

## SCHEDULE

Regulation 47

### TRANSITIONAL PROVISIONS AND SAVINGS

**1.** Where a member—

- (a) elects to receive the immediate payment of retirement benefits under regulation 31(1) of the principal Regulations; and
- (b) satisfies the 85 year rule;

that part of his retirement pension and grant which is calculated by reference to any period of membership before the relevant date shall not be reduced in accordance with regulation 31(4) of the principal Regulations (as amended by regulation 39 of these Regulations).

**2.** For the purposes of paragraph 1, the relevant date, for a member who was a member before 1st October 2006 is—

- (a) in the case of a member who will be aged 60 or more on 31st March 2013, the earlier of—
  - (i) 1st April 2013; and
  - (ii) the date on the day after the day on which the member leaves local government employment; or
- (b) in any other case, 1st October 2006.

**3.** For the purposes of this Schedule, a member satisfies the 85 year rule if the sum of —

- (a) his age in whole years on the date his local government service ends or the date he elects under regulation 31(1) of the principal Regulations if later;
- (b) his total membership in whole years;
- (c) in a case where he elects after his local government employment ends, the period beginning with the end of that employment and ending with the date he elects; and
- (d) in the case of a person who was a member immediately before 1st April 1998, any qualifying period counted by virtue of regulation 123 which was awarded before 1st October 2006,

is 85 years or more.

**4.** Where a member who may elect under regulation 32(1) of the principal Regulations (re-employed and rejoining deferred members) does not do so or does not so elect as respects all periods of his membership, in applying paragraph 2 of this Schedule as respects any later membership, his total membership excludes unaggregated periods.

**5.—(1)** This paragraph applies to a member who—

- (a) before 1st October 2006 elected to make additional contributions to the Scheme to increase his total membership under regulation 55(1) of the principal Regulations (payments to increase total membership); and
- (b) was assumed to retire from a local government employment on a date before his 65th birthday (“the assumed date”) for the purposes of calculating his additional contributions under regulation 55(6) of the principal Regulations.

**(2)** Where a member to whom this paragraph applies —

- (a) continues paying the additional contributions until the assumed date; and
- (b) retires on or after the assumed date,

he shall not pay any additional contributions after that date and the whole of the additional period may be counted as part of his total membership.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(3) An additional period counted as a period of total membership as a result of this paragraph shall be treated as a period of membership before 1st October 2006.