

SCHEDULE D5

RE-EMPLOYED PENSIONERS

PART III

SEPARATE BENEFITS

Application of Part III

- 16.**—(1) This Part of this Schedule applies to a person who—
- (a) has become entitled to a retirement pension (a “previous pension”),
 - (b) after becoming so entitled entered further local government employment,
 - (c) has ceased to hold the further employment and has become entitled in relation to it to a retirement pension (an “additional pension”), and
 - (d) has not become entitled to the annual pension mentioned in Part II of this Schedule.
- (2) In this Part “retirement pension” includes—
- (a) a retirement pension under the 1974 regulations or the 1986 regulations,
 - (b) a superannuation allowance under Part I of the Act of 1937,
 - (c) an annual pension under the former regulations,
 - (d) a pension under a local Act scheme, and
 - (e) a short service grant under regulation 9 of the Benefits regulations.

Modifications to usual benefit rules

- 17.**—(1) If—
- (a) on the person’s ceasing to hold an employment in relation to which he became entitled to a previous pension (a “previous employment”) regulation D7 applied, and
 - (b) he gave notice under paragraph 4 of Schedule 9 of the 1986 regulations,
- regulation D7(2) does not apply on his ceasing to hold any further employment.
- (2) If regulation D7 did not apply on the person’s ceasing to hold a previous employment, but does apply on his ceasing to hold a further employment, paragraph 2(1) of Schedule D3 applies with the substitution for paragraphs (a) and (b) of the words “6²⁴³/₃₆₅ years”.

Benefits on and after death

- 18.**—(1) Subject to sub-paragraph (2), if when the person dies regulation E3(2) applies, it applies with the omission of the words from “the greater of” to the end of paragraph (a).
- (2) If the person who dies became entitled to a previous pension or to an additional pension—
- (a) by virtue of regulation D9, in a case where there was no entitlement under any previous regulation of Part D,
 - (b) by virtue of regulation D11, or
 - (c) by virtue of regulation E2(1)(c) or (d) of the 1986 regulations,
- then—

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- (i) if his previous and additional pension benefits equal or exceed his relevant previous or additional pensionable remuneration, there is no entitlement under Part E to a death grant in relation to the further employment, and
 - (ii) otherwise, the amount of the death grant (as calculated in accordance with that Part) is reduced by the amount, if any, by which it exceeds the difference between the amount of those benefits and that remuneration.
- (3) For the purposes of paragraph (2)—
- (a) a person’s “previous and additional pension benefits” are the total of—
 - (i) every death grant payable in relation to any previous employment, calculated in accordance with Part E,
 - (ii) payments made in respect of every previous pension,
 - (iii) every retirement grant to which the person became entitled in conjunction with any previous pension,
 - (iv) any payments made in respect of the additional pension, and
 - (v) any retirement grant to which the person became entitled in conjunction with the additional pension,including in each case any increase under the Pensions (Increase) Act 1971(1) and the Pensions (Increase) Act 1974(2), and
 - (b) a person’s “relevant previous or additional pensionable remuneration” is the greater of—
 - (i) the aggregate obtained by taking for each previous pension the amount of the pensionable remuneration by reference to which it was calculated and the amount by which that amount would have been increased if it had been the rate of an official pension (within the meaning of the Pensions (Increase) Act 1971) beginning on and payable from the day after the last day of the relevant previous employment, and
 - (ii) the amount of the pensionable remuneration by reference to which the additional pension was calculated.

(1) 1971 c. 56.
(2) 1974 c. 9.