(b);”;

(d) after the definition of “overseas fund or scheme” there shall be inserted the following definition:

““payment for the purchase of added years” means such a payment whether payable periodically or by way of a single lump sum;”;

(e) after the definition of “pensionable salary” there shall be inserted the following definitions:

““previous expectations” means (in Schedules 3 and 5) in respect of a person, the annual value at his sixty-fifth birthday which in the opinion of the Managers is to be given to the pension benefits to which he would have become entitled under a pension scheme relating to his previous employment (as defined in Schedule 3 or 5, as the case may be), had he remained in that employment and retired from it at the normal retiring age under that scheme;

“prospective actual reckonable service” means in respect of a person:

(a) at a date falling before his sixty-fifth birthday, his actual reckonable service before and after that date, assuming continuous actual reckonable service by him from that date until his sixty-fifth birthday;

(b) at a date falling on or after his sixty-fifth birthday, his actual reckonable service at his sixty-fifth birthday;

and “prospective actual reckonable service as a single mandate Representative” and “prospective actual reckonable service as a dual mandate Representative” shall be construed accordingly, except that:

(i) in respect of prospective actual reckonable service as a single mandate Representative, any reference in this definition to actual reckonable service or continuous actual reckonable service shall be read as a reference to actual reckonable

(a) The Social Security Pensions Act 1975 (c.60). The amount of the basic component was increased most recently by the Social Security Benefits Up-rating Order 1984 (S.I. 1984/1104).

(b) 1980 c.39.

service or continuous such service (as the case may be) as a single mandate Representative;

- (ii) in respect of prospective actual reckonable service as a dual mandate Representative, any reference in this definition to continuous actual reckonable service shall be read as a reference to continuous actual reckonable service as a dual mandate Representative;

“prospective pension” means in respect of a person the annual pension calculated, as a fraction of the relevant terminal salary, in accordance with article 6(2) by reference to an aggregate period of reckonable service consisting of the number of his added years on 31st August 1985 and a period of actual reckonable service equal:

- (a) if on that date he is a single mandate Representative, to his prospective actual reckonable service as a single mandate Representative;
- (b) if on that date he is a dual mandate Representative, to his prospective actual reckonable service as a dual mandate Representative less the period (if any) of his actual reckonable service as a dual mandate Representative before the last acceptance by the Managers before that date of an application by him to purchase added years;”;
- (f) after the definition of “requisite benefit requirements” there shall be inserted the following definition:

““retained benefits” means in respect of a person, the annual value at his sixty-fifth birthday which in the opinion of the Managers is to be given to benefits accrued or accruing to him, other than by virtue of this Order, before his last period of actual reckonable service beginning before that birthday, and 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);”.

(3) After article 2(2) of the principal Order, there shall be inserted the following paragraph:

“(3) For the purposes of paragraph (1) the phrases “added year”, “dual mandate Representative” and “single mandate Representative” shall each have the same meaning that it has for the purpose of Schedule 3.”.

Amendment of article 4 of the principal Order (Contributions)

3.— (1) In paragraph (1) of article 4 of the principal Order, for the words “six per cent” there shall be substituted the words “the appropriate percentage”.

(2) After paragraph (1) of article 4 of the principal Order, there shall be inserted the following new paragraph:

(a) 1970 c.24.

“(1A) For the purposes of paragraph (1) the appropriate percentage, in relation to a payment of salary for any period, shall be—

- (a) in the case of a period beginning before 1st January 1985, six per cent.;
- (b) in the case of a period beginning on or after 1st January 1985 and before 1st January 1986, seven per cent.;
- (c) in the case of a period beginning on or after 1st January 1986 and before 1st January 1987, eight per cent.; and
- (d) in the case of a period beginning on or after 1st January 1987, nine per cent.”.

Amendment of article 6 of the principal Order (Pensions entitlement)

4.— (1) In article 6(1)(a) of the principal Order, there shall be inserted after the words “the Assembly;” the word “and”.

(2) For paragraph (2) of article 6 of the principal Order, there shall be substituted the following paragraphs:

“(2) Subject to paragraphs (2A), (3) and (5), and to article 7, the annual amount of a pension payable to a former Representative under this article shall be a sum equal to the aggregate of the amounts produced, in relation to each year or part of a year comprised in his aggregate period of reckonable service, by multiplying the relevant terminal salary by the appropriate fraction.

(2A) The annual amount of the pension payable to a former Representative under this article shall not exceed the amount equal to two-thirds of the relevant terminal salary, except to the extent that it is calculated by reference to so much (if any) of his aggregate period of reckonable service as fell after he attained the age of sixty-five years; and the said amount shall not, in any event, exceed such maximum pension as is calculated in respect of him in accordance with Schedule 5 to this Order.”.

(3) In paragraph (7) of article 6 of the principal Order, the word “and” at the end of (ii) shall be deleted, and there shall be inserted after (ii):

“(iii) notwithstanding (i) and (ii) of this sub-paragraph, in respect of any reference in paragraph (2A) and in Schedules 3, 5 and 6 to the relevant terminal salary, in the case of such a period as is described in either section 1(2)(a) or section 1(2)(b) of the Act of 1979, a Member’s pensionable salary for that period; and”.

(4) After paragraph (7) of article 6 of the principal Order, there shall be inserted the following new paragraphs:

“(8) In paragraph (2) “the appropriate fraction” in relation to a year or part of a year comprised in a person’s aggregate period of reckonable service means:

- (a) in the case of a year or part of a year ending before 20th July 1983, one-sixtieth or, as the case may be, the fraction which bears to one-sixtieth the same proportion as the number of days in that part of a year bears to three hundred and sixty-five; and

(b) in the case of a year or part of a year beginning on or after 20th July 1983, one-fiftieth or, as the case may be, the fraction which bears to one-fiftieth the same proportion as the number of days in that part of a year bears to three hundred and sixty-five.

(9) For the purposes of paragraph (8), where a year or part of a year comprised in a person's aggregate period of reckonable service began before, but ended on or after, 20th July 1983—

(a) so much of that year or part of a year as ended with 19th July 1983 shall be treated as a part of a year in relation to which sub-paragraph (a) of that paragraph applies; and

(b) the remainder of that year or part of a year shall be treated as a part of a year in relation to which sub-paragraph (b) of that paragraph applies.

(10) For the purposes of paragraph (8), a period of reckonable service:

(a) an application to purchase which, under the provision of Schedule 3 (Purchase of added years), was accepted by the Managers before 31st August 1985; or

(b) attributable to a direction under article 18(3)(c) (Transfers from other pension schemes) made before that date; or

(c) of a person who ceased to be a Representative before 20th July 1983, being reckonable service attributable to the provisions of article 9(4) or (5) (Service for purposes of ill-health pension); or

(d) attributable to the application of the provisions of article 6(3) (Multiplying of reckonable service for certain purposes) in respect of a period to which (apart from under this paragraph) paragraph (8)(a) applies or of a period under sub-paragraph (a) or (b) of this paragraph,

shall be treated as a period to which paragraph (8)(a) applies; and a period of reckonable service:

(i) an application to purchase which, under the provisions of Schedule 3, is accepted by the Managers on or after 31st August 1985; or

(ii) attributable to a direction under article 18(3)(c) made on or after that date; or

(iii) of a person who ceased or ceases to be a Representative on or after 20th July 1983, being reckonable service attributable to the provisions of article 9(4) or (5); or

(iv) attributable to the application of the provisions of article 6(3) in respect of a period to which (apart from under this paragraph) paragraph 8(b) applies or of a period under sub-paragraph (i) or (ii) of this paragraph,

shall be treated as a period to which paragraph (8)(b) applies.”.

Amendment of article 7 of the principal Order (Commutation)

5. For paragraph (5) of article 7 of the principal Order, there shall be substituted the following paragraph:

“(5) Subject to paragraph (7), for the purposes of paragraph (4) the

permitted maximum shall be an amount calculated in accordance with Schedule 6 to this Order.”.

Amendment of article 8 of the principal Order (Early retirement)

6.— (1) In paragraph (1) of article 8 of the principal Order:

- (a) for the words “article 6(1)(a) and (c)”, there shall be substituted the words “article 6(1)(a)”;
- (b) for the words “sixty years”, there shall be substituted the words “fifty years”.

(2) In paragraph (3) of article 8 of the principal Order, there shall be substituted for the words “under the provisions of article 6” the words “in accordance with article 6”.

(3) In paragraph (4) of article 8 of the principal Order:

- (a) for the words “would be entitled”, there shall be substituted the words “(in the case of a woman so ceasing before she attains the age of sixty years) is entitled, or (in the case of a woman so ceasing after she has attained that age) would be entitled,”;
- (b) after the words “under those paragraphs shall”, there shall be inserted the words “from the date she attains the age of sixty years or becomes so entitled (whichever is the later)”.

(4) For paragraph (5) of article 8 of the principal Order, there shall be substituted the following paragraph:

“(5) A person who—

- (a) is a Representative on the last day of the life of an Assembly;
- (b) on that day has attained the age of sixty years and has been a Representative for a period or periods amounting to not less than twenty years; and
- (c) did not stand for re-election at the last general election of Representatives preceding that day or stood for re-election at that general election but was not elected a Representative,

may apply to the Managers, before the end of the period of six months beginning with that day, for a pension under this paragraph payable from the day following the date when the salary payable to him as a Representative ceases to be payable and, if the Managers direct that they are satisfied that he does not intend to stand for re-election to the Assembly, the Treasury shall pay him a pension under this paragraph as from the time when that salary ceases to be payable, calculated, subject to article 7, in accordance with article 6.”.

7. There shall be inserted after article 8 of the principal Order the following article:

“Early abated pensions

8A.— (1) If a person who is a Representative on the last day of the life of an Assembly:

- (a) has satisfied the conditions in article 8(5)(a) and (c) but has not satisfied, or has satisfied only in part, the condition in article 8(5)(b); and
- (b) on the last day of the life of the Assembly has attained the age of fifty-seven years and been a Representative for a period or periods amounting to not less than sixteen years (which period or periods in aggregate in respect of a person are hereafter in this article referred to as “the relevant period”); and
- (c) applies in writing to the Managers under this article before the end of the period of six months beginning with the last day of the life of the Assembly,

and the Managers direct that they are satisfied that he does not intend to stand for re-election to the Assembly, he shall be entitled to a pension under article 8(5).

(2) Subject to the following paragraphs of this article, the pension to which a person is entitled by virtue of paragraph (1) of this article shall be abated—

- (a) from the date from which that pension is payable under article 8(5) by the percentage specified in the appropriate table of Part A of Schedule 7 in relation to both the person’s age on the relevant last day of the life of an Assembly referred to in paragraph (1) and the relevant period; or
- (b) (in the case of a person who has so requested in his application referred to in paragraph (1))—
 - (i) from the date from which that pension is payable until (in the case of a man) his sixty-fifth birthday or (in the case of a woman) her sixtieth birthday, by the percentage specified in column A of the appropriate table of Part B of Schedule 7 in relation both to the person’s age on the relevant last day of the life of an Assembly referred to in paragraph (1) and to the relevant period; and
 - (ii) from the date of the relevant birthday referred to in (i) above by the percentage specified in column B of the appropriate table of Part B of that Schedule in relation both to that age and that period.

(3) If the relevant period or a person’s age on the relevant last day of the life of an Assembly includes a part of a year—

- (a) for the purposes of this article that period or that age (as the case may be) shall be rounded down to the nearest complete month;
- (b) subject to paragraph (4), the percentage by which his pension is, under any provision of paragraph (2), to be abated shall be a percentage calculated proportionately by reference to the figures in the appropriate table or the specified column of that table of Part A or B of Schedule 7 (as provided in paragraph (2)).

(4) Where a person’s pension is under paragraph (2)(b) to be abated for the year or part of a year beginning on the date, or the anniversary of the date, from which that pension becomes payable, and during which year or part of a year—

- (a) that pension is payable to that person; and
 - (b) his sixty-fifth or her sixtieth birthday (as the case may be) falls,
- that pension shall be abated—
- (i) from the beginning of that year or part of a year until the date of that birthday, by the percentage (if any) provided for under paragraph (2)(b)(i) or calculated proportionately under paragraph (3), reduced by the fraction of a year (beginning on the same date as that year or part of a year) which will fall on or after the date of that birthday; and
 - (ii) from the date of that birthday, by the percentage provided for under paragraph (2)(b)(ii) or calculated proportionately under paragraph (3), reduced by the fraction of that year or part of a year which falls before the date of that birthday.
- (5) If, in a case within paragraph (2)(b), the difference between the amounts by which a person's pension under article 8(5) would (apart from this paragraph) be abated under paragraph (2)(b)(i) and under paragraph (2)(b)(ii) respectively is greater than the national insurance pension, the pension under article 8(5) shall be abated by a percentage before, and a percentage after, that person reaches (in the case of a man) his sixty-fifth birthday or (in the case of a woman) her sixtieth birthday—
- (a) such that the difference between the amount by which that pension shall be abated before, and the amount after, the date of that birthday shall be equal to the national insurance pension; and
 - (b) which in the opinion of the Managers will together provide pension benefits before and after that date equivalent to the person's pension under article 8(5) abated before that date under paragraph (2)(b)(i), and after that date under paragraph (2)(b)(ii).
- (6) For the purpose of aggregating under this article any periods of less than a year, the word "month" means a period of 30 days and the word "year" means a period of 365 days."

Amendment of article 9 of the principal Order (Ill-health pensions)

8. In article 9(4) of the principal Order, for the words "article 6(2)" there shall be substituted the words "article 6(2) and (2A)".

Amendment of article 10 of the principal Order (Widows' pensions)

9.— (1) In article 10(1)(b) of the principal Order, there shall be substituted for the words "had an aggregate period of reckonable service of not less than four years" the words "was or had been a Representative".

(2) In paragraph (2) of article 10 of the principal Order, for the words "paragraphs (6) and (7)" there shall be substituted the words "paragraphs (6), (7) and (9)".

(3) In the proviso to paragraph (4) of article 10 of the principal Order:

- (a) for the word "and" there shall be substituted the word "or"; and
- (b) at the end there shall be added the words "notwithstanding that the cohabitation continues."

- (4) In paragraph (8) of article 10 of the principal Order:
- (a) in sub-paragraph (a), for the words “sub-paragraphs (a) to (c)” there shall be substituted the words “sub-paragraphs (a) and (b)”; and
 - (b) for the proviso to sub-paragraph (b) there shall be substituted:

“provided that where such annual amount resulted from one or more reductions or abatements made under article 7(2), 8(3) or 8A(2), no such reduction or abatement shall be made in calculating the annual amount of that pension for the purposes of this paragraph.”.

- (5) After paragraph (8) of article 10 of the principal Order there shall be inserted the following new paragraph:

“(9) Notwithstanding anything in paragraph (8), for the purpose of calculating the annual amount of a pension under this article, article 6(2A) shall be disregarded.”.

Widowers' pensions

10. There shall be inserted immediately before article 11 of the principal Order and after the heading “Widowers' pensions” the following article:

“**10A.**— (1) Subject to the provisions applied by paragraph (2), the Treasury shall pay to the widower of a woman a pension under this article, as from the day following the date of her death if, whether or not she was entitled at the time of her death to receive a pension under article 6 or 8, she had been a Representative at any time on or after 31st July 1984 and either:

- (a) she has died on or after 31st August 1985; or
- (b) she has died on or after 31st July 1984 and before the date mentioned in sub-paragraph (a) of this paragraph, and the requirements of article 11(1) in respect of the widower or of article 11(2) in respect of her have not been met at the date mentioned in sub-paragraph (a).

(2) Paragraphs (2), (3), (4), (7), (8) and (9) of article 10, apart from any reference in any of those paragraphs to paragraph (6) of that article, shall apply for the purposes of this article with the necessary modifications.”.

Amendment of article 11 of the principal Order (Widowers' pensions)

11.— (1) In paragraph (3) of article 11 of the principal Order there shall be inserted at the beginning the words “Subject to paragraph (9),”.

(2) After paragraph (8) of article 11 of the principal Order there shall be inserted the following paragraphs:

“(9) Notwithstanding anything in article 10(8), for the purpose of calculating the annual amount of a pension under this article, article 6(2A) shall be disregarded.

(10) This article shall not apply in the case of a widower who is entitled to receive a pension under article 10A.”.

Amendment of article 12 of the principal Order (Children's pensions)

12.— (1) In paragraph (3) of article 12 of the principal Order, after the words “article 10” there shall be inserted the words “, article 10A”.

(2) In paragraph (5) of article 12 of the principal Order, after the words, “applied by” there shall be inserted the words “article 10A(2) or”.

Amendment of article 13 of the principal Order (Enhancement of Widows' and other pensions)

13. For paragraph (9) of article 13 of the principal Order there shall be substituted the following paragraph:

“(9) The preceding provisions of this article shall apply in relation to a woman who has died and her widower as they apply in relation to a man who has died and his widow, subject to modifications:

- (a) in relation to any case in which a person is entitled to receive a pension under article 10A, that any reference to article 10 shall be read as a reference to article 10A and the reference to paragraphs (3), (4), (6) and (7) of article 10 shall be read as a reference to paragraphs (3), (4) and (7) of that article as applied by article 10A(2);
- (b) in relation to any case in which a person is entitled to receive a pension under article 11, that any reference to article 10 shall be read as a reference to article 11, the reference to paragraphs (3), (4), (6) and (7) of article 10 shall be read as a reference to article 11(4), (6) and (8) and article 10(4) as applied by article 11(7), and paragraphs (2) and (6) of this article shall not apply where the widower is entitled to a pension by virtue of article 11(1)(b).”.

Short term pensions (Savings Provision)

14. There shall be inserted before article 15 of the principal Order the following article:

“Short term pensions (Savings Provision)

14A.— (1) Where—

- (a) a person dies who was a Representative at any time on or after 31st July 1984 and on or before 31st August 1985 (whether or not he was also a Representative before 31st July 1984 or after 31st August 1985); and
- (b) but for the revocation of article 14(a) a pension would have been payable under that article to that person's widow or widower, or for the benefit of any child or children of that person,

then, if a valid election is made, that pension shall be so payable instead of any pension that would otherwise be payable to that person's widow or widower, or for the benefit of the child or children in question, under any of articles 10 to 12.

(2) In paragraph (1) “a valid election” means an election made, in such

(a) Article 14 is revoked by article 30 of, and Schedule 5 to, this Order.

manner as the Managers may require, either before, or not later than three months after, whichever is the later of 31st August 1985 and the date on which the first instalment of any pension that but for the election would be payable under any of articles 10 to 12 becomes so payable, being an election made—

- (a) in the case of a widow or widower, by that widow or widower; or
- (b) in the case of a child or children, by such person as the Managers may direct.

(3) In this article “child” has the same meaning as in article 12.”.

Amendment of article 15 of the principal Order (Gratuity on death of serving Representative)

15. For article 15 of the principal Order, there shall be substituted the following article:

“15.— (1) Where a person has died at a time when he was a Representative, the Managers, if they think fit in their discretion to do so, may grant, and if they so grant the Treasury shall pay, a gratuity under this article in respect of him.

(2) A gratuity under this article in respect of a person shall be granted:

- (a) to the individual nominated in any nomination made by him for the purposes of this article which was in force at the time of his death; or
- (b) if no such nomination was in force at that time, to his personal representatives.

(3) The Managers shall treat a nomination made for the purposes of this article by any person (“the nominator”) as not being in force at the time of the nominator’s death:

- (a) if the individual nominated was the nominator’s wife or husband at the time the nomination was made but has subsequently ceased to be the nominator’s wife or husband; or
- (b) if the Managers are of the opinion that the payment of the gratuity to the individual is not reasonably practicable in all the circumstances.

(4) A nomination for the purposes of this article must be made, and may be revoked, by a notice in writing to the Managers; and such a notice must be in such form as the Managers may require.

(5) The amount of a gratuity under this article in respect of a person shall be whichever of the two following amounts is the greater:

- (a) the amount of his pensionable salary at the time of his death;
- (b) the aggregate of the contributions paid by and not refunded to that person, together with interest on each such contribution from the date on which it was paid.”.

Amendment of article 16 of the principal Order (Gratuity on death of retired Representative)

16. In paragraph (1) of article 16 of the principal Order, for the words “article 10, 11 or 12” there shall be substituted the words “any of articles 10 to 12”.

Amendment of article 18 of the principal Order (Transfers from other pension schemes)

17. For paragraph (2) of article 18 of the principal Order there shall be substituted the following paragraph:

“(2) A request made by a person under paragraph (1) shall not have effect unless it is made before the end of a period of five years beginning with any of the following dates which are applicable to him:

- (a) 31st August 1985, if he is a Representative on that date;
- (b) any date after 31st August 1985 on which he becomes a Representative, whether for the first time or after ceasing to be a Representative,

but for this purpose a Representative shall be treated as not ceasing to be a Representative at the end of the period for which he is elected as such, if he is re-elected as a Representative for a further period which immediately follows the earlier period.”.

Amendment of article 19 of the principal Order (Repayment of contributions to contributor)

18. In article 19(2) of the principal Order, after sub-paragraph (c) there shall be inserted the following sub-paragraph:

“(d) he has not become entitled to a pension under article 6 or 8.”.

Amendment of article 20 of the principal Order (Repayment of contributions after contributor's death)

19. In article 20 of the principal Order:

(a) for paragraph (a) there shall be substituted the following paragraph:

“(a) without leaving a widow, widower or relevant child (within the meaning of article 12) who is, or may become, entitled in respect of that person to receive a pension under any of articles 10 to 12; and”;

(b) in sub-paragraph (b), for the words “article 19(2)(b) and (c)” there shall be substituted the words “article 19(2)(b) and (d)”.

Amendment of article 21 of the principal Order (Purchase of added years)

20.— (1) In article 21(1) of the principal Order, after the words “provisions of those Schedules” there shall be inserted the words “and of article 21A”.

(2) After article 21(1) of the principal Order, there shall be inserted the following paragraphs:

“(2) If a Representative purchases a period of reckonable service under paragraph 14 of Schedule 3, that period shall, for the purposes of article 6(2A) and of Schedule 5 (maximum pensions payable), be treated as a period of reckonable service ending before the date of the Representative's sixty-fifth birthday.

(3) The provisions of Schedule 3 are without prejudice to any maximum pension imposed in relation to a Representative under article 6(2A).

(4) For the purposes of article 6(3) any period of reckonable service (by way of an added year) purchased by a Representative under any of the provisions of Schedule 3 shall be deemed to be a period of service to which section 1(2)(b) of the Act of 1979 did not apply.”.

Effect of increased accrual rate on added years

21. There shall be inserted after article 21 of the principal Order the following article:

“Effects of increased accrual rate on added years

21A.— (1) Where on 31st August 1985 (in this article hereafter referred to as “the relevant date”) a Representative has added years for which periodical contributions are or have been, or a lump sum payment is or has been, payable by him, the provisions of this article shall apply in relation to him.

(2) If, in consequence of article 6(8) (rate of accrual of pension), a Representative’s prospective pension exceeds the aggregate annual pension in respect of him under paragraph 8(4) of Schedule 3 in relation to his prospective actual reckonable service as a single mandate Representative at the date of the last acceptance by the Managers before the relevant date of an application by him to purchase added years, the excess number of his added years shall be cancelled as stated below:

- (a) so many of his future added years on the relevant date (if any) as are in total not more than the excess number;
- (b) so many of his added years, other than future added years, on the relevant date, as are not more than the excess number as reduced in accordance with sub-paragraph (a) above.

(3) In respect of the cancellation of a Representative’s future added years under paragraph (2)(a)—

- (a) the annual amount of any payment for the purchase of added years which (apart from the provisions of this article and of paragraphs 11 to 15 of Schedule 3) would be payable by him after the relevant date, shall be reduced by the proportion (up to and including 100%) which the number of his future added years cancelled bears to the number of his future added years on the relevant date;
- (b) if the Representative’s future added years are being purchased by him under more than one application in accordance with the provisions of Schedule 3, the cancellation shall be effected taking those applications in such order as the Managers shall consider appropriate, having regard to any preferences expressed to them in writing by the Representative.

(4) In respect of the cancellation under paragraph (2)(b) of any of a Representative’s added years on the relevant date, the Treasury shall refund to the Representative, with interest, a proportion (up to and including 100%) of the payments for the purchase of added years which he has made up to and including the relevant date, the proportion being that which the number cancelled of those added years bears to the number of those added years.

(5) The interest payable under paragraph (4) shall be calculated:

- (a) at the annual rate specified below for the year of payment during which a payment for the purchase of added years to be wholly or partly refunded under that paragraph was made by the Representa-

tive, assuming for the purposes of this paragraph that the refund under paragraph (4) is of individual payments for the purchase of added years in reverse order of their payment by the Representative, starting with the payment last made by him on or before the relevant date:

Year of Payment	Annual Rate (per cent.)
1981	12.2
1982	11.7
1983	11.0
1984	11.2
1985	12.1

- (b) in respect of any year or fraction of a year from the date on which the payment refunded, or assumed to be refunded under subparagraph (a), was made by the Representative until the date of the refund under paragraph (4).”.

Amendment of Schedule 3 to the principal Order

22. Schedule 3 to the principal Order shall be amended in accordance with the provisions of articles 23 to 27 of this Order.

Amendment of Paragraph 1 of Schedule 3 to the principal Order

23. In paragraph 1 of Schedule 3 to the principal Order:

- (a) in the definition of “added year”, after the words “of this Schedule” there shall be inserted “including a part of a year expressed in days and any future added year”;
- (b) after the definition of “dual mandate Representative” there shall be inserted the following definition:
- “(cc) “future added year” means with reference to a specified date, an added year in respect of which a Representative’s application to purchase has been accepted by the Managers, but—
- (i) which, in the case of an added year being purchased by periodical contributions, would not be added to his reckonable service if paragraph 5(2) were to apply to him at that date; or
- (ii) in respect of which a lump sum payment remains to be made by him;”;
- (c) after the definition of “periodical contributions” there shall be inserted the following definition:
- “(dd) “previous employment” means in respect of a person, the period of employment (not being a period of self-employment or a period of service as a Representative) which immediately preceded the period of his actual reckonable service during which he applies under paragraph 14, or during which (if earlier) his sixty-fifth birthday occurs;”.

Amendment of paragraph 2 of Schedule 3 to the principal Order (Purchase by periodical contributions)

24. In paragraph 2(1) of Schedule 3 to the principal Order, there shall be substituted for sub-paragraph (a) the following sub-paragraph:

“(a) the Representative will not at his next birthday after the date of the application have attained the age of sixty-five;”.

Amendment of paragraph 7 of Schedule 3 to the principal Order (Lump sum payments)

25. In paragraph 7(1) of Schedule 3 to the principal Order, for the words “in accordance with Part 2” there shall be substituted the words “in accordance with the appropriate Table of Part 2”.

Amendment of paragraph 8 of Schedule 3 to the principal Order (Limits on purchase of added years)

26.— (1) In paragraph 8(1) of Schedule 3 to the principal Order, for the words “Subject to sub-paragraph (2)” there shall be substituted the words “Subject to sub-paragraphs (2) to (2B)”, and for the words “the ordinary salary of a single mandate Representative” there shall be substituted the words “the annual amount of a Member’s pensionable salary for the time being”.

(2) After paragraph 8(2) of Schedule 3 to the principal Order, there shall be inserted the following sub-paragraphs:

“(2A) Subject to sub-paragraph (2B) of this paragraph, sub-paragraph (1) of this paragraph shall not apply to a Representative’s periodical contributions which on 31st July 1984 were payable in accordance with paragraph 4(a)(i) or for a period of five years in accordance with paragraphs 2(2) and 4(a)(ii).

(2B) If after 31st July 1984 a Representative has applied or applies to the Managers to purchase added years by periodical contributions, the annual amount of periodical contributions payable by him in accordance with paragraph 4(a)(i), or for a period of five years in accordance with paragraphs 2(2) and 4(a)(ii), shall not be such as to exceed, at any time during the period such contributions would be so payable, the amount (if any) by which for the time being—

(a) the annual amount of his periodical contributions referred to in paragraph (2A) (if any) aggregated with the annual amount of his contributions under article 4,

is less than—

(b) the limit under sub-paragraph (1) of this paragraph.”.

(3) In paragraph 8(3) of Schedule 3 to the principal Order the words “until he attains the age of sixty-five years” shall be deleted.

(4) For sub-paragraph (4) of paragraph 8 of Schedule 3 to the principal Order, there shall be substituted the following sub-paragraph—

“(4) The maximum added years that a Representative with no retained benefits may purchase:

- (a) if his prospective actual reckonable service as a single mandate Representative is less than 6 years, shall be nil;
- (b) if his prospective actual reckonable service as a single mandate Representative is 6 years or more, shall be the number of added years, in respect of which the annual pension, calculated, as a fraction of the relevant terminal salary, in accordance with article 6(2), aggregated with the annual pension so calculated in respect of a period of reckonable service equal to the number of years and any part of a year of that prospective actual reckonable service, is as specified in column (B) below:

(A)	(B)
Prospective actual reckonable service as a single mandate Representative	Aggregate annual pension (expressed as a fraction of relevant terminal salary)
10 years or more	2/3
9 years	8/15
8 years	6/15
7 years	4/15
6 years	2/15

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

(5) For sub-paragraph (6) of paragraph 8 of Schedule 3 to the principal Order, there shall be substituted the following sub-paragraph:

“(6) If a Representative has retained benefits or any period of reckonable service attributable to a direction under article 18(3)(c) (service transferred in), the maximum added years that he may purchase shall not exceed the limits under sub-paragraph (4) and shall not be such that the aggregate annual pension calculated in respect of him under sub-paragraph (4)(b), when aggregated with the retained benefits and with pension calculated in accordance with article 6(2) in respect of the period so attributable, will exceed two-thirds of the relevant terminal salary.”.

27. There shall be inserted after paragraph 10 of Schedule 3 to the principal Order the following paragraphs:

“Applications to reduce added years being purchased

11.— (1) Notwithstanding any of the other paragraphs of this Schedule, if within a period of twelve months from 31st August 1985 a person who was in service as a Representative on that date applies to the Managers for a reduction, by a specified number, in the number of his future added years on the date of acceptance by them of his application, the Managers shall accept his application and those future added years shall be reduced by the specified number.

(2) Subject to sub-paragraph (3) of this paragraph, if a reduction in a Representative’s future added years is made under sub-paragraph (1) of this paragraph—

- (a) the annual amount of any periodical contributions; and
- (b) the amount of any lump sum payment,

which (apart from the provisions of this paragraph) would be payable by him on or after the date of acceptance of his application under sub-paragraph (1) of this paragraph in respect of those future added years, shall be reduced by the proportion (up to and including 100%) which the specified number under sub-paragraph (1) of this paragraph bears to the number of his future added years referred to in that sub-paragraph.

(3) If a Representative's future added years referred to in sub-paragraph (1) of this paragraph are being purchased by him under more than one application under this Schedule, a reduction under sub-paragraph (2) of this paragraph shall be effected taking those applications in such order as the Managers shall consider appropriate, having regard to any preferences expressed to them in writing by the Representative.

12.— (1) Subject to the following provisions of this paragraph, if a Representative applies to the Managers in accordance with paragraph 11, and the Managers direct that they are satisfied that the reduction in his added years made under that paragraph is, in consequence of its being limited to his future added years at the date of the acceptance by them of his application, less than each of—

- (a) the appropriate reduction under sub-paragraph (5) of this paragraph; and
- (b) the reduction in the number of his added years desired by the Representative at that date,

the following provisions of this paragraph shall apply in relation to him.

(2) If a Representative has added years which were future added years on 31st July 1984, but which are no longer future added years at the date referred to in sub-paragraph (1) of this paragraph, the number of those added years shall be reduced by the number by which the lesser of the reductions under sub-paragraph (1)(a) and (b) of this paragraph exceeds the reduction in his added years made under paragraph 11.

(3) In respect of the reduction under sub-paragraph (2) of this paragraph in the number of a Representative's added years referred to in that sub-paragraph, the Treasury shall refund to the Representative with interest a proportion (up to and including 100%) of the payments for the purchase of added years which he has made between 31st July 1984 and the date referred to in sub-paragraph (1) of this paragraph, the proportion being that which the number of the reduction bears to the number of his added years referred to in sub-paragraph (2).

(4) The interest payable under sub-paragraph (3) of this paragraph shall be calculated at the annual rate of 12.75 per cent. in respect of any year or fraction of a year from the date on which each payment to be wholly or partly refunded under that sub-paragraph was made by the Representative until the date of its refund, assuming for the purposes of this paragraph that the refund under sub-paragraph (3) is of individual payments in reverse order of their payment by the Representative, starting with the payment last made by him before the date referred to in sub-paragraph (1) of this paragraph.

(5) The appropriate reduction shall be such reduction in the number of a Representative's future added years at 31st July 1984 as in the opinion of the

Managers is appropriate in consequence of the provisions of articles 3(1) and (2) and 4(4) of, and the revocation of article 6(1)(c) of this Order by article 30 of, and Schedule 5 to, the European Assembly (United Kingdom Representatives) Pensions (Amendment) Order 1985, having regard to such matters as are in their opinion relevant, including (without prejudice to the generality of the foregoing) any cancellation required under article 21A of the excess number of the Representative's added years.

13.— (1) If within a period of 12 months from 31st August 1985 a Representative who had future added years on 31st July 1984 makes an application in writing to the Managers for a reduction under this paragraph in the number of those added years, and on the date of that application he no longer has any future added years, the following provisions of this paragraph shall apply in relation to him.

(2) If the Managers direct that they are satisfied in respect of a Representative that a reduction in the number of his added years is appropriate in consequence of any provision of articles 3(1) and (2) and 4(4) of, and the revocation of article 6(1)(c) of this Order by article 30 of, and Schedule 5 to, the European Assembly (United Kingdom Representatives) Pensions (Amendment) Order 1985, they shall, unless he has made an application under paragraph 11, accept the application and the number of his future added years at 31st July 1984 shall be reduced by the lesser of:

- (a) the appropriate reduction under paragraph 12(5); and
- (b) any reduction in the number of his added years requested, or stipulated as a maximum, by the Representative in his application under sub-paragraph (1) of this paragraph.

(3) In respect of the reduction under sub-paragraph (2) of this paragraph in the number of a Representative's added years referred to in sub-paragraph (1) of this paragraph, the Treasury shall refund to the Representative with interest a proportion (up to and including 100%) of the payments for the purchase of added years which he made between 31st July 1984 and the date of his application under sub-paragraph (1), the proportion being that which the number of the reduction bears to the number of his added years referred to in sub-paragraph (1).

(4) The interest payable under sub-paragraph (3) of this paragraph shall be calculated at the annual rate of 12.75 per cent in respect of any year or fraction of a year from the date on which each payment to be wholly or partly refunded under that paragraph was made by the Representative until the date of its refund, assuming for the purposes of this sub-paragraph that the refund under sub-paragraph (3) is of individual payments in reverse order of their payment by the Representative, starting with the payment last made by him before the date of his application under sub-paragraph (1) of this paragraph.

Purchase of added years by reference to earlier service and related refund of contributions

14.— (1) A person who is in service as a Representative on 31st August 1985, and who has any actual reckonable service before 20th July 1983, may apply in writing to the Managers to purchase a period of reckonable service (by way of an added year) under this sub-paragraph:

- (a) if he is a single mandate or a dual mandate Representative, by a lump sum payment; or

- (b) if he is a single mandate Representative, by the payment of periodical contributions for a period of four or five years, or (if the period under paragraph 4(a)(i) in respect of payment until he attains the age of sixty-five years is less than five years) until he attains the age of sixty-five years.
- (2) The Managers shall accept a Representative's application under sub-paragraph (1) if the following conditions are satisfied:
- (a) the application is made within twelve months of 31st August 1985;
 - (b) in the case of an application which specifies purchase by periodical contributions, the Representative has satisfied the Managers, in whatever manner the Managers require, that he is in good health;
 - (c) in the case of an application which specifies purchase by a lump sum payment, the Representative has not applied to the Managers under the provisions of article 9 for an early pension because of ill-health;
 - (d) the Representative has supplied to the Managers such information and evidence as they may require;
 - (e) the application is in accordance with sub-paragraph (1) of this paragraph and specifies whether the purchase of a period of reckonable service is to be by way of periodical contributions payable until he attains the age of 65 years (if he has not attained that age), by periodical contributions for a period of four or five years (as the Representative shall further specify in the application), or by a lump sum payment.
- (3) Notwithstanding anything in the other provisions of this Schedule, the following only of paragraphs 2 to 13 of this Schedule shall apply to the purchase of an added year under sub-paragraph (1):
- (a) paragraph 3 (Applications irrevocable after acceptance);
 - (b) paragraph 4 (Payment of periodical contributions), with the substitution:
 - (i) in paragraph 4(a)(i), for the words "under paragraph 2(1)", of the words "to purchase added years by periodical contributions payable until the age of sixty-five years";
 - (ii) in paragraph 4(a)(ii), for the words "under paragraph (2)2", of the words "to purchase added years by periodical contributions for a period of four or five years";
 - (iii) in paragraph 4(c), for the words "except that" until the end, of the words "except that, where the application is to purchase a period of reckonable service (by way of an added year) by the payment of periodical contributions for a period of four or five years, 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.";
 - (c) paragraph 5 (Interrupted service), with the substitution, for any reference in that paragraph to a rate or rates, of a reference to a cost determined in accordance with the provisions of this paragraph;
 - (d) paragraph 7 (Lump sum payments), with the insertion after the words "Part 2 of Schedule 4" of the words "except that the date of his birth shall be treated, for the purpose of such calculation, as if it were eight months later than its actual date.";

(e) paragraph 8(1), (2) and (2A) (Limits on purchase of added years);

(f) paragraph 10 (Further applications to purchase added years):

Provided that the Managers shall not accept from a Representative more than one application to purchase added years under sub-paragraph (1).

(4) Subject to sub-paragraphs (3)(e) and (5), the maximum period of reckonable service (by way of an added year) that a Representative may purchase under sub-paragraph (1) shall be calculated, by reference to the period of his actual reckonable service before 20th July 1983, as follows:

(a) in respect of such part of that period during which he was a single mandate Representative:

(i) one-sixth of that part of that period, expressed in years and any fraction of a year, before his sixty-fifth birthday and;

(ii) one-sixth of that part, so expressed, on or after that birthday;

(b) in respect of such part of that period during which he was a dual mandate Representative:

(i) one-eighteenth of that part of that period, expressed in years and any fraction of a year, before his sixty-fifth birthday; and

(ii) one-eighteenth of that part, so expressed, on or after that birthday.

(5) The maximum period of reckonable service (by way of an added year) of a Representative calculated under sub-paragraph (4)(a)(i) or (4)(b)(i) shall be such that a pension, calculated in accordance with article 6 (apart from article 6(2A)) on the date of acceptance by the Managers of his application under this paragraph and by reference to an aggregate period of reckonable service consisting of:

(a) the period of that reckonable service, expressed as a fraction of a year;

(b) the number of his added years, other than any period of reckonable service purchased under this paragraph;

(c) his actual reckonable service on that date or before his sixty-fifth birthday (if earlier); and

(d) any period of his reckonable service which is attributable to a direction under article 18(3)(c) made before that date,

does not exceed a maximum, being (if the Representative has retained benefits) the greater of—

(i) two-thirds of the relevant terminal salary less his retained benefits; and

(ii) his previous expectations less his retained benefits accruing during his previous employment (up to the amount of two-thirds of the relevant terminal salary),

or (if the Representative has no retained benefits) two-thirds of the relevant terminal salary.

(6) A Representative who has applied to purchase a period of reckonable service under sub-paragraph (1) by periodical contributions for a period of four or five years and to whom paragraph 5(2) applies, may, subject to the

foregoing provisions, apart from sub-paragraph (2), of this paragraph, apply in writing to the Managers to purchase by a lump sum payment some or all of the added years comprised in any reduction, in consequence of his ceasing to be a Representative or a single mandate Representative, in the period of reckonable service he is able to purchase in full, and the Managers shall accept his application under this sub-paragraph if:

- (a) the Representative has not applied to the Managers under the provisions of article 9 for an early pension because of ill-health;
- (b) the period of reckonable service which the Representative applies to purchase does not exceed the maximum permitted under the provisions of this paragraph;
- (c) the Representative has supplied to the Managers such information and evidence as they may require; and
- (d) the application under this sub-paragraph is made within three months of his ceasing to be a Representative or a single mandate Representative (as the case may be).

(7) If a Representative applies to purchase a period of reckonable service under sub-paragraph (1) and—

- (a) that period, within the maximum calculated under sub-paragraph (4)(a)(i) or (4)(b)(i) (as appropriate), exceeds any maximum in respect of that period under sub-paragraph (5); and
- (b) at the date of the acceptance by the Managers of his application he has any added years, but does not have any future added years,

the Managers shall:

- (i) determine the period of reckonable service of the Representative by way of the added years referred to at (b) above, pension in respect of which, calculated in accordance with article 6 (apart from article 6(2A)), would not be more than pension so calculated in respect of an aggregate period of reckonable service beginning after 20th July 1983 equal to the excess under (a) above; and
- (ii) direct the Treasury to refund to the Representative with interest the part referred to in sub-paragraph (8) of this paragraph of the payments for the purchase of added years which in the opinion of the Managers (having regard to the terms of the purchase of those added years) were made by him in respect of the period of reckonable service determined under (i) above and identified in accordance with the assumption (applied in respect of a refund hereunder) in article 21A(5)(a);

and the Treasury shall refund to the Representative that part with interest.

(8) The part of the payments for the purchase of added years refundable under sub-paragraph (7)(ii) shall be the amount of those payments less the amount which would be payable under paragraph 4 (as read with sub-paragraph (3)) to purchase a period of reckonable service under sub-paragraph (1), equal to the excess under sub-paragraph (7)(a).

(9) Article 21A(5) (which relates to interest on refunds) shall apply to a refund under sub-paragraph (7)(ii) with the substitution of a reference to sub-paragraph (7)(ii) for any reference to paragraph (4) of article 21A.

(10) In this paragraph, unless the context otherwise requires, a reference

to a numbered sub-paragraph is a reference to the sub-paragraph so numbered of this paragraph.

15.— (1) The provisions of this paragraph shall apply in relation to a Representative within paragraph 14 (7)(b), if, on application by him under paragraph 14(1), he also applies in writing to the Managers under this paragraph for a refund of a part of the payments made by him for the purchase of a period, specified by him in his application under this paragraph, of reckonable service by way of an added year referred to in paragraph 14(7)(b) (hereafter referred to in this paragraph as “the specified period”)—

- (a) the payments for the purchase of which are not refundable under the provisions of paragraph 14; and
- (b) pension in respect of which, calculated in accordance with article 6 (apart from article 6(2A)), would not be more than the relevant amount under sub-paragraph (2) of this paragraph.

(2) The relevant amount shall be the amount by which the maximum pension under paragraph 14(5) in respect of the Representative is exceeded by a pension, calculated in accordance with article 6 (apart from article 6(2A)) by reference to an aggregate period of reckonable service consisting of:

- (a) the period of reckonable service under paragraph 14(1) in respect of the Representative (within the maximum calculated under article 14(4)(a) and (b), in respect of his actual reckonable service before his sixty-fifth birthday);
- (b) the number of his added years referred to in paragraph 14(7)(b);
- (c) in the case of a person who is a single mandate Representative on the date referred to in respect of him in paragraph 14(7)(b), his prospective actual reckonable service as a single mandate Representative on that date or, in the case of a person who is a dual mandate Representative on that date, his prospective actual reckonable service as a dual mandate Representative on that date; and
- (d) any period of his reckonable service which is attributable to a direction in respect of him under article 18(3)(c) made before that date.

(3) The Managers shall accept a Representative’s application in accordance with sub-paragraph (1) of this paragraph and, on the direction of the Managers, the Treasury shall refund to the Representative with interest a part of the payments which in the opinion of the Managers (having regard to the terms of the purchase of the relevant period of reckonable service by way of an added year) were made by him in respect of the specified period and which are identified in accordance with the assumption (applied in respect of a refund under this sub-paragraph) in article 21A(5)(a).

(4) The part refundable under paragraph (3) of payments for the purchase of the specified period shall be the amount of those payments less the amount which would be payable under paragraph 4 (as read with paragraph 14(3)) to purchase that part of the period of reckonable service referred to in paragraph 14(1), pension in respect of which, calculated as a fraction of the relevant terminal salary in accordance with article 6 (apart from article 6(2A)), would be equal to the pension so calculated in respect of the period of

reckonable service specified in his application in accordance with sub-paragraph (1) of this paragraph.

(5) Article 21A(5) (which relates to interest on refunds) shall apply to a refund under this paragraph with the substitution of a reference to sub-paragraph (3) of this paragraph for any reference to paragraph (4) of article 21A.

(6) There shall be cancelled the part referred to in sub-paragraph (4) of this paragraph of the period of reckonable service referred to in paragraph 14(7)(a).”.

Amendment of Schedule 4 to the principal Order (Contributions for added years)

28. For Schedule 4 to the principal Order there shall be substituted the Schedule set out in Schedule 1 to this Order.

Insertion of new Schedules to the principal Order

29. There shall be inserted after Schedule 4 to the principal Order the Schedules, numbered 5 (Maximum Pensions), 6 (Commutation) and 7 (Early Abated Pensions), set out respectively in Schedules 2, 3 and 4 to this Order.

Revocations

30.— (1) Subject to paragraphs (2) to (5) of this article, the provisions specified in Schedule 5 to this Order are hereby revoked to the extent specified in the second column of that Schedule.

(2) The revocations in article 5 of the principal Order provided for in Schedule 5 to this Order shall have effect from 20th July 1983 but shall not have effect in relation to any pension which first became payable under the principal Order before that date.

(3) Subject to article 14, the revocations provided for in Schedule 5 to this Order and numbered (1), (3), (6), (7), (8) and (in so far as it provides for the revocation of article 19(8) of the principal Order) (9) in the second column of that Schedule shall apply only in relation to a person who was, or is, a Representative at any time on or after 31st July 1984.

(4) The revocation provided for in Schedule 5 to this Order of article 7(6) of the principal Order and the revocations in Schedule 3 to the principal Order, so provided for, of the definition of “retained lump sum benefits” and of paragraph 9, shall apply only in respect of a person:

(a) who, on or before the date of the coming into operation of this Order, has given notice in accordance with article 7 in respect of the commutation of his pension, and in respect of whose notice no direction has at that date been given by the Managers under paragraph (2) of article 7; or

(b) who gives such notice after the date of the coming into operation of this Order.

(5) The other revocations provided for in Schedule 5 to this Order shall

apply only in relation to a person who is a Representative at any time on or after the date of the coming into operation of this Order.

Principal Order set out with amendments

31. The provisions of the principal Order, as they apply in relation to a person who is a Representative at any time on or after the date of the coming into operation of this Order, are set out in Schedule 6 to this Order.

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

Home Office
16th July 1985.

SCHEDULE 1 Article 28

NEW SCHEDULE 4 TO THE
PRINCIPAL ORDER

SCHEDULE 4 Article 21

CONTRIBUTIONS FOR ADDED YEARS

PART 1—PERIODICAL CONTRIBUTIONS Paragraph 4
of Schedule 3

Tables for the calculation of the cost of purchasing added years by periodical contributions. The contribution due is that percentage of a Member's pensionable salary for the time being 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 paragraph 2(1) or 5(5) of Schedule 3)

Age next birthday	MALES %	FEMALES %
32	0.71	0.68
33	0.73	0.71
34	0.76	0.74
35	0.79	0.77
36	0.83	0.80
37	0.86	0.84
38	0.90	0.88
39	0.95	0.91
40	1.00	0.95
41	1.05	1.00
42	1.10	1.06
43	1.16	1.12
44	1.23	1.18
45	1.31	1.25
46	1.39	1.33
47	1.48	1.42
48	1.58	1.52
49	1.69	1.63
50	1.81	1.75
51	1.94	1.88
52	2.10	2.03
53	2.28	2.21
54	2.50	2.42
55	2.76	2.70
56	3.07	3.05
57	3.47	3.49
58	4.01	4.07
59	4.70	4.78
60	5.64	5.70
61	7.13	7.26
62	9.64	9.89
63	14.54	15.04
64	28.03	29.10

TABLE B

(for the calculation of the costs of purchasing added years by periodical contributions payable until the Representative's 65th birthday pursuant to an application under paragraph 14(1) of Schedule 3)

Age next birthday	MALES %	FEMALES %
61	2.85	2.90
62	3.86	3.96
63	5.82	6.02
64	11.21	11.64

TABLE C

(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 paragraph 2(2) of Schedule 3)

Age next birthday	MALES %	FEMALES %
32	4.91	4.73
33	4.95	4.78
34	4.99	4.82
35	5.04	4.87
36	5.10	4.92
37	5.16	4.97
38	5.22	5.02
39	5.28	5.06
40	5.34	5.11
41	5.40	5.17
42	5.47	5.23
43	5.54	5.29
44	5.62	5.36
45	5.70	5.44
46	5.78	5.51
47	5.86	5.58
48	5.92	5.65
49	5.98	5.72
50	6.04	5.80
51	6.10	5.87
52	6.16	5.95
53	6.22	6.04
54	6.28	6.13
55	6.35	6.25
56	6.42	6.40
57	6.52	6.55
58	6.64	6.72
59	6.78	6.90
60	6.95	7.08
61	7.13	7.26
62	7.31	7.45
63	7.48	7.63
64	7.34	7.49
65	7.20	7.34
66	7.06	7.19
67	6.91	7.01
68	6.76	6.80
69	6.59	6.57
70	6.41	6.32
71	6.22	6.07
72	6.00	5.82
73	5.76	5.58
74	5.51	5.34
75	5.27	5.10
76	5.04	4.87
77	4.82	4.66
78	4.62	4.45
79	4.43	4.25
80	4.26	4.06

TABLE D

(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 paragraph 14(1) of Schedule 3)

Age next birthday	MALES %	FEMALES %
24	1.87	1.76
25	1.88	1.77
26	1.89	1.78
27	1.90	1.80
28	1.91	1.82
29	1.92	1.83
30	1.94	1.85
31	1.95	1.87
32	1.96	1.89
33	1.98	1.91
34	2.00	1.93
35	2.02	1.95
36	2.04	1.97
37	2.06	1.99
38	2.09	2.01
39	2.11	2.03
40	2.14	2.05
41	2.16	2.07
42	2.19	2.09
43	2.22	2.12
44	2.25	2.14
45	2.28	2.17
46	2.31	2.20
47	2.34	2.23
48	2.37	2.26
49	2.39	2.29
50	2.42	2.32
51	2.44	2.35
52	2.46	2.38
53	2.49	2.42
54	2.51	2.45
55	2.54	2.50
56	2.57	2.56
57	2.61	2.62
58	2.66	2.69
59	2.71	2.76
60	2.78	2.83
61	2.85	2.90
62	2.92	2.98
63	2.99	3.05
64	2.94	3.00
65	2.88	2.94
66	2.82	2.88
67	2.76	2.80
68	2.70	2.72
69	2.64	2.63
70	2.56	2.53
71	2.49	2.43
72	2.40	2.33
73	2.30	2.23
74	2.20	2.14
75	2.11	2.04
76	2.02	1.95
77	1.93	1.86
78	1.85	1.78
79	1.77	1.70
80	1.70	1.62

TABLE E

(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 paragraph 2(2) of Schedule 3)

Age next birthday	MALES %	FEMALES %
32	3.97	3.80
33	4.00	3.84
34	4.04	3.88
35	4.08	3.91
36	4.13	3.95
37	4.18	3.98
38	4.22	4.02
39	4.27	4.07
40	4.32	4.12
41	4.38	4.18
42	4.43	4.24
43	4.48	4.30
44	4.54	4.36
45	4.60	4.42
46	4.66	4.48
47	4.72	4.54
48	4.77	4.60
49	4.82	4.66
50	4.87	4.72
51	4.92	4.78
52	4.97	4.84
53	5.02	4.91
54	5.06	4.98
55	5.11	5.06
56	5.17	5.16
57	5.26	5.27
58	5.36	5.39
59	5.50	5.53
60	5.66	5.70
61	5.81	5.88
62	5.95	6.04
63	6.07	6.17
64	5.96	6.05
65	5.86	5.94
66	5.75	5.82
67	5.63	5.68
68	5.51	5.51
69	5.39	5.33
70	5.26	5.14
71	5.11	4.93
72	4.94	4.73
73	4.75	4.54
74	4.55	4.36
75	4.36	4.18
76	4.18	4.00
77	4.01	3.83
78	3.85	3.66
79	3.71	3.50
80	3.58	3.35

TABLE F

(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 paragraph 14(1) of Schedule 3)

Age next birthday	MALES %	FEMALES %
24	1.51	1.43
25	1.52	1.44
26	1.53	1.44
27	1.54	1.46
28	1.55	1.47
29	1.56	1.48
30	1.57	1.49
31	1.58	1.51
32	1.59	1.52
33	1.60	1.54
34	1.62	1.55
35	1.63	1.56
36	1.65	1.58
37	1.67	1.59
38	1.69	1.61
39	1.71	1.63
40	1.73	1.65
41	1.75	1.67
42	1.77	1.70
43	1.79	1.72
44	1.82	1.74
45	1.84	1.77
46	1.86	1.79
47	1.89	1.82
48	1.91	1.84
49	1.93	1.86
50	1.95	1.89
51	1.97	1.91
52	1.99	1.94
53	2.01	1.96
54	2.03	1.99
55	2.05	2.02
56	2.07	2.06
57	2.10	2.11
58	2.14	2.16
59	2.20	2.21
60	2.26	2.28
61	2.32	2.35
62	2.38	2.42
63	2.43	2.47
64	2.38	2.42
65	2.34	2.38
66	2.30	2.33
67	2.25	2.27
68	2.20	2.20
69	2.16	2.13
70	2.10	2.06
71	2.04	1.97
72	1.98	1.89
73	1.90	1.82
74	1.82	1.74
75	1.74	1.67
76	1.67	1.60
77	1.60	1.53
78	1.54	1.46
79	1.48	1.40
80	1.43	1.34

PART 2—Lump Sum

Paragraph 7 of
Schedule 3

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

TABLE A

(for the calculation of the single payment required to purchase added years pursuant to an application under paragraph 6(1) of Schedule 3)

Age next birthday	MALES £	FEMALES £
32	18.7	18.0
33	18.9	18.2
34	19.1	18.4
35	19.3	18.6
36	19.5	18.7
37	19.7	18.9
38	19.9	19.1
39	20.2	19.3
40	20.4	19.5
41	20.6	19.7
42	20.9	19.9
43	21.2	20.2
44	21.5	20.5
45	21.8	20.9
46	22.1	21.2
47	22.3	21.5
48	22.6	21.7
49	22.8	22.0
50	23.0	22.2
51	23.3	22.5
52	23.5	22.8
53	23.8	23.2
54	24.0	23.5
55	24.2	23.9
56	24.5	24.4
57	24.8	25.0
58	25.3	25.7
59	25.9	26.5
60	26.5	27.4
61	27.2	28.1
62	27.8	28.9
63	28.3	29.5
64	27.7	28.9
65	27.1	28.3
66	26.5	27.6
67	25.9	26.8
68	25.3	25.9
69	24.6	25.0
70	23.8	24.1
71	22.8	23.1
72	21.8	22.1
73	20.9	21.1
74	19.9	20.1
75	19.0	19.1
76	18.1	18.1
77	17.2	17.2
78	16.3	16.3
79	15.5	15.5
80	14.6	14.6

TABLE B

(for the calculation of the single payment required to purchase added years pursuant to an application under paragraph 14(1) of Schedule 3)

Age next birthday	MALES £	FEMALES £
24	7.1	6.8
25	7.2	6.8
26	7.2	6.8
27	7.2	6.9
28	7.3	6.9
29	7.4	7.0
30	7.4	7.1
31	7.4	7.2
32	7.5	7.2
33	7.6	7.3
34	7.6	7.4
35	7.7	7.4
36	7.8	7.5
37	7.9	7.6
38	8.0	7.6
39	8.1	7.7
40	8.2	7.8
41	8.3	7.9
42	8.4	8.0
43	8.5	8.1
44	8.6	8.2
45	8.7	8.4
46	8.8	8.5
47	8.9	8.6
48	9.0	8.7
49	9.1	8.8
50	9.2	8.9
51	9.3	9.0
52	9.4	9.1
53	9.5	9.3
54	9.6	9.4
55	9.7	9.6
56	9.8	9.8
57	9.9	10.0
58	10.1	10.3
59	10.4	10.6
60	10.6	10.9
61	10.9	11.2
62	11.1	11.5
63	11.3	11.8
64	11.1	11.6
65	10.8	11.3
66	10.6	11.0
67	10.4	10.7
68	10.1	10.4
69	9.8	10.0
70	9.5	9.6
71	9.1	9.2
72	8.7	8.8
73	8.4	8.4
74	8.0	8.0
75	7.6	7.6
76	7.2	7.2
77	6.9	6.9
78	6.5	6.5
79	6.2	6.2
80	5.8	5.8

SCHEDULE 2

Article 29

NEW SCHEDULE 5 TO THE PRINCIPAL ORDER

SCHEDULE 5

Article 6(2A)

MAXIMUM PENSIONS

1.— (1) For the purposes of this Schedule:

“appropriate period” means in respect of a relevant person, the period until the relevant date or his sixty-fifth birthday (if earlier) from the date on which he began a period of actual reckonable service during which pension in respect of him, calculated in accordance with article 6 (apart from article 6(2A)) by reference to an aggregate period of reckonable service equal to his reckonable service, would reach:

- (a) (if he is within paragraph 5(2)(a)) the greater of the maximum pensions under paragraph 5(2)(a)(i) and (ii);
- (b) (if he is within paragraph 5(2)(b)) the greater of the maximum pensions under paragraph 5(2)(b)(i) and (ii);

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

“pension” means (except in “national insurance pension” and any reference thereto) a pension, expressed as an annual amount, under article 6 or 8 of this Order; and “maximum pension” shall be construed accordingly;

“previous employment” means, in respect of a relevant person, the period of employment (not being a period of self-employment or a period of service as a Representative) which immediately preceded the last period of his actual reckonable service beginning before the relevant date or his sixty-fifth birthday (if earlier);

“relevant date” means the relevant date for the determination under any provision of this Order of the pension of a relevant person;

“relevant person” means a person in respect of whom a pension falls to be determined;

“single mandate Representative” means a Representative to whom section 1(2)(b) of the Act of 1979 does not apply;

“Y” means in respect of a relevant person, the period—

- (a) expressed in years and any fraction of a year; and
- (b) divided by three in respect of those parts of such period during which he was a dual mandate Representative,

of his reckonable service, pension in respect of which is, under a provision of this Schedule, subject to a maximum referring to “Y”.

(2) Any reference in this Schedule to the beginning of a period of actual reckonable service of a relevant person means any such beginning on his becoming a Representative other than after any interval in his actual reckonable service occurring only between the last day of the life of an Assembly and the first day of the life of the next Assembly.

2. The provisions of this Schedule shall apply to the calculation of the maximum pension of a relevant person at the relevant date.

Less than Six Years' Actual Reckonable Service

3.— (1) Subject to the following provisions of this paragraph, if at any date the prospective actual reckonable service of a relevant person is less than six years, the pension payable to him shall be subject to a maximum, of $Y/60$ of the relevant terminal salary, in respect of his actual reckonable service from that date until the relevant date or (if earlier) his sixty-fifth birthday, and in respect of any increase in his aggregate period of reckonable service attributable to the provisions of article 9(4).

(2) Subject to sub-paragraph (4) of this paragraph, if, in addition to the circumstances specified in sub-paragraph (1) of this paragraph—

- (a) the relevant person was a Representative on his sixty-fifth birthday, or he is entitled to a pension by virtue of article 9 (ill-health pension), or he dies while he is a Representative and before his sixty-fifth birthday; and
- (b) in the opinion of the Managers, if the maximum pension of that person in respect of his actual reckonable service at the relevant date or (if earlier) his sixty-fifth birthday, and in respect of any increase in his aggregate period of reckonable service attributable to the provisions of article 9(4), were the amount of his previous expectations less his retained benefits (if any) accruing during his previous employment, his pension would be greater than if calculated subject to the maximum under sub-paragraph (1) of this paragraph,

the maximum allowing the greater pension shall apply.

(3) Subject to sub-paragraph (4) of this paragraph, if, in addition to the circumstances specified in sub-paragraph (1) of this paragraph—

- (a) either the relevant person is no longer a Representative and the relevant date falls on his sixty-fifth birthday or he has not yet reached his sixty-fifth birthday; and
- (b) he is not within sub-paragraph (2)(a) of this paragraph; and
- (c) in the opinion of the Managers, if the maximum reckonable service at the relevant date were the product of N/NS and the amount mentioned in sub-paragraph (2)(b) of this paragraph, his pension would be greater than if calculated subject to the maximum under sub-paragraph (1) of this paragraph,

the maximum allowing the greater pension shall apply.

(4) Notwithstanding the provisions of sub-paragraphs (1), (2) and (3) of this paragraph, if at the relevant date a relevant person has in aggregate six or more years of actual reckonable service before or after his sixty-fifth birthday, his pension shall not be subject to a maximum under this paragraph.

More than 33½ Years' Prospective Actual Reckonable Service

4.— (1) Subject to sub-paragraph (2) of this paragraph and to paragraph 5, if at the relevant date—

- (a) a relevant person has more than 33 years and 4 months of prospective actual reckonable service; and
- (b) either he is no longer a Representative and the relevant date falls on his sixty-fifth birthday or he has not yet reached his sixty-fifth birthday,

his pension shall be subject to whichever of the following, in the opinion of the Managers, is the greater:

- (i) a maximum of the product of N/NS and $\frac{2}{3}$ of the relevant terminal salary, in respect of his actual reckonable service at the relevant date;
- (ii) a maximum, of the product of N/NS and his previous expectations (if any), in respect of that service at that date.

(2) Notwithstanding the provisions of sub-paragraph (1) of this paragraph, the pension of a relevant person shall not be subject to a maximum under this paragraph if at the relevant date that person is entitled to a pension by virtue of article 9, or he dies on that date while he is a Representative and before his sixty-fifth birthday.

Retained Benefits

5.— (1) If a relevant person has any retained benefits, his pension shall, unless it is subject to a maximum under paragraph 3, be subject to the appropriate maximum in accordance with sub-paragraph (2) of this paragraph.

- (2) (a) If either the relevant person was a Representative on his sixty-fifth birthday or he is entitled to a pension by virtue of article 9, or dies while he is a Representative and before his sixty-fifth birthday, his pension shall be subject to whichever of the following will, in the opinion of the Managers, allow him the greatest pension:
 - (i) a maximum, of the amount of $\frac{2}{3}$ of the relevant terminal salary, less the amount of his retained benefits, in respect of his aggregate period of reckonable service at his sixty-fifth birthday;
 - (ii) a maximum, of his previous expectations (if any) less his retained benefits accruing during his previous employment, in respect of his aggregate period of reckonable service at his sixty-fifth birthday;
 - (iii) a maximum, of $\frac{Y}{60}$ of the relevant terminal salary, in respect of his actual reckonable service during the appropriate period and in respect of any increase in his aggregate period of reckonable service attributable to the provisions of article 9(4).
- (b) Unless the relevant person is within sub-paragraph (2)(a) of this paragraph, if either he is no longer a Representative and the relevant date falls on his sixty-fifth birthday or he has not yet reached his sixty-fifth birthday his pension shall be subject to whichever of the following will, in the opinion of the Managers, allow him the greatest pension:
 - (i) a maximum of the product of N/NS and the amount under sub-paragraph (2)(a)(i) of this paragraph, in respect of his actual reckonable service before the relevant date;

- (ii) a maximum of the product of N/NS and the amount under subparagraph (2)(a)(ii) of this paragraph, in respect of his actual reckonable service before the relevant date;
- (iii) a maximum of $Y/60$ of the relevant terminal salary, in respect of his actual reckonable service during the appropriate period.

Article 29

SCHEDULE 3

NEW SCHEDULE 6 TO THE PRINCIPAL ORDER

SCHEDULE 6

Article 7(5)

MAXIMUM COMMUTATION OF PENSIONS

1. For the purposes of this Schedule, "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.

2. In the case of a person entitled to a pension under article 6 or 8, who has no retained lump sum benefits and who either was a Representative on his sixty-fifth birthday or is so entitled by virtue of article 9, the amount of the permitted maximum shall be the aggregate of:

(a) the amount of:

- (i) the number of eightieths of the relevant terminal salary, either specified in the table in paragraph 6 in relation to the number of complete years of his actual reckonable service or (if the period of that service includes a fraction of a year) calculated proportionately by reference to the numbers of eightieths specified in that table; and
- (ii) the product of three-eightieths of the relevant terminal salary and any period of his reckonable service, expressed in years and any fraction of a year, attributable to a direction under article 18(3)(c) (Transfers from other pension schemes),

subject to a maximum of the amount of $120/80$ of the relevant terminal salary; and

(b) the amount of the product of three-eightieths of the relevant terminal salary and the period, expressed in years and any fraction of a year and subject to a maximum of five years, being his actual reckonable service in excess of forty years and occurring after his sixty-fifth birthday.

3. In the case of a person entitled to a pension under article 6 or 8, who has no retained lump sum benefits, was no longer a Representative on his sixty-fifth birthday and is not entitled to a pension by virtue of article 9, the amount of the

permitted maximum, subject to a maximum of 120/80 of the relevant terminal salary, shall be whichever is the greater of:

- (a) the amount of the product of N/NS and the number of eightieths of the relevant terminal salary, either specified in the table in paragraph 6 in relation to the number of complete years of his prospective actual reckonable service or (if the period of that service includes a fraction of a year) calculated proportionately as under sub-paragraph (a)(i) of paragraph 2; and
- (b) the amount of the product of three-eightieths of the relevant terminal salary and the period, expressed in years and any fraction of a year of his actual reckonable service,

aggregated with the amount referred to in paragraph 2(a)(ii).

4. In the case of a person entitled to a pension under article 6 or 8, who has retained lump sum benefits, but would otherwise be within paragraph 2, the amount of the permitted maximum shall be as provided in that paragraph, subject, in respect of the amount under sub-paragraph (a) of that paragraph, to a maximum, instead of that provided for in that sub-paragraph, of whichever is the greater of:

- (a) the amount of 120/80 of the relevant terminal salary, less the amount of his retained lump sum benefits; and
- (b) the amount of the product of three-eightieths of the relevant terminal salary and the aggregate, expressed in years and any fraction of a year subject to a maximum of forty years, of his actual reckonable service and of any period of his reckonable service attributable to a direction under article 18(3)(c).

5. In the case of a person entitled to a pension under article 6 or 8, who has retained lump sum benefits but would otherwise be within paragraph 3, the amount of the permitted maximum shall be whichever is the greater of—

- (a) the aggregate of:
 - (i) the amount referred to in paragraph 3(a), subject to a maximum of the product of N/NS and the amount referred to in paragraph 4(a); and
 - (ii) the amount referred to in paragraph 2(a)(ii), subject to a maximum of the amount of 120/80 of the relevant terminal salary, less his retained lump sum benefits; and
- (b) the amount referred to in paragraph 4(b).

6. The following table shall apply for the purposes of this Schedule:

Number of years	Number of eightieths
1	3
2	6
3	9
4	12
5	15
6	18
7	21
8	24
9	30
10	36
11	42
12	48
13	54
14	63
15	72
16	81
17	90
18	99
19	108
20 or more	120

7. Notwithstanding anything in any of the foregoing provisions of this Schedule, if a person who is within any of the cases specified in paragraphs 2 to 5 has, at the date he gives notice in accordance with article 7 in respect of the commutation of his pension, had any period of service as a Representative to whom section 1(2)(b) of the Act of 1979 applies:

- (a) any reference in any of the foregoing provisions of this Schedule to his actual reckonable service, or any part of that service, shall be read as a reference to the period of that service, or part of that service, divided by three in respect of those parts of that period or part during which he was a Representative to whom section 1(2)(b) of the Act of 1979 applies; and
- (b) any reference in any of those provisions to his prospective actual reckonable service shall be read as a reference to the period of that service divided by three in respect of those parts of that period during which, at the date of his notice in accordance with article 7, he has been a Representative to whom section 1(2)(b) of the Act of 1979 applies.

SCHEDULE 4

Article 29

NEW SCHEDULE 7 TO THE PRINCIPAL ORDER

SCHEDULE 7

Article 8A

PERCENTAGE ABATEMENT OF PENSION ENTITLEMENT UNDER ARTICLE 8(5)

PART A—ABATEMENT BY SINGLE PERCENTAGE FROM DATE PENSION PAYABLE

TABLE 1—MEN

Age at dissolution (years)	Service (years)				
	20 or more	19	18	17	16
65	0	0	0	0	0
64	0	2	4	5½	7½
63	0	3½	7	10½	14
62	0	5	10	15½	20½
61	0	6½	13	19½	26
60	0	7½	15	23	30½
59	14	19	24	29	35
58	28	31	34	37	39
57	42½	42½	42½	42½	42½

TABLE 2—WOMEN

Age at dissolution (years)	Service (years)				
	20 or more	19	18	17	16
65	0	0	0	0	0
64	0	1½	3	4½	6
63	0	3	6	9	12
62	0	4½	9	13	17½
61	0	5½	11	16½	22
60	0	7	13½	20	26½
59	12	16½	21	26	30½
58	25	27½	30	32	34
57	37½	37½	37½	37½	37½

PART B—ABATEMENT BY DIFFERENT PERCENTAGES BEFORE AND AFTER 65TH OR 60TH BIRTHDAY

TABLE 1—MEN

The figures specified below are (in column A) the percentage abatement until the 65th birthday of the person entitled to a pension and (column B) the percentage abatement from that birthday.

Age at dissolution (years)	Service (years)																																	
	30 or more		29		28		27		26		25		24		23		22		21		20		19		18		17		16					
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B				
65	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
64	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
63	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
62	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
61	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
60	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
59	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3
58	14.1	37.8	13.6	38.1	13.1	38.4	12.6	38.8	12.0	39.3	11.4	39.7	10.7	40.2	9.9	40.7	9.1	41.3	8.2	41.9	7.2	42.6	6.1	43.2	5.0	43.8	3.8	44.4	2.6	45.0	1.4	45.6	0.2	46.2
57	29.5	53.1	29.1	53.5	28.6	53.9	28.1	54.3	27.5	54.8	26.9	55.3	26.3	55.8	25.6	56.4	24.8	57.0	24.0	57.7	23.0	58.5	22.0	59.3	20.9	60.2	19.6	61.3	18.2	62.5	16.8	63.7	15.4	65.1

TABLE 2—WOMEN

The figures specified below are (in column A) the percentage abatement until the 60th birthday of the person entitled to a pension and (column B) the percentage abatement from that birthday.

Age at dissolution (years)	Service (years)																																				
	30 or more		29		28		27		26		25		24		23		22		21		20		19		18		17		16								
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B							
65	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
64	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
63	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
62	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
61	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
60	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
59	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0
58	4.0	27.6	3.3	27.7	2.5	27.8	1.6	27.9	0.7	28.0	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0
57	17.6	41.3	16.9	41.4	16.2	41.5	15.4	41.7	14.6	41.8	13.7	42.0	12.7	42.2	11.6	42.4	10.4	42.6	9.1	42.9	7.7	43.1	6.1	43.4	4.4	43.8	2.4	44.1	0.2	44.5	0.0	44.5	0.0	44.5	0.0	44.5	0.0

Article 30

SCHEDULE 5

REVOCATIONS

Title of Order	Extent of revocation
The European Assembly (United Kingdom Representatives) Pensions Order 1980	<p>(1) In article 2(1), the definition of "aggregate period of qualifying service" and in the definition of "the provision as to co-habitation" the words, " subject to article 14(9)(b),".</p> <p>(2) In article 5, in paragraph (1), the words "to paragraph (2), and", and paragraph (2).</p> <p>(3) In article 6(1), in sub-paragraph (b), the word "and", and sub-paragraph (c).</p> <p>(4) Article 7(6).</p> <p>(5) In article 9(6), sub-paragraph (b) and the word "and" immediately preceding it.</p> <p>(6) In article 13(4), the words from "but" to "four years".</p> <p>(7) Article 14.</p> <p>(8) in article 18(3)(b), except (at the end) the word "and".</p> <p>(9) Article 19 in paragraph (3), the words "who fulfils the conditions specified in paragraph (2)(b) and (c)", and paragraph (8).</p> <p>(10) In Schedule 3, in paragraph 1, the definitions of "actual reckonable service", "retained benefits" and "retained lump sum benefits", paragraph 8(5) and paragraph 9.</p>
The European Assembly (United Kingdom Representatives) Pensions (Amendment) (No. 2) Order 1982(a)	(11) The whole Order.

Article 31

SCHEDULE 6

THE EUROPEAN ASSEMBLY (UNITED KINGDOM REPRESENTATIVES) PENSIONS ORDER 1980 AS IT APPLIES TO A REPRESENTATIVE ON OR AFTER 31ST AUGUST 1985.

ARRANGEMENT OF ARTICLES

Article

1. Citation, commencement and retrospective effect of Order.
2. Interpretation.
3. Managers.
4. Contributions from salary.

(a) S.I. 1982/1142.

5. Reckonable service.
6. Pension entitlement.
7. Commutation into lump sum.
8. Early retirement.
- 8A. Early abated pensions.
9. Ill-health pensions.
10. Widows' pensions.
- 10A. and
11. Widowers' pensions.
12. Children's pensions.
13. Enhancement of initial widows', widowers' and children's pensions.
14. Short term widows', widowers', and children's pensions.
- 14A. Short term pensions (Savings Provision).
15. Gratuity on the death of a serving Representative.
16. Gratuity on the death of a Representative after retirement.
17. Transfers to other pension schemes.
18. Transfers from other pension schemes.
19. Repayment of contributions to the contributor.
20. Repayment of contributions after the death of the contributor.
21. Purchase of added years.
- 21A. Effects of increased accrual rate on added years.
22. Application of pensions.
23. Payments due to deceased persons.
24. Deduction of tax from refunds of contributions.

ARRANGEMENT OF SCHEDULES

Schedules

1. Managers.
2. Persons Qualifying for Children's Pensions.
3. Purchase of Added Years.
4. Contributions for Added Years.
5. Maximum Pensions.
6. Maximum Commutation of Pensions.
7. Percentage Abatement of Pension Entitlement under Article 8(5).

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, commencement and retrospective effect of Order

1.— (1) This Order may be cited as the European Assembly (United Kingdom Representatives) Pensions Order 1980 and shall come into operation on the 12th December 1980.

(2) This Order shall have effect from the 26th July 1979.

(a) 1979 c.50.

Interpretation

2.— (1) In this Order, unless the context otherwise requires—

“the Act of 1971” means the Pensions (Increase) Act 1971(a);

“the Act of 1972” means the Parliamentary and other Pensions Act 1972(b);

“the Act of 1973” means the Social Security Act 1973(c);

“the Act of 1975” means the Social Security Pensions Act 1975(d);

“the Act of 1979” means the European Assembly (Pay and Pensions) Act 1979;

“actual reckonable service” means in respect of a person, his aggregate period of reckonable service excluding any increase in that period by virtue of article 9(4), any period added by the direction of the Managers under article 18(3)(c) and any added years purchased under the provisions of Schedule 3;

“aggregate period of reckonable service” in relation to a person means the aggregate of all separate periods of reckonable service of that person together with increases pursuant to articles 18(3)(c) and 21 and to Schedule 3;

“basic or prospective pension” has the meaning assigned to it by article 10(8);

“contracted-out scheme” means an occupational pension scheme which is for the time being specified in a contracting-out certificate issued by the Occupational Pensions Board under regulations made in accordance with section 31 of the Act of 1975;

“contribution” except in the expression “contributions equivalent premium” means any amount deducted from salary or deemed to have been paid under article 4 and any reference to the payment of a contribution shall be construed accordingly;

“contributions equivalent premium” has the same meaning as in section 42(1) of the Act of 1975;

“excess number” means (in article 21A) in respect of a person’s added years, the number of those added years annual pension in respect of which, calculated in accordance with article 6 (apart from article 6(2A)), would equal the amount by which his prospective pension exceeds the aggregate annual pension in respect of him referred to in article 21A(2), assuming for the purpose of such calculation in accordance with article 6 that he is not a person to whom section 1(2)(b) of the Act of 1979 has applied;

“fraction of a year” means part of a year of reckonable service expressed as the proportion borne by the number of days in that part to three hundred and sixty-five; and

“fraction of an added year” shall be construed accordingly;

(a) 1971 c.56.
(b) 1972 c.48.
(c) 1973 c.38.
(d) 1975 c.60.

“guaranteed minimum” has the same meaning as in section 35 and section 36(3) of the Act of 1975(a);

“guaranteed minimum pension” has the same meaning as in section 26(2) of the Act of 1975;

“interest” (where the reference is to the payment of any sum with interest) means compound interest at the rate of four per cent per annum calculated with annual rests;

“the life of an Assembly” means the period beginning with the opening of the first session of the Assembly following a general election of Representatives and ending on the day before the opening of the first session of the Assembly following the next such general election;

“the Managers” has the meaning assigned to it by article 3;

“N” means, in respect of the pension (for the purposes of Schedule 5) of a “relevant person”, as defined in Schedule 5, and (for the purposes of Schedule 6) of a person within any of the cases specified in Schedule 6, the period in years and any fraction of a year of his actual reckonable service before the relevant date for the determination under article 6, 8 or 17 (as the case may be) of his pension or before (if earlier) the date of his sixty-fifth birthday;

“NS” means, in respect of the pension (for the purposes of Schedule 5) of a “relevant person”, as defined in Schedule 5, and (for the purposes of Schedule 6) of a person within any of the cases specified in Schedule 6 the lesser of 40 years and the period in years and any fraction of a year of his prospective actual reckonable service at the relevant date for the determination under article 6, 8 or 17 (as the case may be) of his pension;

“national insurance pension” means in respect of a person, the annual amount payable at the weekly rate, applicable on the date from which a pension has become payable to him by virtue of article 8A(1), under section 6(1)(a) of the Act of 1975(b) (basic component of a national insurance Category A retirement pension), not being a “specified sum” within section 1(2)(c) of the Social Security (No. 2) Act 1980(c);

“the 1982 Order” means the European Assembly (United Kingdom Representatives) Pension Order 1982 (d);

“overseas fund and scheme” means a fund or scheme which is established outside the United Kingdom or wholly or primarily administered outside the United Kingdom;

“payment for the purchase of added years” means such a payment whether payable periodically or by way of a single lump sum;

“pensionable salary” has the meaning assigned to it by article 6(7)(a);

“previous expectations” means (in Schedules 3 and 5) in respect of a person, the annual value at his sixty-fifth birthday which in the opinion of the Managers is to be given to the pension benefits to which he would have

(a) Section 35(4) of the Act of 1975 was amended by section 21(4) of, and paragraph 13 of Schedule 3 to, the Social Security Act 1979 (c.18). Section 35(5) of the Act of 1975 was amended by section 21(4) of, and paragraph 18 of Schedule 3 to the Social Security Act 1979. Section 35(6) of the Act of 1975 was amended by section 3(2) of the Social Security (Miscellaneous Provisions) Act 1977 (c.5). Section 35(7) of the Act of 1975 was amended by section 22(7) of the Social Security (Miscellaneous Provisions) Act 1977 and further amended by section 21(4) of, and paragraph 18 of Schedule 3 to, the Social Security Act 1979.

(b) The amount of the basic component was increased most recently by the Social Security Benefits Up-rating Order 1984 (S.I. 1984/1104).

(c) 1980 c.39.

(d) S.I. 1982/133.

become entitled under a pension scheme relating to his previous employment (as defined in Schedule 3 or 5, as the case may be), had he remained in that employment and retired from it at the normal retiring age under that scheme;

“prospective actual reckonable service” means in respect of a person:

- (a) at a date falling before his sixty-fifth birthday, his actual reckonable service before and after that date, assuming continuous actual reckonable service by him from that date until his sixty-fifth birthday;
- (b) at a date falling on or after his sixty-fifth birthday, his actual reckonable service at his sixty-fifth birthday;

and “prospective actual reckonable service as a single mandate Representative” and “prospective actual reckonable service as a dual mandate Representative” shall be construed accordingly, except that:

- (i) in respect of prospective actual reckonable service as a single mandate Representative, any reference in this definition to actual reckonable service or continuous actual reckonable service shall be read as a reference to actual reckonable service or continuous such service (as the case may be) as a single mandate Representative;
- (ii) in respect of prospective actual reckonable service as a dual mandate Representative, any reference in this definition to continuous actual reckonable service shall be read as a reference to continuous actual reckonable service as a dual mandate Representative;

“prospective pension” means in respect of a person the annual pension calculated, as a fraction of the relevant terminal salary, in accordance with article 6(2) by reference to an aggregate period of reckonable service consisting of the number of his added years on 31st August 1985 and a period of actual reckonable service equal:

- (a) if on that date he is a single mandate Representative, to his prospective actual reckonable service as a single mandate Representative;
- (b) if on that date he is a dual mandate Representative, to his prospective actual reckonable service as a dual mandate Representative less the period (if any) of his actual reckonable service as a dual mandate Representative before the last acceptance by the Managers before that date of an application by him to purchase added years;

“the provision as to cohabitation” has the meaning assigned to it by article 12(5);

“reckonable service” has the meaning assigned to it by article 5;

“relevant child” has the meaning assigned to it by article 12(5);

“relevant terminal salary” has the meaning assigned to it by article 6(7)(b);

“requisite benefit requirements” means the requisite benefits as defined in section 26(2) of the Act of 1975 with the minimum annual rate of the earner’s pension being determined in accordance with section 34(2) and 36(2) of the Act of 1975;

“retained benefits” means in respect of a person, the annual value at his sixty-fifth birthday which in the opinion of the Managers is to be given to

benefits accrued or accruing to him, other than by virtue of this Order, before his last period of actual reckonable service beginning before that birthday, and 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);

“tax year” means a year beginning on the 6th April in a year and ending on the following 5th April.

(2) In this Order, except where the context otherwise requires:—

- (a) a reference to a numbered article or Schedule is a reference to the article of, or the Schedule to, this Order so numbered, and
- (b) a reference in an article or Schedule to a numbered paragraph is a reference to the paragraph of that article or Schedule so numbered.

(3) For the purposes of paragraph (1) the phrases “added year”, “dual mandate Representative” and “single mandate Representative” shall each have the same meaning that it has for the purpose of Schedule 3.

Managers

3.— (1) Subject to the provisions of Schedule 1, the Secretary of State may appoint persons as managers to perform such functions in connection with the administration of the provisions of this Order as are conferred on them by this Order and may remove such persons at any time. Notice of such appointment or removal shall be given by the Secretary of State to the person so appointed or removed and to the other persons who are at the time managers immediately after the appointment or removal. Persons appointed as managers under this article are referred to in this Order as “the Managers”.

(2) The provisions of Schedule 1 shall have effect with respect to the number, qualification and proceedings of and service of documents upon the Managers.

Contributions from salary

4.— (1) There shall be deducted by the Treasury from each payment of salary to a Representative made pursuant to section 1 of the Act of 1979 an amount equal to the appropriate percentage thereof by way of contributions towards the cost of providing the pensions payable under this Order.

(1A) For the purposes of paragraph (1) the appropriate percentage, in relation to a payment of salary for any period, shall be—

- (a) in the case of a period beginning before 1st January 1985, six per cent.;
- (b) in the case of a period beginning on or after 1st January 1985 and before 1st January 1986, seven per cent.;
- (c) in the case of a period beginning on or after 1st January 1986 and before 1st January 1987, eight per cent.; and

(a) 1970 c.24.

(d) in the case of a period beginning on or after 1st January 1987, nine per cent.

(2) If a Representative elects to forego, for any period, the whole or part of his salary as a Representative he shall for the purpose of this Order be deemed to have paid during that period the amounts required by paragraph (1) of this article in respect of the amounts he elects to forego.

Reckonable Service

5. Subject to articles 17(5)(a), 19(7) and 21 and to Schedule 3, any period during which a person was or is a Representative is a period of reckonable service.

Pension Entitlement

6.— (1) Subject to the provisions of this Order, the Treasury shall pay to a person who has ceased to be a Representative a pension under this article as from the time when the following conditions are or were fulfilled in respect of him, that is to say—

(a) he is or was neither a Representative nor a candidate for election to the Assembly; and

(b) he has or had attained the age of sixty-five years.

(2) Subject to paragraphs (2A), (3) and (5), and to article 7, the annual amount of a pension payable to a former Representative under this article shall be a sum equal to the aggregate of the amounts produced, in relation to each year or part of a year comprised in his aggregate period of reckonable service, by multiplying the relevant terminal salary by the appropriate fraction.

(2A) The annual amount of the pension payable to a former Representative under this article shall not exceed the amount equal to two-thirds of the relevant terminal salary, except to the extent that it is calculated by reference to so much (if any) of his aggregate period of reckonable service as fell after he attained the age of sixty-five years; and the said amount shall not, in any event, exceed such maximum pension as is calculated in respect of him in accordance with Schedule 5 to this Order.

(3) For the purpose of calculating the annual amount of a pension payable to a former Representative to whom both paragraphs (a) and (b) of section 1(2) of the Act of 1979 have applied:—

(a) where the relevant terminal salary of the former Representative is calculated in accordance with paragraph (7)(b) by reference to a period during which the Representative was not a person to whom section 1(2)(b) of the Act of 1979 applied, his aggregate period of reckonable service shall, for the purpose of making the calculation referred to in paragraph (2), be divided by three in respect of those parts of his aggregate period of reckonable service to which the said section 1(2)(b) applied; and

(b) where the relevant terminal salary of the former Representative is calculated in accordance with paragraph (7)(b) by reference to a period during which the Representative was a person to whom section 1(2)(b) of the Act of 1979 applied, his aggregate period of reckonable

service shall, for the purpose of making the calculation referred to in paragraph (2), be multiplied by three in respect of those parts of his aggregate period of reckonable service to which the said section 1(2)(b) did not apply.

(4) Subject to paragraph (5), a pension under this article or article 8 shall continue for the life of the person to whom it is payable.

(5) No such pension shall be payable to a person in respect of any period during which he is a Representative or a candidate for election as a Representative.

(6) If the employment of any person to whom this Order applies is contracted-out under Part III of the Act of 1975 by reference to this Order and such person has a guaranteed minimum by virtue of the provisions of this Order, then notwithstanding any provision of this Order to the contrary—

- (a) that person shall be entitled to receive, subject to the provisions of paragraph (5), from the age of sixty-five years in the case of a man and from the age of sixty years in the case of a woman, a pension payable for the remainder of his or her life, at a rate equivalent to a weekly rate of not less than the guaranteed minimum unless his or her rights thereto are extinguished by payment of a contributions equivalent premium under section 42 of the Act of 1975, and
- (b) if the payment of the guaranteed minimum pension of that person is postponed in the circumstances to which section 33(3) of the Act of 1975 applies, the guaranteed minimum pension of that person shall be increased to the extent, if any, specified in section 35(6) of the Act of 1975 as amended from time to time.

(7) In this article, and the following provisions of this Order—

- (a) the expression “pensionable salary” means, subject to section 5(2) of the Act of 1979—
 - (i) in the case of such a period as is described in section 1(2)(a) of the Act of 1979, a Member’s pensionable salary for that period;
 - (ii) in the case of such a period as is described in section 1(2)(b) of the Act of 1979, one-third of a Member’s pensionable salary for that period;
 - (iii) notwithstanding (i) and (ii) of this sub-paragraph, in respect of any reference in paragraph (2A) and in Schedules 3, 5 and 6 to the relevant terminal salary, in the case of such a period as is described in either section 1(2)(a) or section 1(2)(b) of the Act of 1979, a Member’s pensionable salary for that period; and
- (b) the expression “relevant terminal salary”—
 - (i) in respect of a person whose aggregate period of reckonable service is not less than twelve months, means the amount of his pensionable salary for the last twelve months (whether continuous or discontinuous) during which he was a Representative, and
 - (ii) in respect of a person whose aggregate period of reckonable service is less than twelve months, means an amount calculated by multiplying his pensionable salary by the figure (whether a whole

number or not) by which the number of days of his service must be multiplied to equal twelve months.

(8) In paragraph (2) “the appropriate fraction” in relation to a year or part of a year comprised in a person’s aggregate period of reckonable service means:

- (a) in the case of a year or part of a year ending before 20th July 1983, one-sixtieth or, as the case may be, the fraction which bears to one-sixtieth the same proportion as the number of days in that part of a year bears to three hundred and sixty-five; and
- (b) in the case of a year or part of a year beginning on or after 20th July 1983, one-fiftieth or, as the case may be, the fraction which bears to one-fiftieth the same proportion as the number of days in that part of a year bears to three hundred and sixty-five.

(9) For the purposes of paragraph (8), where a year or part of a year comprised in a person’s aggregate period of reckonable service began before, but ended on or after, 20th July 1983—

- (a) so much of that year or part of a year as ended with 19th July 1983 shall be treated as a part of a year in relation to which sub-paragraph (a) of that paragraph applies; and
- (b) the remainder of that year or part of a year shall be treated as a part of a year in relation to which sub-paragraph (b) of that paragraph applies.

(10) For the purposes of paragraph (8), a period of reckonable service:

- (a) an application to purchase which, under the provisions of Schedule 3 (Purchase of added years), was accepted by the Managers before 31st August 1985; or
- (b) attributable to a direction under article 18(3)(c) (Transfers from other pension schemes) made before that date; or
- (c) of a person who ceased to be a Representative before 20th July 1983, being reckonable service attributable to the provisions of article 9(4) or (5) (Service for purposes of ill-health pension); or
- (d) attributable to the application of the provisions of article 6(3) (Multiplying of reckonable service for certain purposes) in respect of a period to which (apart from under this paragraph) paragraph (8)(a) applies or of a period under sub-paragraph (a) or (b) of this paragraph,

shall be treated as a period to which paragraph (8)(a) applies; and

a period of reckonable service:

- (i) an application to purchase which, under the provisions of Schedule 3, is accepted by the Managers on or after 31st August 1985; or
- (ii) attributable to a direction under article 18(3)(c) made on or after that date; or
- (iii) of a person who ceased or ceases to be a Representative on or after 20th July 1983, being reckonable service attributable to the provisions of article 9(4) or (5); or
- (iv) attributable to the application of the provisions of article 6(3) in respect of a period to which (apart from under this paragraph)

paragraph 8(b) applies or of a period under sub-paragraph (i) or (ii) of this paragraph,
shall be treated as a period to which paragraph (8)(b) applies.

Commutation into lump sum

7.— (1) Subject to the provisions of article 21 and Schedule 3, any person who is entitled to receive a pension under article 6 or article 8 may, either before, or not later than one month after, the first instalment of the pension becomes payable, give notice to the Managers that he wishes to commute into a lump sum such part of the pension as is specified in the notice.

(2) Subject to the following paragraphs of this article, where a person has given notice under this article, the Treasury shall pay to that person such lump sum as the Managers direct as in their opinion being actuarially equivalent to the part of the pension specified in the notice, and the annual amount of his pension shall be reduced by such amount as the Managers direct as in their opinion being appropriate in consideration of the payment of that lump sum.

(3) Before making any calculations pursuant to paragraph (2) the Managers shall consult the Government Actuary unless such calculations are made on the basis of tables prepared by the Government Actuary for the purpose of making such calculations.

(4) If the amount of a lump sum calculated pursuant to paragraphs (2) and (3) would exceed the permitted maximum—

- (a) the amount of the lump sum so calculated shall be diminished by such proportion as is necessary to make it equal to the permitted maximum, and
- (b) the reduction of the annual amount of pension calculated to take account of the lump sum shall be diminished by the like proportion.

(5) Subject to paragraph (7), for the purposes of paragraph (4) the permitted maximum shall be an amount calculated in accordance with Schedule 6 to this Order.

(6) [*Revoked*].

(7) In determining the amount of the lump sum under this article the permitted maximum shall if necessary be diminished so that the annual amount of pension shall not be reduced under paragraph (2) below the rate of the guaranteed minimum pension.

Early retirement

8.— (1) Subject to paragraph (5), any person who has ceased to be a Representative and who fulfils the conditions specified in article 6(1)(a) and has attained the age of fifty years but not that of sixty-five years may apply to the Managers for an immediate pension under paragraph (2).

(2) If the Managers direct that they are satisfied that such a person does not intend to stand for re-election to the Assembly the Treasury shall pay him a pension, subject to paragraph (3), as if he had attained the age of sixty-five

years on the date of his application or such later date as may be specified in the application.

(3) The annual amount of a pension payable under paragraph (2) both before and after he attains the age of sixty-five years, shall, subject to article 7, be an amount calculated in accordance with article 6 reduced by such amount as the Managers after consulting the Government Actuary direct as in their opinion being appropriate having regard to the length of the period beginning with the date of his application or such later date referred to in paragraph (2) as may be specified in the application and ending with the date on which he would attain the age of sixty-five years.

(4) In any case where the rate of pension to which a woman who ceases to be a Representative (in the case of a woman so ceasing before she attains the age of sixty years) is entitled, or (in the case of a woman so ceasing after she has attained that age) would be entitled, under paragraph (1), (2) and (3) is less than the minimum annual rate calculated in accordance with the requisite benefit requirements, the annual rate of pension to which she is entitled under those paragraphs shall from the date she attains the age of sixty years or becomes so entitled (whichever is the later) be such minimum annual rate.

(5) A person who—

- (a) is a Representative on the last day of the life of an Assembly;
- (b) on that day has attained the age of sixty years and has been a Representative for a period or periods amounting to not less than twenty years; and
- (c) did not stand for re-election at the last general election of Representatives preceding that day or stood for re-election at the general election but was not elected a Representative,

may apply to the Managers, before the end of the period of six months beginning with that day, for a pension under this paragraph payable from the day following the date when the salary payable to him as a Representative ceases to be payable and, if the Managers direct that they are satisfied that he does not intend to stand for re-election to the Assembly, the Treasury shall pay him a pension under this paragraph as from the time when that salary ceases to be payable, calculated, subject to article 7, in accordance with article 6.

Early abated pensions

8A.— (1) If a person who is a Representative on the last day of the life of an Assembly:

- (a) has satisfied the conditions in article 8(5)(a) and (c) but has not satisfied, or has satisfied only in part, the condition in article 8(5)(b); and
- (b) on the last day of the life of the Assembly has attained the age of fifty-seven years and been a Representative for a period or periods amounting to not less than sixteen years (which period or periods in aggregate in respect of a person are hereafter in this article referred to as “the relevant period”); and
- (c) applies in writing to the Managers under this article before the end of the period of six months beginning with the last day of the life of the Assembly,

and the Managers direct that they are satisfied that he does not intend to stand for re-election to the Assembly, he shall be entitled to a pension under article 8(5).

(2) Subject to the following paragraphs of this article, the pension to which a person is entitled by virtue of paragraph (1) of this article shall be abated—

- (a) from the date from which that pension is payable under article 8(5) by the percentage specified in the appropriate table of Part A of Schedule 7 in relation to both the person's age on the relevant last day of the life of an Assembly referred to in paragraph (1) and the relevant period; or
- (b) (in the case of a person who has so requested in his application referred to in paragraph (1))—
 - (i) from the date from which that pension is payable until (in the case of a man) his sixty-fifth birthday or (in the case of a woman) her sixtieth birthday, by the percentage specified in column A of the appropriate table of Part B of Schedule 7 in relation both to the person's age on the relevant last day of the life of an Assembly referred to in paragraph (1) and to the relevant period; and
 - (ii) from the date of the relevant birthday referred to in (i) above by the percentage specified in column B of the appropriate table of Part B of that Schedule in relation both to that age and that period.

(3) If the relevant period of a person's age on the relevant last day of the life of an Assembly includes a part of a year—

- (a) for the purposes of this article that period or that age (as the case may be) shall be rounded down to the nearest complete month;
- (b) subject to paragraph (4), the percentage by which his pension is, under any provision of paragraph (2), to be abated shall be a percentage calculated proportionately by reference to the figures in the appropriate table or the specified column of that table of Part A or B of Schedule 7 (as provided in paragraph (2)).

(4) Where a person's pension is under paragraph (2)(b) to be abated for the year or part of a year beginning on the date, or the anniversary of the date, from which that pension becomes payable, and during which year or part of a year—

- (a) that pension is payable to that person; and
- (b) his sixty-fifth or her sixtieth birthday (as the case may be) falls,

that pension shall be abated—

- (i) from the beginning of that year or part of a year until the date of that birthday, by the percentage (if any) provided for under paragraph (2)(b)(i) or calculated proportionately under paragraph (3), reduced by the fraction of a year (beginning on the same date as that year or part of a year) which will fall on or after the date of that birthday; and
- (ii) from the date of that birthday by the percentage provided for under paragraph (2)(b)(ii) or calculated proportionately under paragraph (3), reduced by the fraction of that year or part of a year which falls before the date of that birthday.

(5) If, in a case within paragraph (2)(b), the difference between the amounts by which a person's pension under article 8(5) would (apart from this paragraph) be abated under paragraph (2)(b)(i) and under paragraph (2)(b)(ii) respectively is greater than the national insurance pension, the pension under article 8(5) shall be abated by a percentage before, and a percentage after, that person reaches (in the case of a man) his sixty-fifth birthday or (in the case of a woman) her sixtieth birthday—

- (a) such that the difference between the amount by which that pension shall be abated before, and the amount after, the date of that birthday shall be equal to the national insurance pension; and
- (b) which in the opinion of the Managers will together provide pension benefits before and after that date equivalent to the person's pension under article 8(5) abated before that date under paragraph (2)(b)(i), and after that date under paragraph (2)(b)(ii).

(6) For the purpose of aggregating under this article any periods of less than a year, the word "month" means a period of 30 days and the word "year" means a period of 365 days.

Ill-health pensions

9.— (1) A person who because of ill-health has ceased to be a Representative before attaining the age of sixty-five years may apply to the Managers for an early pension under article 6 if at the time when he so ceased he would have been entitled to receive a pension under article 6 but for his not having attained such age.

(2) If on an application under paragraph (1) the Managers direct that they are satisfied—

- (a) that the applicant does not intend to seek re-election to the Assembly;
- (b) that his ill-health would prevent him from adequately performing the duties of a Representative; and
- (c) that his ceasing to be a Representative was a direct consequence of his ill-health;

he will be entitled to receive a pension under article 6 as from the time he ceased to be a Representative.

(3) A person who if he were to cease as mentioned in paragraph (1) at a particular date in the future because of ill-health, would become entitled to make an application under that paragraph may make such an application to the Managers before that date specifying in the application the date when he proposes so to cease, and if the Managers are satisfied that at the date so specified the applicant will, if he so ceases, be entitled to an early pension by virtue of paragraph (2) they shall make a direction to that effect.

(4) The annual amount of a pension payable under article 6 to a person by virtue of this article shall, subject to article 7, be calculated in accordance with article 6(2) and (2A) but for the purposes of the calculation his aggregate period of reckonable service shall, subject to paragraphs (5) and (6), be increased by whichever of the following periods applies in his case, namely—

- (a) if, apart from this paragraph, his aggregate period of reckonable

service on ceasing to be a Representative was less than ten years, a period equal to such aggregate period;

- (b) if, apart from this paragraph, his aggregate period of reckonable service on ceasing to be a Representative was ten years or more but less than twenty years, a period of six years and eight months or a period equal to the difference between his aggregate period of reckonable service and twenty years, whichever is the longer;
- (c) in any other case, a period of six years and eight months.

(5) In the case of a person to whom article 6(3)(a) applies, the increase referred to in paragraph (4) shall be divided by three in respect of that part of the aggregate period of reckonable service (not including any increase under this article) to which section 1(2)(b) of the Act of 1979 applied, and in the case of a person to whom article 6(3)(b) applies the increase referred to in paragraph (4) shall be multiplied by three in respect of that part of the aggregate period of reckonable service (not including any increase under this article) to which the said section did not apply, and for the purpose of making the calculation referred to in article 6(2), article 6(3) shall not apply in respect of that part of the aggregate period of reckonable service which is attributable to the increase provided by paragraph (4) and this paragraph.

(6) A Representative's aggregate period of reckonable service—

- (a) shall in no case be increased under paragraph (4) by a period longer than the period between his ceasing to be a Representative and the time when he would attain the age of sixty-five years;
- (b) [*Revoked*]

(7) For the purpose of this article, a person who has ceased to be a Representative at the end of the life of an Assembly shall be treated as having so ceased because of ill-health if the Managers direct that they are satisfied that as a direct consequence of his ill-health he did not seek re-election to the Assembly.

(8) A person who because of ill-health has, while neither a Representative nor a candidate for election to the Assembly, retired from gainful work before attaining the age of sixty-five years may apply to the Managers for an early pension under article 6 if at the time when he so retired he would have become entitled to receive a pension under that article but for his not having attained that age.

(9) If, on an application under paragraph (8) the Managers direct that they are satisfied—

- (a) that the applicant does not intend to seek re-election to the Assembly;
- (b) that his ill-health would prevent him from adequately performing the duties of a Representative; and
- (c) that his retirement from gainful work was a direct consequence of his ill-health;

he shall be entitled to receive a pension under article 6 as from the date of the direction.

(10) Where an application is made under paragraph (8) the Managers shall make a direction as to whether they are satisfied as mentioned in paragraph (9)

and, if they are so satisfied, shall state in the direction the date from which the pension will be payable, and they shall send a copy of the direction to the applicant.

(11) In this paragraph "gainful work" means work under a contract of employment, or as the holder of an office, or as a self-employed person engaged in a business or profession being in any case work from which the person concerned gains the whole or a substantial part of his income.

(12) Every application under this article must be accompanied by medical evidence of the applicant's state of health.

(13) The Managers may require the applicant to undergo a medical examination by a medical practitioner nominated by them for the purpose, the fees for which shall be paid by the Treasury.

Widows' pensions

10.— (1) Subject to the provisions of this article, the Treasury shall pay to a widow a pension under this article if her late husband, at the time of his death—

- (a) was entitled to receive a pension under article 6 or article 8, or
- (b) was not so entitled but was or had been a Representative.

(2) Subject to paragraphs (6), (7) and (9), the annual amount of a widow's pension under this article shall be one half of the basic or prospective pension of her late husband.

(3) Subject to paragraphs (4) and (6), a pension payable under this article to a widow shall continue for her life or until her remarriage; but in the case of remarriage the Treasury shall at any time restore the pension if at such time the Managers direct that they are satisfied that the subsequent marriage has been terminated or that there are exceptional reasons for the payment of the pension notwithstanding the subsistence of that marriage.

(4) Subject to paragraph (6), no pension shall be payable under this article to a widow who, at her husband's death, was cohabitating with another person; and if a widow entitled to such a pension cohabits with another person, the pension shall cease to be payable:

Provided that the Treasury shall at any time pay or as the case may be restore the pension if at such time the Managers direct that they are satisfied that the cohabitation has been terminated or that there are exceptional reasons for the payment of the pension notwithstanding that the cohabitation continues.

(5) Where the employment of any man to whom this Order applies is contracted-out under Part III of the Act of 1975 by reference to this Order and he has a guaranteed minimum under this Order his widow shall, upon his death, subject to the provisions of paragraphs (3) and (4), be entitled to a pension for the remainder of her life at a rate equivalent to a weekly rate of not less than half the guaranteed minimum of that man, notwithstanding any provision of this Order to the contrary.

(6) During any period specified in section 36(6) of the Act of 1975 the widow of a Representative or past Representative shall, notwithstanding the pro-

visions of paragraphs (3) and (4), be entitled to a pension under paragraphs (1) and (2) but if after she has attained the age of sixty years she remarries or lives with a man as his wife the pension may be restricted by the Treasury, if the Managers so approve, to the guaranteed minimum pension to which she is entitled.

(7) Where a man dies in circumstances in which, apart from this paragraph, a widow's pension calculated in accordance with paragraph (2) would be payable to a woman married by him within the six months ending with his death, then if—

- (a) there are no children of that marriage;
- (b) the man was married to her after he ceased to be a Representative;
- (c) the rate of the widow's pension payable to her would be in excess of the widow's guaranteed minimum pension; and
- (d) the Managers direct that it appears to them that his death within the six months was to be foreseen by him at the date of the marriage,

the Treasury shall pay only that part of the widow's pension which comprises the widow's guaranteed minimum pension unless the Managers direct that in the circumstances of the case in their opinion the limit imposed by this paragraph should not apply.

(8) In this Order "basic or prospective pension"—

- (a) in relation to a person who has died and who had not before his death become entitled to receive a pension under article 6 or article 8, means the annual amount of the pension calculated in accordance with article 6 or article 8 which he would have been entitled to receive under that article if he had ceased to be a Representative immediately before his death and he had then fulfilled the conditions specified in sub-paragraphs (a) and (b) of paragraph (1) of that article; and
- (b) in relation to a person who has died and who at the time of his death was entitled to receive a pension under article 6 or article 8, means the annual amount of that pension calculated in accordance with that article; provided that where such annual amount resulted from one or more reductions or abatements made under article 7(2), 8(3) or 8A(2), no such reduction or abatement shall be made in calculating the annual amount of that pension for the purposes of this paragraph.

(9) Notwithstanding anything in paragraph (8), for the purpose of calculating the annual amount of a pension under this article, article 6(2A) shall be disregarded.

Widowers' pensions

10A.— (1) Subject to the provisions applied by paragraph (2), the Treasury shall pay to the widower of a woman a pension under this article, as from the day following the date of her death if, whether or not she was entitled at the time of her death to receive a pension under article 6 or 8, she had been a Representative at any time on or after 31st July 1984 and either:

- (a) she has died on or after 31st August 1985; or
- (b) she has died on or after 31st July 1984 and before the date mentioned in sub-paragraph (a) of this paragraph, and the requirements of article

11(1) in respect of the widower or of article 11(2) in respect of her have not been met at the date mentioned in sub-paragraph (a).

(2) Paragraphs (2), (3), (4), (7), (8) and (9) of article 10, apart from any reference in any of those paragraphs to paragraph (6) of that article, shall apply for the purposes of this article with the necessary modifications.

11.— (1) Subject to the provisions of this article, the Treasury shall pay to a widower a pension under this article—

- (a) as from the day following the date of his wife's death if at the time of her death he had attained the age of sixty-five years or was incapable by reason of bodily or mental infirmity of earning his own living; or
- (b) where the preceding sub-paragraph does not apply, as from the time when he attains the age of sixty-five years or, before attaining that age, becomes incapable as mentioned in that sub-paragraph.

(2) A widower shall only be entitled to a pension under paragraph (1) if his wife, at the time of her death, either—

- (a) was entitled to receive a pension under article 6 or article 8; or
- (b) was not so entitled, but had been a Representative and had an aggregate period of reckonable service of not less than four years.

(3) Subject to paragraph (9), the annual amount of a widower's pension under this article shall be one half of the basic or prospective pension of his late wife.

(4) A pension under this article shall, subject to the following provisions of this article, continue for the life of the widower, but may be terminated by the Treasury if the Managers inform them that he has remarried, or, if the widower has not yet attained the age of sixty-five years, the Managers direct that they are satisfied that he has ceased to be incapable as mentioned in paragraph (1).

(5) The termination of a pension under paragraph (4) on a widower ceasing to be incapable as there mentioned before attaining the age of sixty-five years shall not affect his entitlement to the pension as from the time when he attains that age.

(6) A pension terminated under paragraph (4) may be restored by the Treasury at any time if at such time the Managers direct that they are satisfied that—

- (a) the marriage upon which it was terminated has come to an end,
- (b) the pensioner has again become incapable as mentioned in paragraph (1), or
- (c) for exceptional reasons it is proper to restore the pension.

(7) Article 10(4) shall apply for the purposes of this article with the necessary modifications and with the omission of the words "subject to paragraph (6)".

(8) Where a woman dies in circumstances in which, apart from this paragraph, a widower's pension calculated in accordance with paragraph (3) of this article would be payable to a man married by her within a year ending with her death, then if—

- (a) there are no children of that marriage, and the Managers inform the Treasury that it appears to them that
- (b) her death within the year was to be foreseen by her at the date of her marriage,

the Treasury shall not pay a widower's pension under this article unless the Managers direct that they are of the opinion that in the circumstances of the case a widower's pension should be paid.

(9) Notwithstanding anything in article 10(8), for the purpose of calculating the annual amount of a pension under this article, article 6(2A) shall be disregarded.

(10) This article shall not apply in the case of a widower who is entitled to receive a pension under article 10A.

Children's pensions

12.— (1) Subject to the provisions of this article, the Treasury shall pay a children's pension for the benefit of any relevant child or children of a person who has died and who is or has been married, if at the time of his death the condition specified in sub-paragraph (a) or in sub-paragraph (b) of article 10(1) is fulfilled in his case.

(2) The annual amount of a children's pension payable under this article for the benefit of any relevant child or children of a person who has died in the circumstances mentioned in the preceding paragraph shall be a sum equal to one quarter of the basic or prospective pension of the deceased for each relevant child not exceeding two.

(3) Where the deceased left a widow or widower who was (or, apart from the provision as to cohabitation would have been) entitled to a pension under article 10, article 10A or article 11 and that pension—

- (a) has ceased to be payable in consequence of the re-marriage of the widow or widower, or
- (b) was not payable, or has ceased to be payable, by reason of the provision as to cohabitation,

any children's pension under this article shall cease to be payable or, as the case may be, shall not be payable unless and until the Managers direct that they are satisfied that for exceptional reasons the children's pension should be payable.

(4) A children's pension under this article shall be paid to or distributed between such person or persons as the Managers may from time to time direct as in their opinion appearing appropriate, and shall be applied by that person or those persons, without distinction, for the benefit of the relevant child or relevant children of the deceased or such of them as the Managers may from time to time direct as in their opinion appearing appropriate.

(5) In this article "child" in relation to any person includes an illegitimate child or a stepchild, and "relevant child" (subject to the provisions of Schedule 2) means any child of the deceased, or of any wife or husband of the deceased, who—

- (a) is under seventeen years of age, or

- (b) is under twenty-two years of age and is within his period of full-time education as defined by that Schedule, or
- (c) was at the time of the death of the deceased wholly or mainly dependent on the deceased and was at that time and has at all times since been either a person falling within sub-paragraph (a) or sub-paragraph (b) of this paragraph or incapable, and likely to remain permanently incapable, by reason of bodily or mental infirmity, of earning his own living, and is not for the time being maintained out of moneys provided by Parliament in a hospital or similar institution so maintained,

and “the provision as to cohabitation” means paragraph (4) of article 10 or that paragraph as applied by article 10A(2) or article 11(7).

Enhancement of initial widows', widowers' and children's pensions

13.— (1) Where the widow of a man who—

- (a) has at any time been a Representative, and
- (b) was at the time of his death entitled to receive a pension under article 6 or article 8,

is entitled to receive a pension under article 10, paragraphs (2) and (3) of this article shall apply.

(2) If, for any part of the three month period, the aggregate of the following amounts, namely—

- (a) the amount payable to her by way of pension under article 10 apart from this paragraph; and
- (b) any amount which is payable to her by way of pension under article 12 for the benefit of any relevant child or children of the deceased,

is less than the amount mentioned in paragraph (3) of this article, then for that part of that period the amount payable to her by way of pension under article 10 shall be increased by the difference.

(3) The said amount is the amount which, if the deceased had lived, would have been payable to him for the part of the three month period in question by way of pension under article 6 or article 8 as the case may be.

(4) Where a man has died and at the time of his death, he—

- (a) was a Representative; and
- (b) was not entitled to receive a pension under article 6,

paragraphs (5) to (7) of this article (so far as applicable) shall apply if his widow is entitled to receive a pension under article 10 or if a children's pension under article 12 is payable for the benefit of any relevant child or children of his.

(5) If the deceased died before attaining the age of sixty-five years, the annual amount of any pension payable to his widow under article 10 or for the benefit of any relevant child or children of his under article 12 shall be calculated as if he had immediately before his death ceased to be a Representative because of ill-health and had by virtue of article 9 been entitled to receive a pension under article 6 as from the time when he so ceased.

(6) If, for any part of the three month period, the aggregate of the following amounts, namely—

- (a) the amount payable to the deceased's widow by way of pension under article 10 apart from this paragraph; and
- (b) any amount which is payable to her by way of pension under article 12 for the benefit of any relevant child or children of the deceased,

is less than the amount mentioned in paragraph (7) of this article, then for that part of that period the amount payable to her by way of pension under article 10 shall be increased by the difference.

(7) The said amount is the amount which, if—

- (a) the deceased had lived and had at the material time become entitled to a pension under article 6; and
- (b) the annual amount of that pension had been a sum equal to the Representative's pensionable salary at the rate in force at the material time,

would have been payable to him for the part of the three month period in question by way of that pension.

In this paragraph "the material time" means the time when the deceased in fact died.

(8) The preceding provisions of this article are without prejudice to paragraphs (3), (4), (6) and (7) of article 10 (duration of widow's pension, and restrictions on payment).

(9) The preceding provisions of this article shall apply in relation to a woman who has died and her widower as they apply in relation to a man who has died and his widow, subject to modifications:

- (a) in relation to any case in which a person is entitled to receive a pension under article 10A, that any reference to article 10 shall be read as a reference to article 10A and the reference to paragraphs (3), (4), (6) and (7) of article 10 shall be read as a reference to paragraphs (3), (4) and (7) of that article as applied by article 10A(2);
- (b) in relation to any case in which a person is entitled to receive a pension under article 11, that any reference to article 10 shall be read as a reference to article 11, the reference to paragraphs (3), (4), (6) and (7) of article 10 shall be read as a reference to article 11(4), (6) and (8) and article 10(4) as applied by article 11(7), and paragraphs (2) and (6) of this article shall not apply where the widower is entitled to a pension by virtue of article 11(1)(b).

(10) In this article "the three month period", in relation to a person who has died, means the period of three months beginning with the day following the date of his death.

Short term widows', widowers' and children's pensions

[14.— (1) Where a person had died and, at the time of his death, he—

- (a) was a Representative; and
- (b) had an aggregate period of reckonable service of less than four years; and
- (c) was not entitled to receive a pension under article 6,

the following provisions of this article (so far as appropriate) shall apply.

(2) Subject to paragraphs (6) to (8), if the deceased was a man and left a widow, the Treasury shall pay to her a pension under this paragraph for the relevant period beginning with the day following the date of the deceased's death, that is to say—

- (a) if there is no relevant child of the deceased, three months;
- (b) if there is only one relevant child of the deceased, four months and fifteen days;
- (c) if there are two or more relevant children of the deceased, six months;

and a pension under this paragraph shall be payable at a rate equal to what was the rate of the deceased's pensionable salary at the time of his death.

(3) If the deceased was a woman and left a widower who, at the time of her death, was incapable by reason of bodily or mental infirmity of earning his own living or had attained the age of sixty-five years paragraph (2) shall apply in relation to the deceased and her widower as it applies in relation to a man who has died and his widow.

(4) Subject to paragraphs (5) and (9) (and whether the deceased was a man or a woman), a pension under this paragraph shall be payable for the benefit of any relevant child or children of the deceased for the relevant period beginning with the day following the date of the deceased's death, that is to say—

- (a) if there is only one relevant child, two months;
- (b) if there are two or more relevant children, four months;

and a pension under this paragraph shall be payable at a rate equal to what was the rate of the deceased's pensionable salary at the time of his death.

(5) So much of any pension under paragraph (4) as would otherwise be payable to the widow or widower of the deceased for the benefit of any relevant child or children of the deceased shall not be payable for any period for which a pension under paragraph (2) is payable.

(6) A pension payable under paragraph (2) to a widow shall cease to be payable if she remarries, unless the Managers direct that they are satisfied that there are exceptional reasons for continuing to pay the pension notwithstanding her remarriage.

(7) A pension payable under paragraph (2) to a widower—

- (a) may be terminated by the Treasury if the Managers inform them that he has remarried or direct that they are satisfied that he has ceased to be incapable as mentioned in paragraph (3); and
- (b) if so terminated may be restored by the Treasury at any time if at such time the Managers direct that they are satisfied either that the pensioner has again become incapable as mentioned in paragraph (3) or that for exceptional reasons it is proper to restore the pension.

(8) Paragraphs (4) and (7) of article 10 shall apply for the purposes of paragraph (2) of this article with the necessary modifications, references to that article or to a widow's pension being for this purpose read as referring to paragraph (2) of this article or, as the case may be, to a pension thereunder.

(9) Paragraphs (3) and (4) of article 12 shall apply in relation to a pension under paragraph (4) of this article as they apply in relation to a pension under that article subject, in the case of paragraph (3) of the said article 12, to the modifications that—

- (a) the reference to a pension under article 10 or 11 shall be read as a reference to a pension under paragraph (2) of this article or a pension under that paragraph as applied by paragraph (3) of this article;
- (b) the references to the provision as to cohabitation shall be read as references to article 10(4) as applied by paragraph (8) of this article.] (a)

Short term pensions (Savings Provision)

14A.— (1) Where—

- (a) a person dies who was a Representative at any time on or after 31st July 1984 and on or before 31st August 1985 (whether or not he was also a Representative before 31st July 1984 or after 31st August 1985); and
- (b) but for the revocation of article 14(a) a pension would have been payable under that article to that person's widow or widower, or for the benefit of any child or children of that person,

then, if a valid election is made, that pension shall be so payable instead of any pension that would otherwise be payable to that person's widow or widower, or for the benefit of the child or children in question, under any of articles 10 to 12.

(2) In paragraph (1) "a valid election" means an election made, in such manner as the Managers may require, either before, or not later than three months after, whichever is the later of 31st August 1985 and the date on which the first instalment of any pension that but for the election would be payable under any of articles 10 to 12 becomes so payable, being an election made—

- (a) in the case of a widow or widower, by that widow or widower; or
- (b) in the case of a child or children, by such person as the Managers may direct.

(3) In this article "child" has the same meaning as in article 12.

Gratuity on the death of a serving Representative

15.— (1) Where a person has died at a time when he was a Representative, the Managers, if they think fit in their discretion to do so, may grant, and if they so grant the Treasury shall pay, a gratuity under this article in respect of him.

(2) A gratuity under this article in respect of a person shall be granted:

- (a) to the individual nominated in any nomination made by him for the purposes of this article which was in force at the time of his death; or

(a) Article 14 is revoked by article 30 of, and Schedule 5 to, the European Assembly (United Kingdom Representatives) Pensions (Amendment) Order 1985, with savings under article 14A of this Order, inserted by article 14 of the 1985 Order.

- (b) if no such nomination was in force at that time, to his personal representatives.
- (3) The Managers shall treat a nomination made for the purposes of this article by any person (“the nominator”) as not being in force at the time of the nominator’s death:
 - (a) if the individual nominated was the nominator’s wife or husband at the time the nomination was made but has subsequently ceased to be the nominator’s wife or husband; or
 - (b) if the Managers are of the opinion that the payment of the gratuity to the individual is not reasonably practicable in all the circumstances.
- (4) A nomination for the purposes of this article must be made, and may be revoked, by a notice in writing to the Managers; and such a notice must be in such form as the Managers may require.
- (5) The amount of a gratuity under this article in respect of a person shall be whichever of the two following amounts is the greater:
 - (a) the amount of his pensionable salary at the time of his death;
 - (b) the aggregate of the contributions paid by and not refunded to that person, together with interest on each such contribution from the date on which it was paid.

Gratuity on the death of a Representative after retirement

16.— (1) Where a person dies in circumstances where he has become entitled to receive a pension under article 6 or article 8, and no pension in respect of him is payable under any of articles 10 to 12 the Treasury may, subject to the approval of the Managers, pay to his personal representatives a gratuity under this article.

(2) For the purposes of determining the amount of the gratuity which may be paid in respect of a person under this article, there shall be calculated—

- (a) the amount of the gratuity which the Treasury could have paid to the Representative’s personal representatives under article 15 if he had died in the circumstances specified in paragraph (1) of that article, and
- (b) the aggregate amount of the payments made to him by way of pension under article 6 or article 8 as the case may be together with any lump sum paid to him under article 7;

and the amount of the gratuity shall be the amount (if any) by which the amount calculated under paragraph (a) exceeds the amount calculated under paragraph (b) of this paragraph.

Transfers to other pension schemes

17.— (1) Any person who has ceased to be a Representative and who has not become entitled to a pension under this Order other than a guaranteed minimum pension arising under article 6(6) may by notice in writing request the Treasury to pay into or for the purposes of any fund or scheme to which this article applies sums representing the value of that person’s accrued pension rights under this Order, and on receipt of such notice the Treasury shall make the payment requested.

(2) This article applies:—

- (a) to any scheme other than an overseas scheme, which is an exempt approved scheme within the meaning of section 21(1) of the Finance Act 1970(a) if—
 - (i) it is a contracted-out scheme, or,
 - (ii) if it is not a contracted-out scheme, a contributions equivalent premium has been paid by the Treasury in respect of the person making the request under paragraph (1);
- (b) to any fund or scheme, other than an overseas fund or scheme if—
 - (i) it is a contracted-out scheme, or,
 - (ii) if it is not a contracted-out scheme, a contributions equivalent premium has been paid by the Treasury in respect of the person making the request under paragraph (1), and
 - (iii) whether or not (i) or (ii) above applies, it is approved by the Managers, provided that the Managers shall before giving such approval consult and have regard to the views of the Commissioners of Inland Revenue as to the suitability of the fund or scheme for the purpose of this article; and
- (c) to any overseas fund or scheme which is approved by the Managers, provided that the Managers shall before giving such approval consult and have regard to the views of the Commissioners of Inland Revenue and the Occupational Pensions Board as to the suitability of the fund or scheme for the purposes of this article.

(3) For the purposes of this article the value of a person's accrued pension rights under this Order shall be taken to be such sum as for those purposes may be determined by the Treasury. Before making a determination in accordance with this paragraph, the Treasury shall consult the Government Actuary, unless such determination is made on the basis of tables prepared by him.

(4) At the request of any person—

- (a) in respect of whom any sum has been paid under this article into or for the purposes of an overseas fund or scheme; and
- (b) who is not at the time the request is made a Representative, the Treasury may receive a sum, out of, or out of moneys held for the purposes of, that fund or scheme, equal to the sum paid under this article together with interest thereon from the date of that payment at such a rate as may be agreed by the Treasury.

(5) Where any sums are paid by the Treasury under paragraph (1) in respect of any person, then—

- (a) for the purpose of calculating his reckonable service no account shall be taken of any period before the date of that payment unless he is a person in respect of whom a sum is received by the Treasury under paragraph (4), and
- (b) for the purposes of articles 19 and 20 any contributions paid by him

(a) 1970 c.24.

before the date of that payment shall be treated as not having been paid.

Transfers from other pension schemes

18.— (1) At the request, made in accordance with paragraph (2), of any person who is for the time being a Representative, the Treasury may receive any sums payable by way of transfer value in respect of him out of, or out of moneys held for purposes of, any fund or scheme to which this article applies, or under any enactment for the time being in force which authorises the transfer of pension rights.

(2) A request made by a person under paragraph (1) shall not have effect unless it is made before the end of a period of five years beginning with any of the following dates which are applicable to him:

- (a) 31st August 1985, if he is a Representative on that date;
- (b) any date after 31st August 1985 on which he becomes a Representative, whether for the first time or after ceasing to be a Representative,

but for this purpose a Representative shall be treated as not ceasing to be a Representative at the end of the period for which he is elected as such, if he is re-elected as a Representative for a further period which immediately follows the earlier period.

(3) Where any sums are received by the Treasury under paragraph (1) at the request of a person who is a Representative at the time when the request is made—

- (a) for the purposes of articles 19 and 20 the sums so received so far as in the opinion of the Managers they represent his own contributory payments, shall be treated as if they were contributions paid by him, at the same times as those contributory payments were made, by deduction from his salary under article 4;
- (b) [*Revoked*]
- (c) his aggregate period of reckonable service shall be treated as increased by the addition of such period as the Managers direct as in their opinion being appropriate and for the purposes of articles 6(2) and (3), such period shall be deemed to have been a period of service as a Representative to whom paragraph (a) of section 1(2) of the Act of 1979 applied.

(4) Before determining any period for the purposes of paragraph (3)(c) the Managers shall consult the Government Actuary as to what period would be appropriate in relation to the sums received by the Treasury at the request of the person in question, unless they determine the period in accordance with tables prepared by the Government Actuary, as being appropriate in relation to those sums.

(5) This article applies—

- (a) to any scheme, other than an overseas scheme, which is an exempt approved scheme within the meaning of section 21(1) of the Finance Act 1970;
- (b) to any fund or scheme, other than an overseas fund or scheme, if the

Managers direct that they approve the fund or scheme for the purposes of this article, provided that the Managers shall before making such direction consult and have regard to the views of the Commissioners of Inland Revenue; and

- (c) to any overseas fund or scheme which the Managers direct that they approve for the purposes of this article, provided that the Managers shall before making such direction consult and have regard to the views of the Commissioners of Inland Revenue and the Occupational Pensions Board.

Repayment of contributions to the contributor

19.— (1) Subject to paragraphs (3) and (6), any contributions paid by a person under article 4 shall be refunded to him by the Treasury with interest from the dates on which the contributions were paid respectively, if he requests the Treasury to refund the contributions to him and, on the date of that request, the conditions specified in paragraph (2) are fulfilled in relation to him.

(2) The conditions referred to in paragraph (1) are that—

- (a) the Managers have directed that they approve the refund of the contributions,
- (b) the contributor has ceased to be a Representative and he has not at any time since he so ceased again become a Representative;
- (c) his aggregate period of reckonable service is less than four years;
- (d) he has not become entitled to a pension under article 6 or 8.

(3) A person shall not be entitled to a refund of the contributions paid by him, if that person is a person who in the case of a man had ceased to be a Representative during or on a date after the end of the tax year in which he attains the age of sixty-five years or in the case of a woman had ceased to be a Representative during or on a date after the end of the tax year in which she attained the age of sixty years.

(4) If, after the refund of contributions to him under this article, the contributor becomes, or (as the case may be) again becomes a person liable to pay contributions under article 4, he may—

- (a) if he so desires, and makes the repayment before the end of the period of three months beginning with the date on which he becomes so liable, or
- (b) after the end of that period, with approval of the Managers,

repay to the Treasury the sum so paid to him with interest from the date on which it was paid to him; and any sum to be paid to the Treasury under this article may, if the Treasury so allow, be paid by instalments over such period, not exceeding three years, as the Treasury think fit.

(5) Any amount whether of principal or interest paid by the contributor to the Treasury under paragraph (4) shall be treated for the purposes of this article as if it were a contribution paid by him at the time when he makes that payment.

(6) The Treasury shall deduct from the amount of any contributions which

may be repaid to a person in accordance with the provisions of this article the amount certified by the Secretary of State in accordance with section 47(2) of the Act of 1975 in respect of that person.

(7) In calculating a Representative's reckonable service, no account shall be taken of any period in respect of which contributions paid by him have been—

- (a) refunded to him under this article, and
- (b) not subsequently repaid by him to the Treasury.

Repayment of contributions after the death of the contributor

20. Where a person dies or has died—

- (a) without leaving a widow, widower or relevant child (within the meaning of article 12) who is, or may become, entitled in respect of that person to receive a pension under any of articles 10 to 12; and
- (b) in circumstances where the conditions specified in article 19(2)(b) and (d) were fulfilled in relation to him, but where he had not made a request for a refund of contributions under that article,

the Treasury shall refund to his personal representatives the contributions paid by the contributor and not previously refunded to him, with interest from the dates on which the contributions were paid respectively.

Purchase of added years

21.— (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 these Schedules and of article 21A the aggregate period of reckonable service of a Representative who purchases such an additional period shall be treated as increased by such period.

(2) If a Representative purchases a period of reckonable service under paragraph 14 of Schedule 3, that period shall, for the purposes of article 6(2A) and of Schedule 5 (maximum pensions payable), be treated as a period of reckonable service ending before the date of the Representative's sixty-fifth birthday.

(3) The provisions of Schedule 3 are without prejudice to any maximum pension imposed in relation to a Representative under article 6(2A).

(4) For the purposes of article 6(3) any period of reckonable service (by way of an added year) purchased by a Representative under any of the provisions of Schedule 3 shall be deemed to be a period of service to which section 1(2)(b) of the Act of 1979 did not apply.

Effects of increased accrual rate on added years

21A.— (1) Where on 31st August 1985 (in this article hereafter referred to as "the relevant date") a Representative has added years for which periodical contributions are or have been, or a lump sum payment is or has been, payable by him, the provisions of this article shall apply in relation to him.

(2) If, in consequence of article 6(8) (rate of accrual of pension), a

Representative's prospective pension exceeds the aggregate annual pension in respect of him under paragraph 8(4) of Schedule 3 in relation to his prospective actual reckonable service as a single mandate Representative at the date of the last acceptance by the Managers before the relevant date of an application by him to purchase added years, the excess number of his added years shall be cancelled as stated below:

- (a) so many of his future added years on the relevant date (if any) as are in total not more than the excess number;
- (b) so many of his added years, other than future added years, on the relevant date, as are not more than the excess number as reduced in accordance with sub-paragraph (a) above.

(3) In respect of the cancellation of a Representative's future added years under paragraph (2)(a)—

- (a) the annual amount of any payment for the purchase of added years which (apart from the provisions of this article and of paragraphs 11 to 15 of Schedule 3) would be payable by him after the relevant date, shall be reduced by the proportion (up to and including 100%) which the number of his future added years cancelled bears to the number of his future added years on the relevant date;
- (b) if the Representative's future added years are being purchased by him under more than one application in accordance with the provisions of Schedule 3, the cancellation shall be effected taking those applications in such order as the Managers shall consider appropriate, having regard to any preference expressed to them in writing by the Representative.

(4) In respect of the cancellation under paragraph (2)(b) of any of a Representative's added years on the relevant date, the Treasury shall refund to the Representative, with interest, a proportion (up to and including 100%) of the payments for the purchase of added years which he has made up to and including the relevant date, the proportion being that which the number cancelled of those added years bears to the number of those added years.

(5) The interest payable under paragraph (4) shall be calculated:

- (a) at the annual rate specified below for the year of payment during which a payment for the purchase of added years to be wholly or partly refunded under that paragraph was made by the Representative, assuming for the purposes of this paragraph that the refund under paragraph (4) is of individual payments for the purchase of added years in reverse order of their payment by the Representative, starting with the payment last made by him on or before the relevant date:

Year of Payment	Annual Rate (per cent.)
1981	12.2
1982	11.7
1983	11.0
1984	11.2
1985	12.1

- (b) in respect of any year or fraction of a year from the date on which the payment refunded, or assumed to be refunded under sub-paragraph

(a), was made by the Representative until the date of the refund under paragraph (4).

Application of pensions

22. Section 20(1) of the Act of 1972 shall apply to pensions under this Order.

Payments due to deceased persons

23. Subsection (1) of section 24 of the Act of 1972, as it has effect by virtue of the Administration of Estates (Small Payments) (Increase of Limit) Order 1975(a) and any subsequent order made under section 6(1) of the Administration of Estates (Small Payments) Act 1965(b) and subsections (2) and (3) of the said section 24, shall have effect with respect to sums payable by the Treasury by virtue of the provisions of this Order as they have effect with respect to sums payable by the Trustees of the Parliamentary Contributory Pension Fund, and accordingly references in the said subsections (1), (2) and (3) of section 24 to the Trustees shall be construed as references to the Treasury.

Deductions of tax from refunds of contributions

24. Section 33 of the Act of 1972 shall apply on the making of any repayment of contributions (including interest on contributions) under article 19 as it applies on the making of any repayment of contributions (including interest on contributions) under section 18 of that Act(c) and accordingly the reference to the Trustees in that section shall be construed as a reference to the Treasury.

Article 3

SCHEDULE I

MANAGERS

1. The Managers shall not be more than seven in number.
2. No person shall be appointed to be a Manager unless he is a Representative and on ceasing to be a Representative a Manager shall vacate his office.
3. The Managers may act by a majority of those present at any meeting of the Managers at which a quorum is present.
4. The procedure of the Managers shall, subject to the provisions of this

(a) S.I. 1975/1137.

(b) 1965 c.32; section 6(1) was amended by section 24(4) of the Act of 1972. Other amendments thereto are not relevant to this Order.

(c) Section 18 of the Act of 1972 was amended by section 4(1) and (4) of the Parliamentary and other Pensions and Salaries Act 1976 (c.48) and by section 22(4) of, and paragraphs 1(a) and (c) and 5(a) and (b) of Schedule 1 to, the Parliamentary Pensions Act 1978 (c.56).

Order, be such as the Managers may determine; and the quorum for any meeting of the Managers shall be three.

5. A direction of the Managers shall be in writing and shall continue in force until revoked by a subsequent direction of the Managers notwithstanding any changes in the persons who are Managers and notwithstanding that there are for the time being no Managers.

6. Any notice or other communication addressed to the Managers should be sent to the Managers, the European Assembly (United Kingdom Representatives) Pension Scheme, Loddon House, Basingsview, Basingstoke, Hampshire.

SCHEDULE 2

Article 12

PERSONS QUALIFYING FOR CHILDREN'S PENSIONS

1. In this Schedule "the deceased" means the person on whose death a children's pension is or may be payable under article 12 and "child" has the same meaning as in that article.

2. For the purposes of article 12 a child shall be treated as within his period of full-time education while—

- (a) he is receiving full-time instruction at any university, college, school or other educational establishment, or
- (b) he is undergoing full-time or substantially full-time training for any trade profession or vocation;

and any question arising under this paragraph shall be determined by the Managers.

3. A child shall not be treated as a relevant child for the purposes of article 12—

- (a) as being an illegitimate or adopted child of the deceased, if he was born or adopted, as the case may be, after the termination of the marriage or last marriage of the deceased, or
- (b) as being the child of a wife of the deceased, if he was born or became her child after the termination of her marriage with the deceased,

unless, in the case of an adopted child falling within sub-paragraph (a) or sub-paragraph (b) of this paragraph, the Managers direct that they are satisfied that before the material event therein mentioned the deceased (or, as the case may be, the deceased and his wife) had already formed the intention of adopting the child, that the child was then wholly or mainly dependent on the deceased, and that the child should be treated as a relevant child.

4. A child shall not be treated as a relevant child for the purposes of article 12 as being—

- (a) the illegitimate child of the deceased, or

(b) a child of a wife of the deceased,
unless the child was wholly or mainly dependent on the deceased at the time of his death.

5. A female child shall not be treated as a relevant child for the purpose of article 2 if, at the date of the death of the deceased, she is married to or cohabiting with another person; and a female child who thereafter marries or cohabits with another person shall thereupon cease to be a relevant child unless and until the Managers direct that they are satisfied that the marriage or cohabitation has been terminated and that for exceptional reasons it is proper that she should be so treated.

6. Where the deceased was a woman, no child of any marriage of hers shall be a relevant child for the purposes of article 12 if the father of the child was living at the death of the deceased, unless the Managers direct that they are satisfied that for exceptional reasons the child should be so treated.

Article 21

SCHEDULE 3

PURCHASE OF ADDED YEARS

Interpretation

1. For the purpose of this Schedule:—

(a) [*Revoked*]

(b) “added year” means a period of reckonable service purchased under the provisions of this Schedule including a part of a year expressed in days and any future added year;

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

(cc) “future added year” means with reference to a specified date, an added year in respect of which a Representative’s application to purchase has been accepted by the Managers, but—

(i) which, in the case of an added year being purchased by periodical contributions, would not be added to his reckonable service if paragraph 5(2) were to apply to him at that date; or

(ii) in respect of which a lump sum payment remains to be made by him;

(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;

(dd) “previous employment” means in respect of a person, the period of employment (not being a period of self-employment or a period of service as a Representative) which immediately preceded the period of his actual reckonable service during which he applies under paragraph 14, or during which (if earlier) his sixty-fifth birthday occurs;

(e) [*Revoked*]

(f) [*Revoked*]

- (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) the Representative will not at his next birthday after the date of the application have attained the age of sixty-five;
- (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.

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 birthday 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:

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 the 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 the appropriate Table of 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-paragraphs (2) to (2B) 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 annual amount of a Member's pensionable salary for the time being.

(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 paragraph 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.

(2A) Subject to sub-paragraph (2B) of this paragraph, sub-paragraph (1) of this paragraph shall not apply to a Representative's periodical contributions which on 31st July 1984 were payable in accordance with paragraph 4(a)(i) or for a period of five years in accordance with paragraphs 2(2) and 4(a)(ii).

(2B) If after 31st July 1984 a Representative has applied or applies to the Managers to purchase added years by periodical contributions, the annual amount of periodical contributions payable by him in accordance with paragraph 4(a)(i), or for a period of five years in accordance with paragraphs 2(2) and 4(a)(ii), shall not be such as to exceed, at any time during the period such contributions would be so payable, the amount (if any) by which for the time being—

(a) the annual amount of his periodical contributions referred to in paragraph (2A) (if any) aggregated with the annual amount of his contributions under article 4,

is less than—

(b) the limit under sub-paragraph (1) of this paragraph.

(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 and to the level of his retained benefits.

(4) The maximum added years that a Representative with no retained benefits may purchase:

(a) if his prospective actual reckonable service as a single mandate Representative is less than 6 years, shall be nil;

(b) if his prospective actual reckonable service as a single mandate Representative is 6 years or more, shall be the number of added years, in respect of which the annual pension, calculated, as a fraction of the relevant terminal salary in accordance with article 6(2), aggregated with the annual pension so calculated in respect of a period of reckonable service equal to the number of years and any part of a year

of that prospective actual reckonable service, is as specified in column (B) below:

(A)	(B)
Prospective actual reckonable service as a single mandate Representative	Aggregate annual pension (expressed as a fraction of relevant terminal salary)
10 years or more	2/3
9 years	8/15
8 years	6/15
7 years	4/15
6 years	2/15

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

(5) [*Revoked*]

(6) If a Representative has retained benefits or any period of reckonable service attributable to a direction under article 18(3)(c) (service transferred in), the maximum added years that he may purchase shall not exceed the limits under sub-paragraph (4) and shall not be such that the aggregate annual pension calculated in respect of him under sub-paragraph (4)(b), when aggregated with the retained benefits and with pension calculated in accordance with article 6(2) in respect of the period so attributable, will exceed two-thirds of the relevant terminal salary.

9. [*Commutation of pension purchased by added years—revoked*]

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.

Applications to reduce added years being purchased

11.— (1) Notwithstanding any of the other paragraphs of this Schedule, if within a period of twelve months from 31st August 1985 a person who was in service as a Representative on that date applies to the Managers for a reduction, by a specified number, in the number of his future added years on the date of acceptance by them of his application, the Managers shall accept his application and those future added years shall be reduced by the specified number.

(2) Subject to sub-paragraph (3) of this paragraph, if a reduction in a Representative's future added years is made under sub-paragraph (1) of this paragraph—

- (a) the annual amount of any periodical contributions; and
- (b) the amount of any lump sum payment,

which (apart from the provisions of this paragraph) would be payable by him on or after the date of acceptance of his application under sub-paragraph (1) of this paragraph in respect of those future added years, shall be reduced by the proportion (up to and including 100%) which the specified number under sub-paragraph (1) of this paragraph bears to the number of his future added years referred to in that sub-paragraph.

(3) If a Representative's future added years referred to in sub-paragraph (1) of this paragraph are being purchased by him under more than one application under this Schedule, a reduction under sub-paragraph (2) of this paragraph shall be effected taking those applications in such order as the Managers shall consider appropriate, having regard to any preferences expressed to them in writing by the Representative.

12.— (1) Subject to the following provisions of this paragraph, if a Representative applies to the Managers in accordance with paragraph 11, and the Managers direct that they are satisfied that the reduction in his added years made under that paragraph is, in consequence of its being limited to his future added years at the date of the acceptance by them of his application, less than each of—

- (a) the appropriate reduction under sub-paragraph (5) of this paragraph; and
- (b) the reduction in the number of his added years desired by the Representative at that date,

the following provisions of this paragraph shall apply in relation to him.

(2) If a Representative has added years which were future added years on 31st July 1984, but which are no longer future added years at the date referred to in sub-paragraph (1) of this paragraph, the number of those added years shall be reduced by the number by which the lesser of the reductions under sub-paragraph (1)(a) and (b) of this paragraph exceeds the reduction in his added years made under paragraph 11.

(3) In respect of the reduction under sub-paragraph (2) of this paragraph in the number of a Representative's added years referred to in that sub-paragraph, the Treasury shall refund to the Representative with interest a proportion (up to and including 100%) of the payments for the purchase of added years which he has made between 31st July 1984 and the date referred to in sub-paragraph (1) of this paragraph, the proportion being that which the number of the reduction bears to the number of his added years referred to in sub-paragraph (2).

(4) The interest payable under sub-paragraph (3) of this paragraph shall be calculated at the annual rate of 12.75 per cent. in respect of any year or fraction of a year from the date on which each payment to be wholly or partly refunded under that sub-paragraph was made by the Representative until the date of its refund, assuming for the purposes of this paragraph that the refund under sub-paragraph (3) is of individual payments in reverse order of their payment by the Representative, starting with the payment last made by him before the date referred to in sub-paragraph (1) of this paragraph.

(5) The appropriate reduction shall be such reduction in the number of a Representative's future added years at 31st July 1984 as in the opinion of the

Managers is appropriate in consequence of the provisions of articles 3(1) and (2) and 4(4) of, and the revocation of article 6(1)(c) of this Order by article 30 of, and Schedule 5 to, the European Assembly (United Kingdom Representatives) Pensions (Amendment) Order 1985, having regard to such matters as are in their opinion relevant, including (without prejudice to the generality of the foregoing) any cancellation required under article 21A of the excess number of the Representative's added years.

13.— (1) If within a period of 12 months from 31st August 1985 a Representative who had future added years on 31st July 1984 makes an application in writing to the Managers for a reduction under this paragraph in the number of those added years, and on the date of that application he no longer has any future added years, the following provisions of this paragraph shall apply in relation to him.

(2) If the Managers direct that they are satisfied in respect of a Representative that a reduction in the number of his added years is appropriate in consequence of any provision of articles 3(1) and (2) and 4(4) of, and the revocation of article 6(1)(c) of this Order by article 30 of, and Schedule 5 to, the European Assembly (United Kingdom Representatives) Pensions (Amendment) Order 1985, they shall, unless he has made an application under paragraph 11, accept the application and the number of his future added years at 31st July 1984 shall be reduced by the lesser of:

- (a) the appropriate reduction under paragraph 12(5); and
- (b) any reduction in the number of his added years requested, or stipulated as a maximum, by the Representative in his application under sub-paragraph (1) of this paragraph.

(3) In respect of the reduction under sub-paragraph (2) of this paragraph in the number of a Representative's added years referred to in sub-paragraph (1) of this paragraph, the Treasury shall refund to the Representative with interest a proportion (up to and including 100%) of the payments for the purchase of added years which he made between 31st July 1984 and the date of his application under sub-paragraph (1), the proportion being that which the number of the reduction bears to the number of his added years referred to in sub-paragraph (1).

(4) The interest payable under sub-paragraph (3) of this paragraph shall be calculated at the annual rate of 12.75 per cent. in respect of any year or fraction of a year from the date on which each payment to be wholly or partly refunded under that paragraph was made by the Representative until the date of its refund, assuming for the purposes of this sub-paragraph that the refund under sub-paragraph (3) is of individual payments in reverse order of their payment by the Representative, starting with the payment last made by him before the date of his application under sub-paragraph (1) of this paragraph.

Purchase of added years by reference to earlier service and related refund of contributions

14.— (1) A person who is in service as a Representative on 31st August 1985, and who has any actual reckonable service before 20th July 1983, may apply in writing to the Managers to purchase a period of reckonable service (by way of an added year) under this sub-paragraph:

- (a) if he is a single mandate or a dual mandate Representative, by a lump sum payment; or
 - (b) if he is a single mandate Representative, by the payment of periodical contributions for a period of four or five years, or (if the period under paragraph 4(a)(i) in respect of payment until he attains the age of sixty-five years is less than five years) until he attains the age of sixty-five years.
- (2) The Managers shall accept a Representative's application under sub-paragraph (1) if the following conditions are satisfied:
- (a) the application is made within twelve months of 31st August 1985;
 - (b) in the case of an application which specifies purchase by periodical contributions, the Representative has satisfied the Managers, in whatever manner the Managers require, that he is in good health;
 - (c) in the case of an application which specifies purchase by a lump sum payment, the Representative has not applied to the Managers under the provisions of article 9 for an early pension because of ill-health;
 - (d) the Representative has supplied to the Managers such information and evidence as they may require;
 - (e) the application is in accordance with sub-paragraph (1) of this paragraph and specifies whether the purchase of a period of reckonable service is to be by way of periodical contributions payable until he attains the age of 65 years (if he has not attained that age), by periodical contributions for a period of four or five years (as the Representative shall further specify in the application), or by a lump sum payment.
- (3) Notwithstanding anything in the other provisions of this Schedule, the following only of paragraphs 2 to 13 of this Schedule shall apply to the purchase of an added year under sub-paragraph (1):
- (a) paragraph 3 (Applications irrevocable after acceptance);
 - (b) paragraph 4 (Payment of periodical contributions), with the substitution:
 - (i) in paragraph 4(a)(i), for the words "under paragraph 2(1)", of the words "to purchase added years by periodical contributions payable until the age of sixty-five years";
 - (ii) in paragraph 4(a)(ii), for the words "under paragraph (2)2", of the words "to purchase added years by periodical contributions for a period of four or five years";
 - (iii) in paragraph 4(c), for the words "except that" until the end, of the words "except that, where the application is to purchase a period of reckonable service (by way of an added year) by the payment of periodical contributions for a period of four or five years, 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.";
 - (c) paragraph 5 (Interrupted service), with the substitution, for any reference in that paragraph to a rate or rates, of a reference to a cost determined in accordance with the provisions of this paragraph;

- (d) paragraph 7 (Lump sum payments), with the insertion after the words "Part 2 of Schedule 4" of the words " , except that the date of his birth shall be treated, for the purpose of such calculation, as if it were eight-months later than its actual date.";
- (e) paragraph 8(1), (2) and (2A) (Limits on purchase of added years);
- (f) paragraph 10 (Further applications to purchase added years):
 Provided that the Managers shall not accept from a Representative more than one application to purchase added years under sub-paragraph (1).

(4) Subject to sub-paragraphs (3)(e) and (5), the maximum period of reckonable service (by way of an added year) that a Representative may purchase under sub-paragraph (1) shall be calculated, by reference to the period of his actual reckonable service before 20th July 1983, as follows:

- (a) in respect of such part of that period during which he was a single mandate Representative:
 - (i) one-sixth of that part of that period, expressed in years and any fraction of a year, before his sixty-fifth birthday and;
 - (ii) one-sixth of that part, so expressed, on or after that birthday;
- (b) in respect of such part of that period during which he was a dual mandate Representative:
 - (i) one-eighteenth of that part of that period, expressed in years and any fraction of a year, before his sixty-fifth birthday; and
 - (ii) one-eighteenth of that part, so expressed, on or after that birthday.

(5) The maximum period of reckonable service (by way of an added year) of a Representative calculated under sub-paragraph (4)(a)(i) or (4)(b)(i) shall be such that a pension, calculated in accordance with article 6 (apart from article 6(2A)) on the date of acceptance by the Managers of his application under this paragraph and by reference to an aggregate period of reckonable service consisting of:

- (a) the period of that reckonable service, expressed as a fraction of a year;
- (b) the number of his added years, other than any period of reckonable service purchased under this paragraph;
- (c) his actual reckonable service on that date or before his sixty-fifth birthday (if earlier); and
- (d) any period of his reckonable service which is attributable to a direction under article 18(3)(c) made before that date,

does not exceed a maximum, being (if the Representative has retained benefits) the greater of—

- (i) two-thirds of the relevant terminal salary less his retained benefits; and
- (ii) his previous expectations less his retained benefits accruing during his previous employment (up to the amount of two-thirds of the relevant terminal salary),

or (if the Representative has no retained benefits) two-thirds of the relevant terminal salary.

(6) A Representative who has applied to purchase a period of reckonable service under sub-paragraph (1) by periodical contributions for a period of four or five years and to whom paragraph 5(2) applies, may, subject to the foregoing provisions, apart from sub-paragraph (2), of this paragraph, apply in writing to the Managers to purchase by a lump sum payment some or all of the added years comprised in any reduction, in consequence of his ceasing to be a Representative or a single mandate Representative, in the period of reckonable service he is able to purchase in full, and the Managers shall accept his application under this sub-paragraph if:

- (a) the Representative has not applied to the Managers under the provisions of article 9 for an early pension because of ill-health;
- (b) the period of reckonable service which the Representative applies to purchase does not exceed the maximum permitted under the provisions of this paragraph;
- (c) the Representative has supplied to the Managers such information and evidence as they may require; and
- (d) the application under this sub-paragraph is made within three months of his ceasing to be a Representative or a single mandate Representative (as the case may be).

(7) If a Representative applies to purchase a period of reckonable service under sub-paragraph (1) and—

- (a) that period, within the maximum calculated under sub-paragraph (4)(a)(i) or (4)(b)(i) (as appropriate), exceeds any maximum in respect of that period under sub-paragraph (5); and
- (b) at the date of the acceptance by the Managers of his application he has any added years, but does not have any future added years,

the Managers shall:

- (i) determine the period of reckonable service of the Representative by way of the added years referred to at (b) above, pension in respect of which, calculated in accordance with article 6 (apart from article 6(2A)), would not be more than pension so calculated in respect of an aggregate period of reckonable service beginning after 20th July 1983 equal to the excess under (a) above; and
- (ii) direct the Treasury to refund to the Representative with interest the part referred to in sub-paragraph (8) of this paragraph of the payments for the purchase of added years which in the opinion of the Managers (having regard to the terms of the purchase of those added years) were made by him in respect of the period of reckonable service determined under (i) above and identified in accordance with the assumption (applied in respect of a refund hereunder) in article 21A(5)(a);

and the Treasury shall refund to the Representative that part with interest.

(8) The part of the payments for the purchase of added years refundable under sub-paragraph (7)(ii) shall be the amount of those payments less the amount which would be payable under paragraph 4 (as read with sub-paragraph (3)) to purchase a period of reckonable service under sub-paragraph (1), equal to the excess under sub-paragraph (7)(a).

(9) Article 21A(5) (which relates to interest on refunds) shall apply to a

refund under sub-paragraph (7)(ii) with the substitution of a reference to sub-paragraph (7)(ii) for any reference to paragraph (4) of article 21A.

(10) In this paragraph, unless the context otherwise requires, a reference to a numbered sub-paragraph is a reference to the sub-paragraph so numbered of this paragraph.

15.— (1) The provisions of this paragraph shall apply in relation to a Representative within paragraph 14(7)(b), if, on application by him under paragraph 14(1), he also applies in writing to the Managers under this paragraph for a refund of a part of the payments made by him for the purchase of a period, specified by him in his application under this paragraph, of reckonable service by way of an added year referred to in paragraph 14(7)(b) (hereinafter referred to in this paragraph as “the specified period”)—

- (a) the payments for the purchase of which are not refundable under the provisions of paragraph 14; and
- (b) pension in respect of which, calculated in accordance with article 6 (apart from article 6(2A)), would not be more than the relevant amount under sub-paragraph (2) of this paragraph.

(2) The relevant amount shall be the amount by which the maximum pension under paragraph 14(5) in respect of the Representative is exceeded by a pension, calculated in accordance with article 6 (apart from article 6(2A)) by reference to an aggregate period of reckonable service consisting of:

- (a) the period of reckonable service under paragraph 14(1) in respect of the Representative (within the maximum calculated under article 14(4)(a) and (b), in respect of his actual reckonable service before his sixty-fifth birthday);
- (b) the number of his added years referred to in paragraph 14(7)(b);
- (c) in the case of a person who is a single mandate Representative on the date referred to in respect of him in paragraph 14(7)(b), his prospective actual reckonable service as a single mandate Representative on that date or, in the case of a person who is a dual mandate Representative on that date, his prospective actual reckonable service as a dual mandate Representative on that date; and
- (d) any period of his reckonable service which is attributable to a direction in respect of him under article 18(3)(c) made before that date.

(3) The Managers shall accept a Representative’s application in accordance with sub-paragraph (1) of this paragraph and, on the direction of the Managers, the Treasury shall refund to the Representative with interest a part of the payments which in the opinion of the Managers (having regard to the terms of the purchase of the relevant period of reckonable service by way of an added year) were made by him in respect of the specified period and which are identified in accordance with the assumption (applied in respect of a refund under this sub-paragraph) in article 21A(5)(a).

(4) The part refundable under paragraph (3) of payments for the purchase of the specified period shall be the amount of those payments less the amount which would be payable under paragraph 4 (as read with paragraph 14(3)) to purchase that part of the period of reckonable service referred to in

paragraph 14(1), pension in respect of which, calculated as a fraction of the relevant terminal salary in accordance with article 6 (apart from article 6(2A)), would be equal to the pension so calculated in respect of the period of reckonable service specified in his application in accordance with sub-paragraph (1) of this paragraph.

(5) Article 21A(5) (which relates to interest on refunds) shall apply to a refund under this paragraph with the substitution of a reference to sub-paragraph (3) of this paragraph for any reference to paragraph (4) of article 21A.

(6) There shall be cancelled the part referred to in sub-paragraph (4) of this paragraph of the period of reckonable service referred to in paragraph 14(7)(a).

Article 21

SCHEDULE 4

CONTRIBUTIONS FOR ADDED YEARS

Paragraph 4
of Schedule 3

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 a Member's pensionable salary for the time being 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 paragraph 2(1) or 5(5) of Schedule 3)

Age next birthday	MALES %	FEMALES %
32	0.71	0.68
33	0.73	0.71
34	0.76	0.74
35	0.79	0.77
36	0.83	0.80
37	0.86	0.84
38	0.90	0.88
39	0.95	0.91
40	1.00	0.95
41	1.05	1.00
42	1.10	1.06
43	1.16	1.12
44	1.23	1.18
45	1.31	1.25
46	1.39	1.33
47	1.48	1.42
48	1.58	1.52
49	1.69	1.63
50	1.81	1.75
51	1.94	1.88
52	2.10	2.03
53	2.28	2.21
54	2.50	2.42
55	2.76	2.70
56	3.07	3.05
57	3.47	3.49
58	4.01	4.07
59	4.70	4.78
60	5.64	5.70
61	7.13	7.26
62	9.64	9.89
63	14.54	15.04
64	28.03	29.10

TABLE B

(for the calculation of the costs of purchasing added years by periodical contributions payable until the Representative's 65th birthday pursuant to an application under paragraph 14(1) of Schedule 3)

Age next birthday	MALES %	FEMALES %
61	2.85	2.90
62	3.86	3.96
63	5.82	6.02
64	11.21	11.64

TABLE C

(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 paragraph 2(2) of Schedule 3)

Age next birthday	MALES %	FEMALES %
32	4.91	4.73
33	4.95	4.78
34	4.99	4.82
35	5.04	4.87
36	5.10	4.92
37	5.16	4.97
38	5.22	5.02
39	5.28	5.06
40	5.34	5.11
41	5.40	5.17
42	5.47	5.23
43	5.54	5.29
44	5.62	5.36
45	5.70	5.44
46	5.78	5.51
47	5.86	5.58
48	5.92	5.65
49	5.98	5.72
50	6.04	5.80
51	6.10	5.87
52	6.16	5.95
53	6.22	6.04
54	6.28	6.13
55	6.35	6.25
56	6.42	6.40
57	6.52	6.55
58	6.64	6.72
59	6.78	6.90
60	6.95	7.08
61	7.13	7.26
62	7.31	7.45
63	7.48	7.63
64	7.34	7.49
65	7.20	7.34
66	7.06	7.19
67	6.91	7.01
68	6.76	6.80
69	6.59	6.57
70	6.41	6.32
71	6.22	6.07
72	6.00	5.82
73	5.76	5.58
74	5.51	5.34
75	5.27	5.10
76	5.04	4.87
77	4.82	4.66
78	4.62	4.45
79	4.43	4.25
80	4.26	4.06

TABLE D

(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 paragraph 14(1) of Schedule 3)

Age next birthday	MALES %	FEMALES %
24	1.87	1.76
25	1.88	1.77
26	1.89	1.78
27	1.90	1.80
28	1.91	1.82
29	1.92	1.83
30	1.94	1.85
31	1.95	1.87
32	1.96	1.89
33	1.98	1.91
34	2.00	1.93
35	2.02	1.95
36	2.04	1.97
37	2.06	1.99
38	2.09	2.01
39	2.11	2.03
40	2.14	2.05
41	2.16	2.07
42	2.19	2.09
43	2.22	2.12
44	2.25	2.14
45	2.28	2.17
46	2.31	2.20
47	2.34	2.23
48	2.37	2.26
49	2.39	2.29
50	2.42	2.32
51	2.44	2.35
52	2.46	2.38
53	2.49	2.42
54	2.51	2.45
55	2.54	2.50
56	2.57	2.56
57	2.61	2.62
58	2.66	2.69
59	2.71	2.76
60	2.78	2.83
61	2.85	2.90
62	2.92	2.98
63	2.99	3.05
64	2.94	3.00
65	2.88	2.94
66	2.82	2.88
67	2.76	2.80
68	2.70	2.72
69	2.64	2.63
70	2.56	2.53
71	2.49	2.43
72	2.40	2.33
73	2.30	2.23
74	2.20	2.14
75	2.11	2.04
76	2.02	1.95
77	1.93	1.86
78	1.85	1.78
79	1.77	1.70
80	1.70	1.62

TABLE E

(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 paragraph 2(2) of Schedule 3)

Age next birthday	MALES %	FEMALES %
32	3.97	3.80
33	4.00	3.84
34	4.04	3.88
35	4.08	3.91
36	4.13	3.95
37	4.18	3.98
38	4.22	4.02
39	4.27	4.07
40	4.32	4.12
41	4.38	4.18
42	4.43	4.24
43	4.48	4.30
44	4.54	4.36
45	4.60	4.42
46	4.66	4.48
47	4.72	4.54
48	4.77	4.60
49	4.82	4.66
50	4.87	4.72
51	4.92	4.78
52	4.97	4.84
53	5.02	4.91
54	5.06	4.98
55	5.11	5.06
56	5.17	5.16
57	5.26	5.27
58	5.36	5.39
59	5.50	5.53
60	5.66	5.70
61	5.81	5.88
62	5.95	6.04
63	6.07	6.17
64	5.96	6.05
65	5.86	5.94
66	5.75	5.82
67	5.63	5.68
68	5.51	5.51
69	5.39	5.33
70	5.26	5.14
71	5.11	4.93
72	4.94	4.73
73	4.75	4.54
74	4.55	4.36
75	4.36	4.18
76	4.18	4.00
77	4.01	3.83
78	3.85	3.66
79	3.71	3.50
80	3.58	3.35

TABLE F

(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 paragraph 14(1) of Schedule 3)

Age next birthday	MALES %	FEMALES %
24	1.51	1.43
25	1.52	1.44
26	1.53	1.44
27	1.54	1.46
28	1.55	1.47
29	1.56	1.48
30	1.57	1.49
31	1.58	1.51
32	1.59	1.52
33	1.60	1.54
34	1.62	1.55
35	1.63	1.56
36	1.65	1.58
37	1.67	1.59
38	1.69	1.61
39	1.71	1.63
40	1.73	1.65
41	1.75	1.67
42	1.77	1.70
43	1.79	1.72
44	1.82	1.74
45	1.84	1.77
46	1.86	1.79
47	1.89	1.82
48	1.91	1.84
49	1.93	1.86
50	1.95	1.89
51	1.97	1.91
52	1.99	1.94
53	2.01	1.96
54	2.03	1.99
55	2.05	2.02
56	2.07	2.06
57	2.10	2.11
58	2.14	2.16
59	2.20	2.21
60	2.26	2.28
61	2.32	2.35
62	2.38	2.42
63	2.43	2.47
64	2.38	2.42
65	2.34	2.38
66	2.30	2.33
67	2.25	2.27
68	2.20	2.20
69	2.16	2.13
70	2.10	2.06
71	2.04	1.97
72	1.98	1.89
73	1.90	1.82
74	1.82	1.74
75	1.74	1.67
76	1.67	1.60
77	1.60	1.53
78	1.54	1.46
79	1.48	1.40
80	1.43	1.34

Paragraph 7 of
Schedule 3

PART 2—Lump Sum

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

TABLE A

(for the calculation of the single payment required to purchase added years pursuant to an application under paragraph 6(1) of Schedule 3)

Age next birthday	MALES £	FEMALES £
32	18.7	18.0
33	18.9	18.2
34	19.1	18.4
35	19.3	18.6
36	19.5	18.7
37	19.7	18.9
38	19.9	19.1
39	20.2	19.3
40	20.4	19.5
41	20.6	19.7
42	20.9	19.9
43	21.2	20.2
44	21.5	20.5
45	21.8	20.9
46	22.1	21.2
47	22.3	21.5
48	22.6	21.7
49	22.8	22.0
50	23.0	22.2
51	23.3	22.5
52	23.5	22.8
53	23.8	23.2
54	24.0	23.5
55	24.2	23.9
56	24.5	24.4
57	24.8	25.0
58	25.3	25.7
59	25.9	26.5
60	26.5	27.4
61	27.2	28.1
62	27.8	28.9
63	28.3	29.5
64	27.7	28.9
65	27.1	28.3
66	26.5	27.6
67	25.9	26.8
68	25.3	25.9
69	24.6	25.0
70	23.8	24.1
71	22.8	23.1
72	21.8	22.1
73	20.9	21.1
74	19.9	20.1
75	19.0	19.1
76	18.1	18.1
77	17.2	17.2
78	16.3	16.3
79	15.5	15.5
80	14.6	14.6

TABLE B

(for the calculation of the single payment required to purchase added years pursuant to an application under paragraph 14(1) of Schedule 3)

Age next birthday	MALES £	FEMALES £
24	7.1	6.8
25	7.2	6.8
26	7.2	6.8
27	7.2	6.9
28	7.3	6.9
29	7.4	7.0
30	7.4	7.1
31	7.4	7.2
32	7.5	7.2
33	7.6	7.3
34	7.6	7.4
35	7.7	7.4
36	7.8	7.5
37	7.9	7.6
38	8.0	7.6
39	8.1	7.7
40	8.2	7.8
41	8.3	7.9
42	8.4	8.0
43	8.5	8.1
44	8.6	8.2
45	8.7	8.4
46	8.8	8.5
47	8.9	8.6
48	9.0	8.7
49	9.1	8.8
50	9.2	8.9
51	9.3	9.0
52	9.4	9.1
53	9.5	9.3
54	9.6	9.4
55	9.7	9.6
56	9.8	9.8
57	9.9	10.0
58	10.1	10.3
59	10.4	10.6
60	10.6	10.9
61	10.9	11.2
62	11.1	11.5
63	11.3	11.8
64	11.1	11.6
65	10.8	11.3
66	10.6	11.0
67	10.4	10.7
68	10.1	10.4
69	9.8	10.0
70	9.5	9.6
71	9.1	9.2
72	8.7	8.8
73	8.4	8.4
74	8.0	8.0
75	7.6	7.6
76	7.2	7.2
77	6.9	6.9
78	6.5	6.5
79	6.2	6.2
80	5.8	5.8

Article 6(2A)

SCHEDULE 5

MAXIMUM PENSIONS

1.— (1) For the purposes of this Schedule:

“appropriate period” means in respect of a relevant person, the period until the relevant date or his sixty-fifth birthday (if earlier) from the date on which he began a period of actual reckonable service during which pension in respect of him, calculated in accordance with article 6 (apart from article 6(2A)) by reference to an aggregate period of reckonable service equal to his reckonable service, would reach:

(a) (if he is within paragraph 5(2)(a)) the greater of the maximum pensions under paragraph 5(2)(a)(i) and (ii);

(b) (if he is within paragraph 5(2)(b)) the greater of the maximum pensions under paragraph 5(2)(b)(i) and (ii);

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

“pension” means (except in “national insurance pension” and any reference thereto) a pension, expressed as an annual amount, under article 6 or 8 of this Order; and “maximum pension” shall be construed accordingly;

“previous employment” means, in respect of a relevant person, the period of employment (not being a period of self-employment or a period of service as a Representative) which immediately preceded the last period of his actual reckonable service beginning before the relevant date or his sixty-fifth birthday (if earlier);

“relevant date” means the relevant date for the determination under any provision of this Order of the pension of a relevant person;

“relevant person” means a person in respect of whom a pension falls to be determined;

“single mandate Representative” means a Representative to whom section 1(2)(b) of the Act of 1979 does not apply;

“Y” means in respect of a relevant person, the period—

(a) expressed in years and any fraction of a year; and

(b) divided by three in respect of those parts of such period during which he was a dual mandate Representative,

of his reckonable service, pension in respect of which is, under a provision of this Schedule, subject to a maximum referring to “Y”.

(2) Any reference in this Schedule to the beginning of a period of actual reckonable service of a relevant person means any such beginning on his becoming a Representative other than after any interval in his actual reckonable service occurring only between the last day of the life of an Assembly and the first day of the life of the next Assembly.

2. The provisions of this Schedule shall apply to the calculation of the maximum pension of a relevant person at the relevant date.

Less than Six Years' Actual Reckonable Service

3.— (1) Subject to the following provisions of this paragraph, if at any date the prospective actual reckonable service of a relevant person is less than six years, the pension payable to him shall be subject to a maximum, of $Y/60$ of the relevant terminal salary, in respect of his actual reckonable service from that date until the relevant date or (if earlier) his sixty-fifth birthday, and in respect of any increase in his aggregate period of reckonable service attributable to the provisions of article 9(4).

(2) Subject to sub-paragraph (4) of this paragraph, if, in addition to the circumstances specified in sub-paragraph (1) of this paragraph—

- (a) the relevant person was a Representative on his sixty-fifth birthday, or he is entitled to a pension by virtue of article 9 (ill-health pension), or he dies while he is a Representative and before his sixty-fifth birthday; and
- (b) in the opinion of the Managers, if the maximum pension of that person in respect of his actual reckonable service at the relevant date or (if earlier) his sixty-fifth birthday, and in respect of any increase in his aggregate period of reckonable service attributable to the provisions of article 9(4), were the amount of his previous expectations less his retained benefits (if any) accruing during his previous employment, his pension would be greater than if calculated subject to the maximum under sub-paragraph (1) of this paragraph,

the maximum allowing the greater pension shall apply.

(3) Subject to sub-paragraph (4) of this paragraph, if, in addition to the circumstances specified in sub-paragraph (1) of this paragraph—

- (a) either the relevant person is no longer a Representative and the relevant date falls on his sixty-fifth birthday or he has not yet reached his sixty-fifth birthday; and
- (b) he is not within sub-paragraph (2)(a) of this paragraph; and
- (c) in the opinion of the Managers, if the maximum reckonable service at the relevant date were the product of N/NS and the amount mentioned in sub-paragraph (2)(b) of this paragraph, his pension would be greater than if calculated subject to the maximum under sub-paragraph (1) of this paragraph,

the maximum allowing the greater pension shall apply.

(4) Notwithstanding the provisions of sub-paragraphs (1), (2) and (3) of this paragraph, if at the relevant date a relevant person has in aggregate six or more years of actual reckonable service before or after his sixty-fifth birthday, his pension shall not be subject to a maximum under this paragraph.

More than 33 $\frac{1}{3}$ Years' Prospective Actual Reckonable Service

4.— (1) Subject to sub-paragraph (2) of this paragraph and to paragraph 5, if at the relevant date—

- (a) a relevant person has more than 33 years and 4 months of prospective actual reckonable service; and
- (b) either he is no longer a Representative and the relevant date falls on

his sixty-fifth birthday or he has not yet reached his sixty-fifth birthday,

his pension shall be subject to whichever of the following, in the opinion of the Managers, is the greater:

- (i) a maximum of the product of N/NS and 2/3 of the relevant terminal salary, in respect of his actual reckonable service at the relevant date;
- (ii) a maximum, of the product of N/NS and his previous expectations (if any), in respect of that service at that date.

(2) Notwithstanding the provisions of sub-paragraph (1) of this paragraph, the pension of a relevant person shall not be subject to a maximum under this paragraph if at the relevant date that person is entitled to a pension by virtue of article 9, or he dies on that date while he is a Representative and before his sixty-fifth birthday.

Retained Benefits

5.— (1) If a relevant person has any retained benefits, his pension shall, unless it is subject to a maximum under paragraph 3, be subject to the appropriate maximum in accordance with sub-paragraph (2) of this paragraph.

- (2) (a) If either the relevant person was a Representative on his sixty-fifth birthday or he is entitled to a pension by virtue of article 9, or dies while he is a Representative and before his sixty-fifth birthday, his pension shall be subject to whichever of the following will, in the opinion of the Managers, allow him the greatest pension:
 - (i) a maximum, of the amount of 2/3 of the relevant terminal salary, less the amount of his retained benefits, in respect of his aggregate period of reckonable service at his sixty-fifth birthday;
 - (ii) a maximum, of his previous expectations (if any) less his retained benefits accruing during his previous employment, in respect of his aggregate period of reckonable service at his sixty-fifth birthday;
 - (iii) a maximum, of Y/60 of the relevant terminal salary, in respect of his actual reckonable service during the appropriate period and in respect of any increase in his aggregate period of reckonable service attributable to the provisions of article 9(4).
- (b) Unless the relevant person is within sub-paragraph (2)(a) of this paragraph, if either he is no longer a Representative and the relevant date falls on his sixty-fifth birthday or he has not yet reached his sixty-fifth birthday his pension shall be subject to whichever of the following will, in the opinion of the Managers, allow him the greatest pension:
 - (i) a maximum of the product of N/NS and the amount under sub-paragraph (2)(a)(i) of this paragraph, in respect of his actual reckonable service before the relevant date;
 - (ii) a maximum of the product of N/NS and the amount under sub-paragraph (2)(a)(ii) of this paragraph, in respect of his actual reckonable service before the relevant date;

- (iii) a maximum of $Y/60$ of the relevant terminal salary, in respect of his actual reckonable service during the appropriate period.

SCHEDULE 6

Article 7(5)

MAXIMUM COMMUTATION OF PENSIONS

1. For the purposes of this Schedule, "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.

2. In the case of a person entitled to a pension under article 6 or 8, who has no retained lump sum benefits and who either was a Representative on his sixty-fifth birthday or is so entitled by virtue of article 9, the amount of the permitted maximum shall be the aggregate of:

(a) the amount of:

- (i) the number of eightieths of the relevant terminal salary, either specified in the table in paragraph 6 in relation to the number of complete years of his actual reckonable service or (if the period of that service includes a fraction of a year) calculated proportionately by reference to the numbers of eightieths specified in that table; and
- (ii) the product of three-eightieths of the relevant terminal salary and any period of his reckonable service, expressed in years and any fraction of a year, attributable to a direction under article 18(3)(c) (Transfers from other pension schemes),

subject to a maximum of the amount of $120/80$ of the relevant terminal salary; and

- (b) the amount of the product of three-eightieths of the relevant terminal salary and the period, expressed in years and any fraction of a year and subject to a maximum of five years, being his actual reckonable service in excess of forty years and occurring after his sixty-fifth birthday.

3. In the case of a person entitled to a pension under article 6 or 8, who has no retained lump sum benefits, was no longer a Representative on his sixty-fifth birthday and is not entitled to a pension by virtue of article 9, the amount of the permitted maximum, subject to a maximum of $120/80$ of the relevant terminal salary, shall be whichever is the greater of:

- (a) the amount of the product of N/NS and the number of eightieths of the relevant terminal salary, either specified in the table in paragraph 6 in relation to the number of complete years of his prospective actual reckonable service or (if the period of that service includes a fraction of a year) calculated proportionately as under sub-paragraph (a)(i) of paragraph 2; and
- (b) the amount of the product of three-eightieths of the relevant terminal salary and the period, expressed in years and any fraction of a year of his actual reckonable service,

aggregated with the amount referred to in paragraph 2(a)(ii).

4. In the case of a person entitled to a pension under article 6 or 8, who has retained lump sum benefits, but would otherwise be within paragraph 2, the amount of the permitted maximum shall be as provided in that paragraph, subject, in respect of the amount under sub-paragraph (a) of that paragraph, to a maximum, instead of that provided for in that sub-paragraph, of whichever is the greater of:

- (a) the amount of $120/80$ of the relevant terminal salary, less the amount of his retained lump sum benefits; and
- (b) the amount of the product of three-eightieths of the relevant terminal salary and the aggregate, expressed in years and any fraction of a year subject to a maximum of forty years, of his actual reckonable service and of any period of his reckonable service attributable to a direction under article 18(3)(c).

5. In the case of a person entitled to a pension under article 6 or 8, who has retained lump sum benefits but would otherwise be within paragraph 3, the amount of the permitted maximum shall be whichever is the greater of—

- (a) the aggregate of:
 - (i) the amount referred to in paragraph 3(a), subject to a maximum of the product of N/NS and the amount referred to in paragraph 4(a); and
 - (ii) the amount referred to in paragraph 2(a)(ii), subject to a maximum of the amount of $120/80$ of the relevant terminal salary, less his retained lump sum benefits; and
- (b) the amount referred to in paragraph 4(b).

6. The following table shall apply for the purposes of this Schedule:

Number of years	Number of eightieths
1	3
2	6
3	9
4	12
5	15
6	18
7	21
8	24
9	30
10	36
11	42
12	48
13	54
14	63
15	72
16	81
17	90
18	99
19	108
20 or more	120

7. Notwithstanding anything in any of the foregoing provisions of this Schedule, if a person who is within any of the cases specified in paragraphs 2 to 5 has, at the date he gives notice in accordance with article 7 in respect of the commutation of his pension, had any period of service as a Representative to whom section 1(2)(b) of the Act of 1979 applies:

- (a) any reference in any of the foregoing provisions of this Schedule to his actual reckonable service, or any part of that service, shall be read as a reference to the period of that service, or part of that service, divided by three in respect of those parts of that period or part during which he was a Representative to whom section 1(2)(b) of the Act of 1979 applies; and
- (b) any reference in any of those provisions to his prospective actual reckonable service shall be read as a reference to the period of that service divided by three in respect of those parts of that period during which, at the date of his notice in accordance with article 7, he has been a Representative to whom section 1(2)(b) of the Act of 1979 applies.

SCHEDULE 7

Article 8A

PERCENTAGE ABATEMENT OF PENSION ENTITLEMENT UNDER ARTICLE 8(5)

PART A—ABATEMENT BY SINGLE PERCENTAGE FROM DATE PENSION PAYABLE

TABLE 1—MEN

Age at dissolution (years)	Service (years)				
	20 or more	19	18	17	16
65	0	0	0	0	0
64	0	2	4	5½	7½
63	0	3½	7	10½	14
62	0	5	10	15½	20½
61	0	6½	13	19½	26
60	0	7½	15	23	30½
59	14	19	24	29	35
58	28	31	34	37	39
57	42½	42½	42½	42½	42½

TABLE 2—WOMEN

Age at dissolution (years)	Service (years)				
	20 or more	19	18	17	16
65	0	0	0	0	0
64	0	1½	3	4½	6
63	0	3	6	9	12
62	0	4½	9	13	17½
61	0	5½	11	16½	22
60	0	7	13½	20	26½
59	12	16½	21	26	30½
58	25	27½	30	32	34
57	37½	37½	37½	37½	37½

PART B—ABATEMENT BY DIFFERENT PERCENTAGES BEFORE AND AFTER 65TH OR 60TH BIRTHDAY

TABLE 1—MEN

The figures specified below are (in column A) the percentage abatement until the 65th birthday of the person entitled to a pension and (column B) the percentage abatement from that birthday.

Age at dissolution (years)	Service (years)																																	
	30 or more		29		28		27		26		25		24		23		22		21		20		19		18		17		16					
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B				
65	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
64	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
63	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
62	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
61	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
60	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
59	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3	0.0	22.3
58	14.1	37.8	13.6	38.1	13.1	38.4	12.6	38.8	12.0	39.3	11.4	39.7	10.7	40.2	9.9	40.7	9.1	41.3	8.2	41.9	7.2	42.6	6.1	43.1	5.0	43.7	3.8	44.2	2.6	44.7	1.4	45.1	0.2	45.4
57	29.5	53.1	29.1	53.5	28.6	53.9	28.1	54.3	27.5	54.8	26.9	55.3	26.3	55.8	25.6	56.4	24.8	57.0	24.0	57.7	23.0	58.5	22.0	59.3	20.9	60.2	19.6	61.3	18.2	62.5	16.8	63.8	15.0	65.3

TABLE 2—WOMEN

The figures specified below are (in column A) the percentage abatement until the 60th birthday of the person entitled to a pension and (column B) the percentage abatement from that birthday.

Age at dissolution (years)	Service (years)																																		
	30 or more		29		28		27		26		25		24		23		22		21		20		19		18		17		16						
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B					
65	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
64	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
63	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
62	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
61	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
60	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
59	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0	12.7	0.0
58	4.0	27.6	3.3	27.7	2.5	27.8	1.6	27.9	0.7	28.0	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0	28.1	0.0
57	17.6	41.3	16.9	41.4	16.2	41.5	15.4	41.7	14.6	41.8	13.7	42.0	12.7	42.2	11.6	42.4	10.4	42.6	9.1	42.9	7.7	43.1	6.1	43.4	4.4	43.8	2.4	44.1	0.2	44.5	0.0	44.5	0.0	44.5	0.0

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

The European Assembly (United Kingdom Representatives) Pensions Order 1980 ("the principal Order") makes provision for the pensions payable to or in respect of United Kingdom Representatives to the Assembly of the European Communities. The benefits provided are similar to those for Members of the House of Commons. Following changes in the scheme for Members of the House of Commons, made by the Parliamentary Pensions etc. Act 1984 (c.52) and by Orders under that Act and under the Parliamentary Pensions Act 1978, this Order amends the principal Order. Under the power in section 4(3)(g) of the European Assembly (Pay and Pensions) Act 1979 a number of amendments are to take effect from a date before the making of the new Order. The main changes made are as mentioned below.

Article 3 of this Order provides (by amending article 4 of the principal Order) for a staged increase, to 9% of salary, in pension contributions paid by Representatives. The first stage is applied from 1st January 1985.

Article 4 of this Order provides (by amending article 6 of the principal Order) for changes in the calculation of Representatives' pensions and in the maximum pensions payable. The provisions apply to pensions payable on or after 20th July 1983. A limit on total pension (of two-thirds of the relevant salary in respect of service before the age of 65) is substituted for a limit on the number of years of service which is reckonable. Total pension is made subject in certain cases to a further maximum under a new Schedule 5 to the principal Order, set out in *Schedule 2* to this Order. The main cases are:

- (i) under paragraph 3 of Schedule 5, if at any date (in practice at the start of a period of service) a Representative cannot have more than six years' total actual reckonable service before his 65th birthday, his pension from that date until that birthday will be subject to a maximum based on an assumed accrual rate of 1/60, unless his total actual reckonable service before and after age 65 is six years or more;
- (ii) under paragraph 4 of Schedule 5, if, on a determination of a Representative's pension (other than an ill-health pension), he is not yet aged 65 but prospectively he has more than 33 1/3 years of actual reckonable service (were he to continue in service until age 65), his maximum pension is to be the proportion of the basic two-thirds limit, introduced by *article 4* of this Order, that his actual service bears to that prospective service or (if greater) that proportion of his previous pension expectations from other employment;
- (iii) under paragraph 5 of Schedule 5, the basic two-thirds limit is to be reduced by pension benefits retained from other employment but not so that his maximum pension is less than one based on an assumed accrual rate of 1/60. A maximum based on previous expectations from other employment will apply if this will be higher.

Under *article 4(4)* of this Order the annual rate at which benefits accrue is increased from 1/60 to 1/50 of the relevant salary for service after, or attributed to a period after, 19th July 1983.

Article 5 of this Order provides (by amending article 7 of the principal Order

and by reference to a new Schedule 6 to the principal Order, set out in *Schedule 3* to this Order) for a new permitted maximum for the lump sum payable by way of commutation of pension. Under the new schedule the amount of the maximum is to vary depending in general on whether a person is still a Representative at age 65, on whether he has retained any lump sum pension benefits from other employment, and on the length of his actual service as a Representative and of any period of service transferred from another scheme.

Article 6 of this Order makes provision (by amending article 8(1) of the principal Order) in respect of early pensions. The minimum age at which an actuarially reduced pension may be paid is reduced from 60 to 50. Representatives are to be entitled to a full pension (under article 8(5) of the principal Order) on retirement at a general election to the Assembly with 20, instead of 25, years of service and at age 60 or over, instead of age 62. Entitlement to a pension under article 8(5) is extended under *article 7* of this Order, by a new article 8A of the principal Order, to Representatives who have not met part or all of the age and service requirements for a full, early pension but who are aged at least 57 and have been Representatives for at least 16 years at their retirement. The pension is to be abated, depending in general on the Representative's age and length of service, in accordance with tables in a new Schedule 7 to the principal Order (set out in *Schedule 4* to this Order).

Article 9 of this Order (by amending article 10(4) of the principal Order) allows a pension to be paid in certain circumstances to a widow who is cohabiting.

Article 10 (by a new article 10A of the principal Order) widens the circumstances in which the widower of a person who is a Representative on or after 31st July 1984 will be entitled to a pension.

Article 15 of this Order provides (by substituting a new article 15 of the principal Order) for Representatives to nominate any individual (instead of only their husband or wife) to receive a lump sum gratuity on the Representative's death.

Article 17 of this Order (by substituting a new article 18(2) of the principal Order) extends from twelve months to five years the period within which a Representative may request a transfer from another pension scheme into the scheme under the principal Order.

Article 21 of this Order provides (by a new article 21A of the principal Order) for the cancellation of certain added years of service purchased and for the refund with interest of payments made in respect of them, in connection with the increase in the rate of accrual introduced by *article 4* of this Order.

Articles 22 to 28 of this Order provide for the amendment of the provisions of the principal Order (Schedules 3 and 4) for the purchase by Representatives of added years of reckonable service. The main changes are:

- (i) *Article 26(2)* provides (in connection with the increase in Representatives' pension contributions under *article 3* of this Order) for the limit on total pension contributions, under paragraph 8(1) of Schedule 3 to the principal Order, not to apply to periodical contributions to purchase added years which were payable on 31st July 1984, but for those contributions to continue

to count towards that limit in respect of future purchases of added years.

- (ii) *Article 26(4)* provides (by substituting a new paragraph 8(4) of Schedule 3) new limits on the number of added years that may be purchased, related to the basic two-thirds limit introduced by *article 4* of this Order.
- (iii) *Article 27* provides (by new paragraphs 11 to 13 of Schedule 3) for the cancellation, on request by a Representative, both of added years being purchased by him but not yet paid for and (if the Managers consider it appropriate in consequence of certain provisions of this Order) of added years already paid for. Payments already made for added years cancelled are to be refunded with interest.
- (iv) *Article 27* further provides (by new paragraphs 14 and 15 of Schedule 3) for the purchase by Representatives (at 40% of the cost of added years under the other provisions of Schedule 3) of a period of reckonable service related to the period of their actual service before the date from which the new accrual rate of 1/50 is to apply under *article 4* of this Order. The maximum is based on the difference between pension benefits accruing at a rate of 1/60 for that period and those which would have accrued if the rate had been 1/50. Where purchase of this reckonable service would cause benefits to exceed, or might in the future cause them to exceed, certain further limits, a refund with interest of part of any payments made by the Representative to purchase reckonable service under other provisions of Schedule 3 is available instead.
- (v) *Article 28* provides (by a new Schedule 4 to the principal Order) for new tables for the cost of purchasing added years, including tables for the purchase of reckonable service under the new paragraph 14 of Schedule 3.

Article 30 of, and *Schedule 5* to, this Order provide for revocations. The main revocations are the abolition of the qualifying period of service for pension entitlement (by the revocation of *article 6(1)(c)* of the principal Order) and consequentially the related abolition (by the revocation of *article 14* of the principal Order), subject to savings in *Article 14* of this Order, of the short-term pension for dependants where a Representative dies without having completed the qualifying period.

Article 31 of this Order provides for the provisions of the principal Order as they are to apply to persons who are Representatives after the coming into operation of this Order to be set out in *Schedule 6* to this Order.

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