

SCHEDULE 17

Regulation J9(1)(a)

CALCULATION OF RECKONABLE SERVICE TO BE CREDITED UNDER REGULATION J9(1)(a)

1. Subject to the provisions of this Schedule, the period which a person is entitled to reckon as reckonable service by virtue of regulation J9(1)(a) is a period equal to the period of reckonable service which would enable the fund authority to pay under regulation J2 a transfer value (calculated in accordance with Schedule 16)—

- (a) of the amount which that authority accepted in respect of him under regulation 18, or
- (b) where—
 - (i) the person became employed in his local government employment after 4th April 1983, and
 - (ii) a limited revaluation premium was paid under section 45 of the Pensions Act and has been repaid to the fund authority by the Secretary of State,of the total of the amount mentioned in sub-paragraph (a) and the amount of the premium.

2. For the purposes of paragraph 1 above—

(1) in the case of a person who was subject in his non-local government employment to a statutory scheme or to any other scheme which is for the time being specified by the Secretary of State as a scheme which is to be treated as a statutory scheme for the purposes of this Schedule—

- (a) the calculation of the period he is entitled to reckon as reckonable service is to be made by reference to his age, and to the rate of his pensionable pay, used in the calculation of the transfer value received,
- (b) where in that calculation an amount of a person's pay has been disregarded in connection with a retirement pension under section 30 of the Insurance Act or section 28 of the Social Security Act 1975, the pensionable pay is to be increased by that amount, and
- (c) any sum representing interest included in the transfer value accepted is to be ignored;

(2) in the case of a person who was subject in his non-local government employment to any other scheme—

- (a) if he became employed in his local government employment before 8th May 1975—
 - (i) the calculation of the period he is entitled to reckon as reckonable service is to be made by reference to his age, and the annual rate of his remuneration, on 1st April 1972, or, if later, on the date when he became employed in his local government employment (here referred to as the “relevant date”); and
 - (ii) the sum to be used as the amount of the transfer value shall be the sum notified to the fund authority by the scheme managers as the sum which the fund authority would have received in respect of the person had the transfer value been calculated and paid on the relevant date;
- (b) if he became employed in his local government employment on or after 8th May 1975 the calculation of the period he is entitled to reckon as reckonable service is to be made by reference to his age, and the annual rate of his remuneration, on the date when he became employed in his local government employment or, if the transfer value in respect of him is received by the fund authority more than one year after he became employed in his local government employment, on the date on which the transfer value is received;
- (c) any sum representing interest which is included in the transfer value accepted is to be taken into account;

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- (3) the accrued pension in respect of the period last mentioned in paragraph 1 above shall be deemed—
- (a) where the person is such a person as is mentioned in regulation J12(1), to be subject to that paragraph, and paragraph (2) of that regulation shall have effect for this purpose as if at the end there were added the following sub-paragraph:—
 - “(c) at the end of regulation F7(2) of the 1974 Regulations, there had been added the words “and a proportionate amount in respect of part of a year of such service”.”;
 - (b) where the person is such a person as is mentioned in regulation J12(3), to be subject to that paragraph;
 - (a) (4) (a) where the pensionable pay mentioned in sub-paragraph (1) above relates to a period of part-time employment, the pensionable pay for that period shall be deemed to be the pensionable pay by reference to which the transfer value accepted would have been calculated had the person during that period been in a single comparable whole-time employment;
 - (b) where the remuneration mentioned in sub-paragraph (2) above relates to part-time employment, the annual rate of remuneration on the relevant date shall be deemed to be the annual rate of remuneration notified to the fund authority by his local government employer as the remuneration which would have been paid in respect of a single comparable whole-time employment;
- (5) in the case of a person whose non-local government employment was not contracted-out employment, the calculation of the period he is entitled to reckon as reckonable service shall be made by reference to the transfer value which would have been payable under regulation J2 if Schedule 16 contained no reference to guaranteed minimum pension.