

SCHEDULE 9

MODIFIED APPLICATION IN CERTAIN CASES

PART II

EMPLOYMENT AT REDUCED SALARY

12. Subject to paragraphs 13 to 17, these Regulations apply as if the teacher had been one person in relation to pensionable employment (“the earlier employment”) up to the end of his or her employment at the previous rate and a separate person in relation to pensionable employment (“new employment”) from the start of his or her employment at the reduced rate, and accordingly apply separately in relation to each of those employments.

13. For the purposes of regulation E5, periods counting towards a qualifying period in relation to one of the employments shall count also in relation to the other.

14.—(1) For the purposes of regulation E35(2), periods counting as reckonable service in relation to one of the employments shall count also in relation to the other.

(2) Any period excluded by regulation E35(2) shall be excluded in relation to new employment only.

15.—(1) A period for which the person has, before the first day of new employment, elected to pay additional contributions under regulation C5 shall not count as reckonable service in relation to new employment but shall, subject to sub paragraph (2), count in relation to the earlier employment.

(2) An election to pay such contributions by Method A or C which was made less than 12 months before the first day of new employment ceases to have effect on that day, and any contributions paid in pursuance of it are to be refunded.

(3) If an election to pay such contributions is made on or after the first day of new employment—

- (a) the period to which it relates shall count as reckonable service in relation to new employment but shall not count in relation to the earlier employment; and
- (b) if the contributions are to be paid by Method B, paragraph 11 of Schedule 4 (calculation of lump sum where salary reduced) does not apply.

16.—(1) This paragraph applies if the teacher becomes entitled to payment of retirement benefits by virtue of regulation E6(1)(c).

(2) For the purposes of regulation E10, the appropriate period shall be calculated by reference to the aggregate of the period counting as reckonable service in relation to the earlier employment and the period so counting in relation to new employment, and—

- (a) if he or she becomes entitled to payment of the benefits within 3 years after the start of new employment, the period counting as reckonable service in relation to the earlier employment; or
- (b) in any other case, the period so counting in relation to new employment,

shall be increased by the appropriate period so calculated.

17.—(1) For the purpose of calculating any death grant under regulation E24 or deficiency grant under regulation E25 that may become payable in respect of the teacher—

- (a) the pensionable salary mentioned in regulations E24(2) and E25(2)—

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- (i) if either grant becomes payable within 3 years after the start of new employment, shall be the pensionable salary in respect of the earlier employment; and
 - (ii) in any other case, shall be the pensionable salary in respect of new employment;
 - (b) the retirement lump sum mentioned in regulation E24(2) shall be the aggregate of the lump sums that would have become payable as there mentioned in respect of each of the employments, enhanced in accordance with paragraph 16; and
 - (c) the retirement pension mentioned in E25(3) shall be the aggregate of the retirement pensions paid in respect of each of the employments.
- (2) Only one of either kind of grant shall be paid.