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SCHEDULE 1

The New Provisions

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APPENDIX 3—RULES OF THE NATS SECTION

PART 2:

BENEFITS AND THE ADMINISTRATION OF BENEFITS

36.

TEMPORARY ABSENCE FROM WORK

36.1 If a Current Member of the NATS Section is temporarily absent from work, he may with the consent of his Employer and subject to the following paragraphs of this Rule, be deemed for the purposes of these Rules to remain a Current Member of the NATS Section in the Service of the Employers:

- (a) for any period before Normal Pension Date during which the absence is due to his injury or illness, or to secondment to a United Kingdom Government Department or work of national importance of a like nature; or
- (b) for any other period before Normal Pension Date not exceeding three years or ten years if the Member remains resident in the United Kingdom (or such longer period as shall be acceptable to the Board of Inland Revenue).

36.2 Rule 36.1 shall not apply in respect of any period after the Member has become a member of any other retirement benefits scheme or another Section of the Scheme unless prior confirmation has been obtained from the Board of Inland Revenue that approval of the Scheme under the Taxes Act will not thereby be prejudiced.

Continuation or suspension of contributions

36.3 Where the Employer notifies the Trustees that a Member of the NATS Section is temporarily absent on full pay or that he is on sick leave on full pay or on half pay such Member shall be deemed to remain in Service under the NATS Section in accordance with Rule 36.1 and shall continue to pay contributions under Rule 23.1 together with the proportion (if any) of the Member's voluntary contributions to the NATS Section agreed between the Trustees and the Member.

For the purposes of this Rule in relation to the calculation of benefit hereunder the Trustees shall treat as conclusive any statement made by the Employers in writing that a Member is or was in receipt of full pay or half pay for any period or part of a period of absence.

If the Member's contributions to the NATS Section are continued in whole or in part during any such period as aforesaid, the whole of such period shall be included in the Member's Pensionable Service, provided always that no such period shall be included in Pensionable Service which would conflict with the requirements of the Board of Inland Revenue.

36.4 A person who is deemed to remain a Current Member of the NATS Section in accordance with this Rule 36 (other than a person to whom Rule 36.3 applies) may, with the consent of the Trustees suspend his contributions (if any) to the NATS Section or may continue to pay contributions on any basis agreed with the Trustees and acceptable to the Board of Inland Revenue, provided that in respect of any period of Paid Maternity Absence a Member shall not be required to pay contributions calculated with reference to remuneration in excess of the amount of contractual remuneration or statutory maternity pay actually paid to or for her in respect of that period.

If no contributions are paid by such Member to the NATS Section during any period throughout which he is deemed to be a Current Member in accordance with this Rule 36 the Trustees shall exclude such period from the Member's Pensionable Service except as provided below.

If the Member's contributions to the NATS Section are continued in whole or in part during any such period as aforesaid the whole or, respectively, an appropriate proportion of such period (determined by the Trustees) shall be included in the Member's Pensionable Service, provided always that no such period shall be included in Pensionable Service which would conflict with the requirements of the Board of Inland Revenue.

Maternity leave

Paid Maternity Absence

- (a) (a) If a female Member of the NATS Section is absent from work during any period which is Paid Maternity Absence she shall be deemed to remain a Current Member in Service throughout such period. The provision of death benefits from the NATS Section in respect of her shall continue throughout such period and such period shall be included within her Pensionable Service. Such Member's remuneration for the purpose of calculating any benefit from the NATS Section shall be not less than an amount calculated with reference to the remuneration to be attributable to such period in accordance with paragraph 5 of schedule 5 to the Social Security Act 1989(1).

Maternity leave after Paid Maternity Absence

- (b) If a female Member of the NATS Section is absent from work on maternity leave she shall continue to be deemed to be a Current Member in Service in accordance with Rule 36.1 after the cessation of her period of Paid Maternity Absence until the expiry of the period during which she may exercise her right under the said Act to return to work or, if earlier, the date of her notice to the Employer of her intention not to return to work and the provisions of this Rule 36 other than paragraph (a) above shall apply in respect of that part of her absence which follows the period of her Paid Maternity Absence.

Concurrent membership of sick pay scheme

36.6 A Member of the NATS Section who is absent from employment and whether or not there is in respect of him a clear expectation of returning to Service may at the discretion of the Trustees be deemed to remain a Current Member in accordance with Rule 36.1 during any period during which he is in receipt of benefit which will not continue beyond Normal Pension Date from a sick pay scheme of the Employer.

Continuation of death benefits

36.7 Death benefits under the NATS Section shall continue in force in respect of Members who are deemed to be Current Members of the NATS Section in accordance with this Rule 36.

Adjustment of remuneration

36.8 If the remuneration of a Member of the NATS Section to whom this Rule 36 has been applied is reduced or suspended during any period of absence, the amount of any benefit which is to be calculated in respect of the Member by reference to such remuneration shall, except as provided in Rule 36.5(a), be calculated during any period of absence for six months or less, or absence for sick leave, having regard to the remuneration which the Trustees in their discretion determine that the Member would have received had he been in active employment on full pay, and during any period of

(1) 1989 c. 24.

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absence in excess of six months, other than absence for sick leave, shall be such other amount or rate of remuneration which the Employer, with the consent of the Trustees, considers to be appropriate.

36.9 If at the expiry of the appropriate period specified in this Rule 36 the Member has not returned to work, he shall cease to be a Current Member of the NATS Section.