

SCHEDULE 1

ARRANGEMENT OF RULES

PART G

RE-EMPLOYMENT

Preliminary

G.1 Application of Part G

- (1) This Part applies to persons who—
 - (a) have been active members of the AFPS 1975 or the Scheme,
 - (b) have ceased to be in service by virtue of which they are eligible to belong to the Scheme, and
 - (c) begin to be in such service again on or after 6th April 2005.
- (2) But paragraph (1) does not apply where rule A.10(1) (disregard of short breaks in service) applies.
- (3) In these Rules an active member of the Scheme to whom this Part applies is referred to as a “re-employed active member”.
- (4) In this Part, in relation to any re-employed active member—
 - (a) the service referred to in paragraph (1)(b) is referred to as “the earlier service”, and
 - (b) the service referred to in paragraph (1)(c) is referred to as “the current service”.
- (5) Certain rules in this Part also apply to members who opted to cease to be active members and then became such members again (see rule G.6: application of rule G.3 to members who opted to leave the Scheme).

Treatment of Separate Periods of Service: Options to Aggregate

G.2 General rule: periods of service treated separately

- (1) The general rule is that—
 - (a) the reckonable service and qualifying service that a re-employed active member was entitled to count immediately before becoming an active member in the current service are disregarded in determining rights in respect of his current service, and
 - (b) the reckonable service and qualifying service that a re-employed active member is entitled to count as a result of his membership in the current service are disregarded in determining rights in respect of his earlier service.
- (2) That general rule is subject to the following provisions of this Part (and see also rule A.10: disregard of short breaks in service).

G.3 Option to aggregate earlier membership: previous members of the Scheme

- (1) This rule applies in the case of a re-employed active member who immediately before becoming an active member in the current service was entitled under these Rules to count reckonable service and qualifying service.

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- (2) The member may opt for that service—
- (a) to be aggregated with the reckonable service and qualifying service that he is entitled to count as a result of his membership of the Scheme in the current service for the purpose of determining rights under the Scheme in respect of that membership, and
 - (b) to be disregarded for all other purposes of the Scheme.

This is subject to the paragraphs (3) and (4) and rule G.5.

(3) If the reckonable service and qualifying service mentioned in paragraph (1) is service in respect of two or more earlier periods of membership, the member may only exercise the option under paragraph (2) in relation to the reckonable service and qualifying service in respect of the later of those periods (or, if there are more than two, the latest of them).

- (4) But in paragraph (3) the reference to the later or latest of those periods includes—
- (a) any period (“the earlier aggregated period”) in respect of which the member has previously exercised the option under paragraph (2) or rule G.4 or an option under rule K.5 if he had the right to exercise that option because of his being a member in that later or latest period of service, and
 - (b) any period earlier than the earlier aggregated period in respect of which the member previously exercised such an option if he had the right to exercise that option because of his being a member in the earlier aggregated period,

and so on.

G.4 Option to aggregate earlier membership: previous members of the AFPS 1975

(1) This rule applies in the case of a re-employed active member to whom rule G.3 does not apply who was awarded a preserved pension and lump sum under the AFPS 1975 in respect of qualifying and reckonable service which ended before 6th April 2005.

- (2) The member may opt for the qualifying and reckonable service in respect of which the member was awarded the preserved pension—
- (a) to be aggregated with the reckonable service and qualifying service that he is entitled to count as a result of his membership of the Scheme in the current service for the purpose of determining rights under the Scheme in respect of that membership, and
 - (b) to be disregarded for all other purposes.

This is subject to paragraphs (3) and (4) and rule G.5.

(3) If the member was awarded two or more preserved pensions under the AFPS 1975, the member may only exercise the option under paragraph (2) in relation to the service to which the later or, if there are more than two, the latest of the awards relates.

- (4) If—
- (a) the award under the AFPS 1975 of a member who exercises an option under this rule is subject to a pension debit, and
 - (b) in the opinion of the Scheme administrator it is necessary for the purpose of giving effect to the pension debit for some or all of the benefits to which the pension member is entitled under the Scheme as a result of exercising the option to be taken in a different form from that in which he would otherwise be entitled to take them,

the Scheme administrator may, after taking advice from the Scheme actuary, make such modifications to the member’s rights as to the form of those benefits as he considers necessary for that purpose.

G.5 Procedure for exercising options under rules G.3 and G.4

- (1) An option under rule G.3(2) may only be exercised before the end of the current service.
- (2) An option under rule G.3(2) or rule G.4(2) may only be exercised by notice in writing to the Scheme administrator in such form as the Secretary of State requires.

G.6 Application of rule G.3 to members who opted to leave Scheme

- (1) Rule G.3 applies to a member who, having been an active member of the Scheme, opted to cease to be such a member whilst continuing to be in service by virtue of which he is eligible to belong to the Scheme as it applies to a member who ceases to be in such service.
- (2) In relation to such a person this Part applies as if the member—
 - (a) had ceased to be in such service when he ceased to be an active member by virtue of the option, and
 - (b) had begun to be in such service again at the time when he becomes an active member again;and references to a re-employed active member, the earlier service and the current service are to be read accordingly.
- (3) This rule applies subject to rule A.10(2) (disregard of short breaks in service).

G.7 Re-employment after ill-health awards

- (1) This rule applies if—
 - (a) a re-employed active member has received benefits under rule D.5 or D.6, and
 - (b) the enhancement period exceeds the period beginning with the day on which his early retirement began (“the first retirement day”) and ending with the day before his current service began.
- (2) In this rule “the enhancement period” means—
 - (a) in the case of a member who has received a pension under rule D.5, the amount by which N years exceeds the reckonable service he was entitled to count when he became entitled to the pension under that rule, where N has the meaning given in rule D.5(5), and
 - (b) in the case of a member who has received a pension under rule D.6, one-third of the further reckonable service referred to in rule D.6(3).
- (3) The re-employed member’s current service counts as reckonable service for the purposes of the Scheme only in so far as it is service after the time when the period since the beginning of the first retirement day equals the enhancement period.