

SCHEDULE C6

Regulation C28.

PROVISIONS CONCERNING OUTSTANDING
PAYMENTS DUE UNDER PREVIOUS REGULATIONS

Continuation of certain payments

1.—(1) Without prejudice to the provisions of the Interpretation Act 1978(1) and Schedule M4 to these regulations, where immediately before the commencement date any payments remained to be made (or were deemed to be due) under a provision of the 1986 regulations which is re-enacted in these regulations, they shall be deemed to be payments due under the corresponding provision of these regulations.

(2) Without prejudice to the generality of sub-paragraph (1), any payments remaining to be made under a provision of the 1986 regulations specified in column (1) of the Table below (including any payments treated as being made under any such provision by virtue of regulation C9(1) of those regulations), shall be deemed to be payments due under the provision of these regulations specified in column (2).

TABLE

1986 regulations	These regulations
Reg C3	Regulation C5
Reg C3A	Regulation C6
Reg C4	Regulation C7
Reg C6	Regulation C9
Reg C8 (additional contributions)	Regulation C13
Reg C8A	Regulation C14
Reg C9A	Regulation C24

(3) Subject to any contrary provision made by these regulations and, in particular, the following provisions of this Schedule, where—

- (a) immediately before 1st March 1986 any payments remained to be made under a provision of the 1974 regulations specified in paragraph (4); or
- (b) immediately before the commencement date any payments remained to be made under a provision of the 1986 regulations specified in paragraph (5) (including any payments treated as being made under any such provision by virtue of regulation C9(1) of those regulations),

then, notwithstanding the revocations made by these regulations—

- (i) those payments remain payable;
- (ii) in so far as any provisions which immediately before the commencement date have effect in relation to those payments are not re-enacted in these regulations, they shall be deemed to have continued in effect in relation to those payments (with such modifications as may be appropriate); and

(1) 1978 c. 30.

Status: This is the original version (as it was originally made).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

(iii) where any such provisions are so re-enacted, the corresponding provision of these regulations shall continue to have effect in relation to them.

(4) The payments mentioned in paragraph (3)(a) are payments under the following provisions of the 1974 regulations—

- (a) regulation D6 (non-contributing service);
- (b) regulation D7 (previous employment treated as non-contributing service);
- (c) regulation D8 (additional contributory payments under former regulations);
- (d) regulation D10 (added years); and
- (e) regulation D11 (payments under former regulations for added years).

(5) The payments mentioned in paragraph (3)(b) are payments under the following provisions of the 1986 regulations—

- (a) regulation C6A (payments in respect of previous part-time service);
- (b) regulation C7 (additional payments by certain pensionable employees in respect of previous service);
- (c) regulation C7A (additional payments in respect of previous part-time service);
- (d) regulation C8 (payments to avoid reduction of retiring allowance or death grant, where election to make payment by lump sum or instalments).

(6) The following provisions of this Schedule are without prejudice to the generality of this paragraph.

Counting of extra membership periods on completion of payments begun under earlier provisions

2. Without prejudice to paragraph 7 of Schedule M4—

- (a) where paragraph 1(1) applies, on the making or, as the case may be, the completion or discontinuance of any payments deemed to be due under regulation C9, a member is entitled to count additional membership in accordance with regulation C9(1);
- (b) on the making or as the case may be the completion or discontinuance of any such payments as are mentioned in paragraph 1(4) or paragraph 1(5) (“the relevant event”) a member is entitled to count additional membership to the same extent as if the relevant event had occurred—
 - (i) in the case of the payments mentioned in paragraph 1(4), before 1st March 1986; and
 - (ii) in the case of the payments mentioned in paragraph 1(5), before the commencement date.

Part-timers buying additional periods

3.—(1) Notwithstanding any other provision in these regulations, where immediately before the commencement date paragraph 4 of Schedule 4 to the 1986 regulations (amount payable by a part-time employee purchasing additional periods of reckonable service to be calculated by reference to remuneration in a single comparable whole-time employment) applied as respects the amount to be paid by an employee, then, subject to regulation C12(5)—

- (a) the period which he is entitled to count as a period of membership, and
- (b) the payments to be made by him,

shall continue to be calculated in the same manner as was applicable immediately before the commencement date.

(2) Where—

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

- (a) immediately before the commencement date a pensionable employee in whole-time employment was making payments under regulation C6 of the 1986 regulations in order to reckon an additional period as reckonable service, and
- (b) on that date that employment ceases to be whole-time and becomes part-time employment by virtue only of the amendment of any definitions by these regulations,

then—

- (i) nothing in these regulations shall affect the period which he is entitled to count as a period of membership by virtue of his having made payments before the commencement date calculated in accordance with the 1986 regulations, and
- (ii) without prejudice to any variation of the election which may be agreed between him and his employing authority or to any relevant change in his circumstances after that date—
 - (I) payments made by him on or after that date shall be made by reference to his actual remuneration for the time being, but
 - (II) the period of membership which he is entitled to count by virtue of them shall continue to be calculated on the same basis as if his employment were a whole-time employment.

Payments in respect of previous part-time service

4. Without prejudice to the previous provisions of this Schedule, the revocation of regulation C6A of the 1986 regulations (payments in respect of previous part-time service) shall not affect its operation as respects anything which immediately before the commencement date remains to be done under that regulation following an election in pursuance of paragraph 5 of Part IV of Schedule 2 to the 1986 regulations (retrospective elections), and where a payment is made by a member under that regulation on or after the commencement date, the member is entitled to count the period for which the payment is made as a period of membership in relation to the employment in respect of which he made the election.

Additional payments by certain members in respect of previous service

5. Without prejudice to the previous provisions of this Schedule—
- (a) the revocation of regulation C7 of the 1986 regulations (additional payments by certain members in respect of previous service) shall not affect its operation as respects anything which immediately before the commencement date remains to be done under that regulation, and payments made under that regulation are to be treated for the purposes of these regulations as if they consisted of contributions made under regulation C4 in respect of employment in relation to which the person was a member;
 - (b) the periods in respect of which such payments are made by members may be counted by them as periods of membership in relation to the employment in respect of which they are made and, notwithstanding the revocation of regulation E25(3) to (5) of the 1986 regulations, that regulation shall apply as respects such membership resulting from payments made under regulation C7(2) (registration officers) on and after the commencement date as it applied to reckonable service resulting from earlier such payments.

6.—(1) Without prejudice to the previous provisions of this Schedule, a person who has made, or whose widow or widower has made, one or more payments under regulation C7A(14) or (16) of the 1986 regulations is entitled to count as a period of membership in whole-time service an additional period of an amount equal to the appropriate proportion of the additional period specified in the notice of election under regulation C7A(6).

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

(2) In sub-paragraph (1) the “appropriate proportion” means the proportion which the person’s contractual hours of employment as at the relevant date (within the meaning of paragraph 2 of Schedule 4A to the 1986 regulations) bears to the contractual hours of a comparable whole-time employment as at that date.

(3) The additional period shall be disregarded for the purposes of regulation K1(4)(b) of the 1986 regulations.

(4) The additional period shall be treated—

- (a) in the case of a person who is entitled to count service after 5th April 1988 as a period of membership under regulation B14, as membership after that date; and
- (b) in any other case, as membership before 6th April 1988.

(5) Where a person has become entitled under sub-paragraphs (1) to (4) to count an additional period as a period of membership in whole-time service by virtue of a lump sum payment having been made in accordance with regulations C7A(16) of the 1986 regulations—

- (a) the additional period shall be treated as having been able to be counted at the time when the person ceased to be a member; and
- (b) the person shall be entitled to receive, within one month after making the lump sum payment, a sum equal to the additional amount he would have received if any benefits already paid to him had been calculated by reference to the increased period of membership.

(6) Regulation C18 (notice to discontinue contributions) applies to payments under regulation C7A(14) as it applies to the payments there mentioned, and a person who so discontinues such payment shall be entitled to count under sub-paragraphs (1) to (4) as membership in whole-time service an additional period equal to the appropriate proportion of the length of the period of membership in whole-time service which he would have been entitled to count under that paragraph if payment had been completed.

(7) Where a person began to make payments under regulation C7A(14) but ceases to be a member before he has completed payment of the sum payable by him under regulation C7A(8)—

- (a) if he so ceases on his death or on ceasing to hold his employment by reason of permanent ill-health or infirmity of mind or body, he shall be treated as having completed payment of that sum;
- (b) except where paragraph (c) applies, if he so ceases for any other reason he shall be entitled to count under sub-paragraphs (1) to (4) as membership in whole-time service an additional period equal to the appropriate proportion of the period of membership in whole-time service which he would have been entitled so to count if payment had been completed; and
- (c) if he so ceases by reason of his ceasing to be employed by a LGPS employer and within one month after the date on which he so ceases he pays the appropriate administering authority a capital sum equal to the total of the instalments remaining unpaid, he shall then be treated as having completed payment.

(8) In sub-paragraphs (6) and (7) “appropriate proportion” means the proportion which the aggregate of the total amount paid by way of instalments under paragraph (14) of regulation C7A of the 1986 regulations and this paragraph and the amount paid or payable by the employing authority under paragraph (12) or, as the case may be, paragraph (13) of that employing authority under paragraph (12) or, as the case may be, paragraph (13) of that regulation and under this paragraph bears to the total sum payable by him and his employing authority under those provisions.

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

Incomplete payments under provisions saved by this Schedule

7.—(1) Regulation C20 (effect of opting out of membership on certain additional payments) applies where a person is by virtue of this Schedule continuing to make additional periodical payments in pursuance of the 1986 regulations or the 1974 regulations as it applies where he has elected to make payments under regulation C9 or C13, but subject to paragraph (2).

(2) In the case of such payments as are mentioned in paragraph 1(4)(a) to (c), regulation C20 does not apply but—

- (a) paragraphs 5 and 6 of Schedule 6 to the 1986 regulations (as continued in effect by paragraphs 1 and 9) shall apply as if the member had ceased to hold a local government employment on the day on which he ceased to be a member; and
- (b) without prejudice to paragraph (a), if on that assumption he would become entitled to preserved benefits, he may give notice under paragraph 6 of that Schedule.

8. Regulation C19(7) shall apply to a person who has given notice under paragraph (2) of regulation C7B of the 1986 regulations (discontinuance of payments under regulation C6 of those regulations on making an election under regulation C7A of the 1986 regulations) as if payment of additional contributions under C9 had been discontinued under regulation C18.

Continuing provision relating to payments originally made under the 1974 regulations

9.—(1) Without prejudice to paragraph 1, Schedule 5 to the 1974 regulations shall be deemed to have continued to have effect in relation to any payments under regulation D10 or D11 of the 1974 regulations which remain payable by virtue of paragraph 1; and Schedule 6 to the 1986 regulations shall be deemed to have continued to have effect in relation to any payments under regulation D6, D7 or D8 of the 1974 regulations which remain payable by virtue of that paragraph.

(2) In its application by virtue of sub-paragraph (1), Schedule 6 to the 1986 regulations has effect with the substitution—

- (a) in paragraph 1 for the reference to regulation C9(2) of those regulations of a reference to paragraph 1 of this Schedule,
- (b) in paragraphs 3 and 4 for the references to “service” and “reckonable service” of references to membership, and
- (c) in paragraphs 6 and 7 for the references to regulation C12(7) of a reference to regulation C21 of these regulations,

and with the omission from paragraph 7 of sub-paragraph (1)(c)(ii).

Reduction of added years

10. Notwithstanding the revocation of regulation D8 (reduction of added years reckonable on payment as reckonable service), in so far as that regulation is capable of continuing to have effect it shall continue to do so.

Reduction of returned contributions in certain cases

11. Notwithstanding the revocation of regulation C15 of the 1986 regulations (reduction of returned contributions following payment in lieu of contributions), in so far as that regulation is capable of continuing to have effect it shall continue to do so.