

SCHEDULE 12

TRANSFER VALUES

PART II

INWARD TRANSFERS

8. If the employment in which the person was subject to the previous scheme was comparable British service, he is entitled to count as reckonable service the period of service certified by the scheme managers as having stood to his credit under the scheme when he ceased to be subject to it.

9.—(1) If—

- (a) the previous scheme is a club scheme service under which is not comparable British service, or
- (b) the previous scheme is a personal pension scheme or an approved pension scheme which is not a club scheme and the person has entered pensionable employment after 31st December 1985,

he is entitled, unless paragraph 10 applies, to count as reckonable service the period specified in sub-paragraph (2).

(2) The period is one equal to the period of reckonable service that would enable the Secretary of State to pay a transfer value, calculated on an actuarial basis, of the same amount as the one accepted.

(3) In calculating the period specified in sub-paragraph (2)—

- (a) if sub-paragraph (1)(a) applies and the request for the transfer value to be accepted was made within 12 months after the date on which the person entered pensionable employment, the calculation is to be made by reference to the age and salary notified by the scheme managers of the previous scheme as those by reference to which the transfer value accepted was calculated,
- (b) if sub-paragraph (1)(b) applies and the transfer value was received within 12 months after the date on which the person entered pensionable employment, the calculation is to be made by reference to his age, and the annual rate of his contributable salary, on that date,
- (c) in any other case, the calculation is to be made reference to his age, and the annual rate of his contributable salary, on the date on which the transfer value was received,
- (d) if sub-paragraph (1)(a) applies any sum representing interest that is included in the transfer value is not to be taken into account, and
- (e) if sub-paragraph (1)(b) applies any such sum is to be taken into account.

10.—(1) This paragraph applies where—

- (a) the condition specified in paragraph 9(1)(b) applies,
- (b) the person has made an election under regulation B6 (resumption of pensionable status),
- (c) the previous election under regulation B6 of the 1988 Regulations (election not to be pensionable) was made before 30 June 1994,
- (d) the person has been in excluded employment between the date of the election under regulation B6 of the 1988 Regulations and the date of the election under regulation B6 of these Regulations,

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- (e) a transfer value was paid under regulation F1 of the 1988 Regulations or under Schedule 1A to the Social Security Pensions Act 1975(1) or chapter IV of Part IV of the 1993 Act in respect of the person in consequence of him ceasing to be in pensionable employment by virtue of the election under regulation B6 of the 1988 Regulations,
- (f) the person is an individual as is mentioned in section 172(1) of the 1995 Act, and
- (g) the Secretary of State accepts a transfer value under regulation F4 of the amount specified in sub-paragraph (3).

(2) In this paragraph “the period of original pensionable employment” means the period during which the person was in pensionable employment before he made his election under regulation B6 of the 1988 Regulations.

(3) The amount referred to in sub-paragraph (1)(g) is

A + B

where—

A is the transfer value which, calculated on the basis specified in paragraph 9(2), would enable the person to count the period of excluded employment as reckonable service as if it had been pensionable employment; and

B is the greater of—

- (a) the transfer value paid by the Secretary of State in respect of the person in consequence of his ceasing to be in pensionable employment by virtue of his election under regulation B6 of the 1988 Regulations together with—
 - (i) in a case where the transfer value was paid to the Secretary of State pursuant to regulation F4 within four weeks of the request under regulation F4(3) an amount, determined actuarially, which represents the income which would have been received had such sum been invested during the period starting at the end of the month in which the transfer value was paid under regulation F1 of the 1988 Regulations and ending at the end of the month in which the request under regulation F4(3) was made; and
 - (ii) in any other case the amount referred to in paragraph (i) above together with a further amount, determined actuarially, which represents the income which would have been received compounded with monthly rests, had such sum been invested during the period starting at the end of the month in which the request under regulation F4(3) was made and ending at the end of the month in which the transfer value was paid to the Secretary of State; and
 - (b) the amount which would be paid as a transfer value by the Secretary of State in respect of the person if at the date on which he made the election under regulation B6—
 - (i) he was in pensionable employment and made an election under regulation B5 (election not to be pensionable); and
 - (ii) he had been in pensionable employment for a period equal to the period of original pensionable employment.
- (4) Where this paragraph applies the person is entitled to count as reckonable service—
- (a) the reckonable service arising from the period of original pensionable employment; and
 - (b) such service arising from the period of excluded employment as if it had been pensionable employment.

11. If—

(1) 1975 c. 60; Schedule 1A (now repealed by the 1993 Act) was inserted by the Social Security Act 1985 (c. 53), Schedule 1, paragraph 3.

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- (a) the previous scheme is an approved pension scheme which is not a club scheme; and
- (b) the person entered pensionable employment before 1st January 1986,

he is entitled to count as reckonable service a period calculated as if Schedule 7 to the 1976 Regulations, as in force on 31st August 1988, had continued in force.