

SCHEDULE 1

The Royal Mail Statutory Pension Scheme Rules

PART IV

SECTION B RULES OF THE SCHEME

Application

1. These Section B Rules shall only apply to Members who are Section B Actives, and they do not apply to Members who are Cut-Off Date Non-Actives or to any other Wholly Transferred Beneficiaries. References to Member, RMPP Active and RMPP Leaver in these Section B Rules shall be read accordingly.

Definitions and interpretation

2.—(1) In the Section B Rules the following expressions have the following meanings—

“Children” (and the term “Child”) in relation to a Member means—

- (a) legitimate and legitimated children of a Member or his or her spouse;
- (b) children adopted by the Member and/or his or her spouse;
- (c) illegitimate children of the Member or his or her spouse;
- (d) step-children of the Member or his or her spouse;
- (e) children of a deceased brother or half brother, of a deceased sister or half sister or of deceased children of the Member;
- (f) a brother or half brother, or sister or half sister of the Member,

other than children (not being children of a Member) who become children of a woman after the termination of her marriage to a Member, being in cases (a), (b), (c), (d), (e) and (f) above persons who are under 18 or if over that age (but not over age 25), subject to Part IX (Overriding Finance Act Provisions) of this Schedule, are receiving full-time education or undergoing full-time training of not less than two years' duration for any trade, profession or vocation during which they receive not more than the maximum allowable remuneration which term, for this purpose, means £312 per annum (excluding returns of premiums), increased from time to time by the amount of increase that would be applied under the Pensions (Increases) Act 1971 to a pension of £312 per annum first awarded on 1 December 1971.

At the discretion of the Secretary of State any other child may be treated as within this definition of “children” provided that—

- (a) such child is under 18 or if over that age (but not over age 25) is receiving such full-time education or training as is referred to above and on those conditions (subject to Part IX (Overriding Finance Act Provisions) of this Schedule); and
- (b) the Secretary of State is satisfied that at the time of the Member's retirement or death either the child was wholly or mainly dependent on the Member or the Member had formed the intention of legally adopting the child;

“CSDB Pensionable Salary” means, in relation to each RMSPS Pension Block and RMSPS Lump Sum Block, the amount which would have been the “CSDB Pensionable Salary” of a Member (as recognised for the purposes of the RMPP under Rule 1 of Section B of the RMPP Cut-Off Date Rules) during the 12 months up to and including the Renewal Date that is applicable to that RMSPS Pension Block and RMSPS Lump Sum Block, had that Member

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opted out of the RMPP under General Rule 1A (Optional membership) of the RMPP Cut-Off Date Rules at the end of the Cut-Off Date;

“CWU Represented Member” means a Member who works for an Employer in an administrative or operational grade that is represented by the Communication Workers Union (CWU) whether or not that Member is a member of the CWU;

“Dependant” means anyone who is financially dependent on the Member or was so dependent at the time of that person’s death. This includes anyone who shares living expenses with, or receives financial support from, the Member, and whose standard of living would be affected by the loss of that person’s contribution or support. The Secretary of State’s decision as to whether someone is another person’s Dependant will be final;

“Discharged RMPP Benefit” has the meaning given in Rule 4(4) (Payment of RMSPS benefits, retirement options and flexible retirement);

“Minimum Pension Age” means age 50 up to and including 5 April 2010 and age 55 on and from 6 April 2010 and MPA has the same meaning;

“Nil Margin Member” has the meaning given in Rule 4(5) (Payment of RMSPS benefits, retirement options and flexible retirement);

“Partially Discharged RMPP Member” has the meaning given in Rule 4(4) (Payment of RMSPS benefits, retirement options and flexible retirement);

“Relevant Date means”, in respect of a Relevant Member, the earlier of: (a) the date that Member joined the contributory part of the RMPP; and (b) 1 June 1972;

“Relevant Member” means any Member who has any RMSPS Reckonable Service attributable to a period of time before that Member’s Relevant Date;

“Relevant RMSPS Benefit” means the RMSPS benefit of a Partially Discharged RMPP Member (being either that Member’s RMSPS NRA60 Benefits or RMSPS NRA65 Benefits) which corresponds to that Member’s Discharged RMPP Benefit;

“Renewal Date” means 31 March of each year following 1 April 2008;

“Retired on RMPP Ill Health Grounds” means—

- (a) subject to Paragraph (b) below, in relation to a Member, the cessation of the Member’s employment as a result of serious physical or mental ill health (not simply a decline in energy or ability) such that, in the opinion of the Employer, the Member is permanently incapable of—
 - (i) carrying out that Member’s current duties;
 - (ii) carrying out such other duties for the Employer as the Employer might reasonably expect the Member to perform; and
 - (iii) engaging in employment with any other employer of a type which, in the opinion of that Member’s present Employer, would be reasonable and appropriate for the Member; and
- (b) in relation to an RMPP Leaver who was in RMPP Reckonable Service on 31 March 2000, retirement because the Member’s Employer is satisfied that the Member concerned is likely, through physical or mental disablement, to be permanently unable to give regular and efficient service on the duties of that Member’s post;

“RMPP NRA60 Benefits” means, in respect of a Member, the “NRA60 Benefits” of the Member under the RMPP as defined by the RMPP Rules;

“RMPP NRA65 Benefits” means, in respect of a Member, the “NRA65 Benefits” of the Member under the RMPP as defined by the RMPP Rules;

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“RMSPS Lump Sum Block” has the meaning assigned to it in Rule 3(7)(b)(ii) (Benefits payable to Members on retirement);

“RMSPS NRA60 Benefits” means a Member’s RMSPS NRA60 Pension and RMSPS NRA60 Lump Sum;

“RMSPS NRA60 Lump Sum” means that part of a Member’s lump sum which accrued under Rule 3(1)(b) (Benefits payable to Members on retirement) in respect of RMSPS Reckonable Service on or before 31 March 2010 (and so, for the avoidance of doubt, in respect of which the Member’s Normal Retiring Age is 60);

“RMSPS NRA60 Pension” means that part of a Member’s pension which accrued under Rule 3(1)(a) (Benefits payable to Members on retirement) in respect of RMSPS Reckonable Service on or before 31 March 2010 (and so, for the avoidance of doubt, in respect of which the Member’s Normal Retiring Age is 60);

“RMSPS NRA65 Benefits” means a Member’s RMSPS NRA65 Pension and RMSPS NRA65 Lump Sum;

“RMSPS NRA65 Lump Sum” means that part of a Member’s lump sum which accrued under Rule 3(2)(b) (Benefits payable to Members on retirement) in respect of RMSPS Reckonable Service on or after 1 April 2010 (and so, for the avoidance of doubt, in respect of which the Member’s Normal Retiring Age is 65);

“RMSPS NRA65 Pension” means that part of a Member’s pension which accrued under Rule 3(2)(a) (Benefits payable to Members on retirement) in respect of RMSPS Reckonable Service on or after 1 April 2010 (and so, for the avoidance of doubt, in respect of which the Member’s Normal Retiring Age is 65);

“RMSPS Pensionable Salary” means the amount which would have been a Member’s “Pensionable Salary” under the RMPP had that Member opted-out of the RMPP under General Rule 1A (Optional membership) of the RMPP Cut-Off Date Rules at the end of the Cut-Off Date;

“RMSPS Pension Block” has the meaning assigned to it in Rule 3(7)(b)(i) (Benefits payable to Members on retirement);

“RMSPS Reckonable Service” has the meaning assigned to it in General Rule 2 (RMSPS Reckonable Service);

“RMSPS Revalued Lump Sum Block” has the meaning assigned to it in Rule 3(7)(d) (Benefits payable to Members on retirement);

“RMSPS Revalued Pension Block” has the meaning assigned to it in Rule 3(7)(d) (Benefits payable to Members on retirement);

“Senior Manager Member” means a Member who was invited before the Cut-Off Date by the Principal Employer to become a Senior Manager Member under the Section B Rules of the RMPP Rules and who has accepted that invitation by applying in writing to the RMPP Trustees to become a Senior Manager Member and, in that application, has agreed that he or she shall be entitled to benefits in accordance with the Section B Rules of the RMPP Rules (provided that, in the event that person is made redundant under the RMPP by an Employer, that person shall not be entitled to immediate payment of his or her RMPP pension before his or her Normal Retiring Age without reduction for early payment, or to any enhancement to his or her RMPP Reckonable Service on account of his or her redundancy under Rule 8 (Retirement on Redundancy) of Section B of the RMPP Rules and no lump sum compensation shall be payable to the person on account of his or her redundancy); and

“Wholly Discharged RMPP Member” has the meaning given in Rule 4(4) (Payment of RMSPS benefits, retirement, options and flexible retirement).

(2) Except where the context requires otherwise—

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- (a) words importing the masculine include the feminine gender; and
- (b) references to particular Rules are references to those Rules in the Section B Rules.

Benefits payable to Members on retirement

3.—(1) The following benefits (RMSPS NRA60 Benefits) will be paid to every Member on retirement after the Cut-Off Date at or after age 60—

- (a) an annual pension (RMSPS NRA60 Pension) for life of the sum of—
 - (i) $\frac{1}{80}$ th of the Member’s RMSPS Pensionable Salary for each year and proportionately for part of a year of RMSPS Reckonable Service before 1 April 2008; and
 - (ii) the sum of the Member’s RMSPS Revalued Pension Blocks, as calculated under sub-paragraph (7) below, for RMSPS Reckonable Service on and after 1 April 2008 but before 1 April 2010,subject to sub-paragraph (3) below; and

- (b) a lump sum (RMSPS NRA60 Lump Sum) of the sum of—
 - (i) $\frac{3}{80}$ ths of the Member’s RMSPS Pensionable Salary for each year and proportionately for part of a year of RMSPS Reckonable Service before 1 April 2008; and
 - (ii) the sum of the Member’s RMSPS Revalued Lump Sum Blocks, as calculated under sub-paragraph (7) below, for RMSPS Reckonable Service on and after 1 April 2008 but before 1 April 2010,subject to sub-paragraph (4) below.

(2) The following benefits (RMSPS NRA65 Benefits) will be paid to every Member on retirement after the Cut-Off Date at or after age 65—

- (a) an annual pension (RMSPS NRA65 Pension) for life of the sum of the Member’s RMSPS Revalued Pension Blocks, as calculated under sub-paragraph (7) below, for RMSPS Reckonable Service on and after 1 April 2010 up to the end of the Cut-Off Date, subject to sub-paragraph (3) below; and
- (b) a lump sum (RMSPS NRA65 Lump Sum) of the sum of the Member’s RMSPS Revalued Lump Sum Blocks, as calculated under sub-paragraph (7) below, for RMSPS Reckonable Service on and after 1 April 2010 up to the end of the Cut-Off Date, subject to sub-paragraph (4) below.

(3) For the purpose of calculating the Member’s pension under this Rule 3, the total amount of RMSPS Reckonable Service for Paragraphs (1)(a)(i), (1)(a)(ii) and (2)(a) above combined shall not exceed 45 years, including for these purposes the Member’s “Pre-Cut-Off Date AVC FS Added Years Service” (if any) as referred to in General Rule 2 (RMSPS Reckonable Service).

(4) For the purpose of calculating the Member’s lump sum under this Rule 3, the total amount of RMSPS Reckonable Service for Paragraphs (1)(b)(i), (1)(b)(ii) and (2)(b) above combined shall not exceed 45 years, including for these purposes the Member’s “Pre-Cut-Off Date AVC FS Added Years Service” (if any) as referred to in General Rule 2 (RMSPS Reckonable Service).

(5) All Members will be entitled to both RMSPS NRA60 Benefits in respect of RMSPS Reckonable Service on or before 31 March 2010 (calculated in accordance with sub-paragraph (1) above) and RMSPS NRA65 Benefits in respect of RMSPS Reckonable Service on and after 1 April 2010 (calculated in accordance with sub-paragraph (2) above).

(6) The lump sum of a Member will, where applicable, be reduced in accordance with General Rule 12 (Members’ choice of methods of payment of contributions) and General Rule 13 (Plan M), General Rule 14 (Plan U) or General Rule 15 (Plan L) (as applicable).

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- (a) (7) (a) In respect of RMSPS Reckonable Service on or after 1 April 2008 to the earlier of completion of 45 years' RMSPS Reckonable Service and the Cut-Off Date (inclusive), the benefits of each Member shall be determined on the following basis.
 - (b) At each Renewal Date up to and including the Cut-Off Date—
 - (i) the Member accrued under the RMPP a pension of $\frac{1}{80}$ th of the Member's CSDB Pensionable Salary for the year up to and including the Renewal Date (an RMSPS Pension Block) coinciding with the Cut-Off Date; and
 - (ii) the Member accrued under the RMPP a lump sum of $\frac{3}{80}$ ths of the Member's CSDB Pensionable Salary for the year up to and including the Renewal Date (an RMSPS Lump Sum Block) coinciding with the Cut-Off Date.
 - (c) The RMSPS Pension Block and the RMSPS Lump Sum Block accrued at each Renewal Date were revalued under the RMPP, first at the Renewal Date at the end of the subsequent year and then at each subsequent Renewal Date thereafter up to and including the Cut-Off Date by the annual increase in the Government index of retail prices for all items for the 12 months to the preceding September subject to a maximum increase of 5% and a minimum increase of 0% a year.
 - (d) Each RMSPS Pension Block, as successively revalued under Paragraph (c) above, will be an RMSPS Revalued Pension Block. Each RMSPS Lump Sum Block, as successively revalued under Paragraph (c) above, will be an RMSPS Revalued Lump Sum Block.
- (8) The benefits payable under this Rule 3 will be deferred until the Member reaches the Normal Retiring Age applicable to them at which point they will (subject to any increases applicable under Rule 19 (Pensions increase)) be brought into payment, subject to Rule 4 (Payment of RMSPS benefits, retirement options and flexible retirement) and to the following—
- (a) If the Member dies before payment (whether of RMSPS NRA60 Benefits, RMSPS NRA65 Benefits, or both) the death, family and Dependants' benefits will be paid under—
 - (i) Rules 9(2), (3) or (4) (Lump sum benefits payable on death of a Member);
 - (ii) Rule 11 (Spouse's pension) and, where applicable, Rule 12 (Spouse's pension for Relevant Members);
 - (iii) Rule 14 (Children's pensions); and
 - (iv) Rule 15 (Dependants' pensions).
 - (b) A Member whose benefits (whether RMSPS NRA60 Benefits, RMSPS NRA65 Benefits, or both) are deferred under this sub-paragraph (8) will (if the payment of immediate benefits is not contrary to the provisions of Part IX (Overriding Finance Act Provisions) of this Schedule) receive early payment before Normal Retiring Age of either or both of those tranches of benefits in the circumstances set out in—
 - (i) Rule 4(2), (4) or (5) (Payment of RMSPS benefits, retirement options and flexible retirement);
 - (ii) Rule 5 (Benefits payable to Members who retire on ill-health grounds or compassionate grounds);
 - (iii) Rule 6 (Benefits payable to Members who retire under the RMPP in the interests of efficiency);
 - (iv) Rule 7 (Benefits payable to Members who retire under the RMPP on redundancy); and
 - (v) Rule 8 (Benefits payable to Members who take early voluntary retirement under the RMPP).

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(9) Any benefits paid early under this Rule (including the other Rules referred to in sub-paragraph (8) above) shall, unless these Rules provide otherwise, be reduced for early payment on a basis determined by the Secretary of State on the advice of the Actuary so that, as far as reasonably practicable, they are equal in value to the benefits that would have been paid to the Member at age 60 in respect of RMSPS NRA60 Benefits and age 65 in respect of RMSPS NRA65 Benefits.

(10) Nothing in this Rule (or the other Rules referred to in sub-paragraph (8) above) shall enable the Secretary of State to reduce a Member's pension below that Member's GMP or any widow's or widower's pension payable on that Member's death below the widow or widower's GMP.

(11) Rules 9(3)(a)(i), (4)(a)(i) or (5) (Lump sum benefits payable on death of a Member) shall apply to the reduced pension payable under sub-paragraph (9) of this Rule.

Payment of RMSPS benefits, retirement options and flexible retirement

4.—(1) A Member's RMSPS NRA60 Benefits and RMSPS NRA65 Benefits are separate benefit entitlements, and shall constitute separate arrangements for the purposes of the Finance Act 2004, provided that the Secretary of State has the power to arrange the benefits under the RMSPS (in respect of one or a number of Members) so that RMSPS NRA60 Benefits and RMSPS NRA65 Benefits constitute the same arrangement for the purposes of the Finance Act 2004.

(2) Despite any other provision of these Section B Rules but subject to General Rule 7 (Application of Sections A and B – election for Section B benefits), sub-paragraph (4) below in relation to Wholly Discharged RMPP Members and Partially Discharged RMPP Members and sub-paragraph (5) below in relation to Nil Margin Members—

(a) a Member's RMSPS NRA60 Benefits—

- (i) will come into payment automatically under the RMSPS when that Member draws or is paid RMPP NRA60 Benefits from the RMPP having obtained all necessary consents under the RMPP to do so; and
- (ii) may not come into payment under the RMSPS until that Member draws or is paid RMPP NRA60 Benefits from the RMPP;

(b) a Member's RMSPS NRA65 Benefits—

- (i) will come into payment automatically under the RMSPS when that Member draws or is paid RMPP NRA65 Benefits from the RMPP having obtained all necessary consents under the RMPP to do so; and
- (ii) may not come into payment under the RMSPS until that Member draws or is paid RMPP NRA65 Benefits from the RMPP.

Rule 5 (Benefits payable to Members who retire on ill health grounds or compassionate grounds), Rule 6 (Benefits payable to Members who retire under the RMPP in the interests of efficiency), Rule 7 (Benefits payable to Members who retire under the RMPP on redundancy) and Rule 8 (Benefits payable to Members who take early voluntary retirement under the RMPP) will in each case apply on a basis that is consistent with this principle (except that sub-paragraphs (4) and (5) below, and any specific provisions that are set out in each of those Rules, will apply in relation to Wholly Discharged RMPP Members, Partially Discharged RMPP Members and Nil Margin Members).

(3) Where a Member's RMSPS NRA60 Benefits or RMSPS NRA65 Benefits—

- (a) should have come into payment automatically under Paragraph (2)(a) or (b) above but have not come into payment, the Member shall be paid the relevant RMSPS NRA60 Benefits or RMSPS NRA65 Benefits in arrears, with such Interest, if any, as the Secretary of State considers appropriate; and
- (b) have come into payment, but the RMPP NRA60 Benefits or RMPP NRA65 Benefits, as appropriate under Paragraph (2)(a) or (b) above, have not come into payment, the relevant RMSPS NRA60 Benefits or RMSPS NRA65 Benefits will be treated as having been paid

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in error, and the Secretary of State must take whatever action he deems appropriate in his absolute discretion to correct the error.

(4) In the event that a Member—

- (a) ceases to be a member of the RMPP by reason of a transfer of all of that Member's benefits out of the RMPP (other than a transfer to a New POL Scheme described in Clause 5 (New POL Scheme)) or a discharge of all the Trustee's obligations to provide benefits to that Member (in either case, other than money purchase benefits) (such Member being a Wholly Discharged RMPP Member); or
- (b) ceases to have a right or entitlement to either that Member's RMPP NRA60 Benefits or RMPP NRA 65 Benefits for one of the reasons set out in Paragraph (a) above (such Member being a Partially Discharged RMPP Member and that benefit being a Discharged RMPP Benefit),

the following shall apply instead—

- (i) Sub-paragraphs (2) and (3) above will not apply in respect of a Wholly Discharged RMPP Member or, in the case of a Partially Discharged RMPP Member, that Member's Relevant RMSPS Benefit, unless and to the extent that any benefit under the RMSPS has not yet (or should have) come into payment under sub-paragraph (2).
- (ii) Rule 5 (Benefits payable to Members who retire on ill health grounds or compassionate grounds), Rule 6 (Benefits payable to Members who retire under the RMPP in the interests of efficiency), Rule 7 (Benefits payable to Members who retire under the RMPP on redundancy) and Rule 8 (Benefits payable to Members who take early voluntary retirement under the RMPP) will apply in respect of a Wholly Discharged RMPP Member or, in the case of a Partially Discharged RMPP Member, that Member's Relevant RMSPS Benefit, on the basis provided for in that Rule.
- (iii) Any Wholly Discharged RMPP Member whose benefits (or some of them) are deferred under Rule 3(8) (Benefits payable to Members on retirement) may elect, any time after Minimum Pension Age to take that Member's RMSPS NRA60 Benefits or (if applicable) that Member's RMSPS NRA65 Benefits, or both.

Similarly, if the Relevant RMSPS Benefit of a Partially Discharged RMPP Member is deferred under Rule 3(8) (Benefits payable to Members on retirement), he or she may elect, any time after Minimum Pension Age to take that RMSPS benefit.

In either case, such election shall require the consent of the Secretary of State (provided that such consent shall not be required in respect of RMSPS NRA60 Benefits if the Member has reached age 60, and shall not be required in respect of RMSPS NRA65 Benefits if the Member has reached age 65). In the case of a Wholly Discharged RMPP Member, if only one tranche of benefit is taken, the other shall continue to be deferred but, for avoidance of doubt, the remaining tranche can subsequently be brought into payment early in accordance with this Rule.

Similarly, if the Relevant RMSPS Benefit of a Partially Discharged RMPP Member is deferred under Rule 3(8) (Benefits payable to Members on retirement), he or she may elect, any time after Minimum Pension Age to take that RMSPS benefit.

In either case, such election shall require the consent of the Secretary of State (provided that such consent shall not be required in respect of RMSPS NRA60 Benefits if the Member has reached age 60, and shall not be required in respect of RMSPS NRA65 Benefits if the Member has reached age 65). In the case of a Wholly Discharged RMPP Member, if only one tranche of benefit is taken, the other shall continue to be deferred but, for avoidance of doubt, the remaining tranche can subsequently be brought into payment early in accordance with this Rule.

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(iv) Any Wholly Discharged RMPP Member may draw RMSPS NRA60 Benefits and RMSPS NRA65 Benefits at different times in accordance with the provisions of this Rule. However, if either a Wholly Discharged RMPP Member or a Partially Discharged RMPP Member wishes to draw RMSPS NRA60 Benefits, that Member must draw all of his or her RMSPS NRA60 Benefits at the same time and may not draw only part of his or her RMSPS NRA60 Benefits (and the same applies to RMSPS NRA65 Benefits). Provided that where a Wholly Discharged RMPP Member or Partially Discharged RMPP Member had at the end of the Cut-Off Date two or more periods of RMPP Reckonable Service which were treated separately in accordance with the RMPP Cut-Off Date Rules, the Wholly Discharged RMPP Member or Partially Discharged RMPP Member (as appropriate) may draw benefits from the RMSPS in respect of each period separately on the same basis as applied under the RMPP before 1 April 2010.

(5) This sub-paragraph applies to a Member (not being either a Partially Discharged RMPP Member whose Relevant RMSPS Benefit is that Member's RMSPS NRA60 Benefits or a Wholly Discharged RMPP Member) whose RMSPS NRA60 Benefits have not yet been brought into payment and who has a prospective RMPP NRA60 Pension under Rule 4(1)(a) (Retirement at or after Normal Retiring Age) of Section B of the RMPP Rules of nil and a prospective RMPP NRA60 Lump Sum under Rule 4(1)(b) of Section B of the RMPP Rules of nil (as described in Rule 4XA (Deemed crystallisation of NRA60 Benefits where no margin over RMSPS NRA60 Benefits) of Section B of the RMPP Rules) on the earliest of the dates specified in Paragraph (d) below (any such Member being a Nil Margin Member).

- (a) Sub-paragraphs (2) and (3) above will not apply in respect of the Nil Margin Member, if and to the extent that any benefit under the RMSPS has not yet (or should have) come into payment under sub-paragraph (2).
- (b) Rule 5 (Benefits payable to Members who retire on ill health grounds or compassionate grounds), Rule 6 (Benefits payable to Members who retire under the RMPP in the interests of efficiency), Rule 7 (Benefits payable to Members who retire under the RMPP on redundancy) and Rule 8 (Benefits payable to Members who take early voluntary retirement under the RMPP) will apply in respect of the Nil Margin Member on the basis provided for in that Rule.
- (c) The Nil Margin Member may elect to take his or her RMSPS NRA60 Benefits at any time after Minimum Pension Age. This election shall require the consent of the Secretary of State (provided that such consent shall not be required if the Nil Margin Member has reached age 60). If only the RMSPS NRA60 Benefits are taken, the RMSPS NRA65 Benefit shall continue to be deferred but, for avoidance of doubt, the RMSPS NRA65 Benefits can subsequently be brought into payment early in accordance with sub-paragraph (2) or (4) above, as appropriate.
- (d) The dates specified for the purposes of this Rule are—
 - (i) the Nil Margin Member's RMPP Exit Date;
 - (ii) the effective date of any election by the Nil Margin Member for the purposes of the RMPP under Rule 4A of Section B of the RMPP Rules, which results in the Nil Margin Member ceasing to accrue further benefits under the RMPP or which would require his or her RMPP NRA60 Benefits to be paid immediately; and
 - (iii) the date of an election by the Nil Margin Member to receive his or her RMSPS NRA60 Benefits under Paragraph (c) of this Rule.

(6) Any benefits of a Wholly Discharged RMPP Member or a Nil Margin Member, or the Relevant RMSPS Benefit of a Partially Discharged RMPP Member (as the case may be) that (in any such case) have not come into payment (whether RMSPS NRA60 Benefits, RMSPS NRA65 Benefits or both) must commence payment no later than Normal Retiring Age (provided that no Member will be treated as becoming a Nil Margin Member by the operation of this sub-paragraph if they would not otherwise at that time have become a Nil Margin Member at their Normal Retiring Age).

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(7) While the Member remains in employment to which the RMPP relates, the Member's consent will not be required to defer payment of his or her GMP after age 65 (being the expiration of five years from the date on which that Member attains Normal Retiring Age in respect of that Member's RMSPS NRA60 Benefits). Section 13(5)(b) of the Pension Schemes Act 1993 (as applied to the RMSPS by the Contracting-out Laws) shall apply subject to this exemption from its requirements. This sub-paragraph shall not apply to a Wholly Discharged RMPP Member, a Partially Discharged RMPP Member whose Relevant RMSPS Benefit is his or her RMSPS NRA60 Benefits. This sub-paragraph shall apply to a Nil Margin Member who remains in employment with an Employer, notwithstanding that there is at that time no RMPP NRA60 Benefit payable to the Member.

Benefits payable to Members who retire on ill health grounds or compassionate grounds

5.—(1) A Member who is—

- (a) an RMPP Active who is Retired on RMPP Ill Health Grounds (within the meaning of Paragraph (a) of the definition of that term) by that Member's Employer after the Cut-Off Date; or
- (b) an RMPP Leaver who is Retired on RMPP Ill Health Grounds (whether within the meaning of Paragraph (a) or Paragraph (b) of the definition of that term) by that Member's Employer after the Cut-Off Date,

will be paid the RMSPS NRA60 Benefits and RMSPS NRA65 Benefits specified in Rule 3 (Benefits payable to Members on retirement) (or, if either benefit is already in payment, the benefit not already in payment) automatically when that Member's RMPP NRA60 Benefits and/or RMPP NRA65 Benefits come into payment. The reduction set out in Rule 3(9) will not apply to that Member's RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits that then come into payment.

(2) The following shall also apply in relation to an RMPP Leaver who ceases to be in Employer employment—

- (a) If—
 - (i) such a Member's RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits are being deferred under Rule 3(8) (Benefits payable to Members on retirement); and
 - (ii) the RMPP Trustees terminate deferment of that Member's RMPP NRA60 Benefits and/or RMPP NRA65 Benefits because they are satisfied that the RMPP Leaver could have Retired on RMPP Ill Health Grounds had the RMPP Leaver still been in Employer employment under Rule 21(4) (Preservation of benefits) of Section B of the RMPP Rules,

the Secretary of State shall (subject, in particular to paragraphs 3 and 4 of Part IX (Overriding Finance Act Provisions) of this Schedule) also terminate the deferment of that Member's RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits as appropriate. The reduction set out in Rule 3(9) (Benefits payable to Members on retirement) will not apply to that Member's RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits that then come into payment.

- (b) If—
 - (i) such a Member's RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits are being deferred under Rule 3(8) (Benefits payable to Members on retirement) at a time that is within 10 years before that RMPP Leaver reaches Normal Retiring Age;
 - (ii) the Member has reached Minimum Pension Age); and
 - (iii) the RMPP Trustees at their discretion terminate the deferment of the RMPP Leaver's RMPP NRA60 Benefits and/or RMPP NRA65 Benefits on other compassionate grounds under Rule 21(4) (Preservation of benefits) of Section B of the RMPP Rules,

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the Secretary of State will also terminate the deferment of the RMPP Leaver's RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits as appropriate. The reduction set out in Rule 3(9) (Benefits payable to Members on retirement) will not apply to that Member's RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits that then come into payment, provided that, to the extent the said benefits relate to periods of RMSPS Reckonable Service on and from 1 December 2006, the benefits shall be reduced on a basis to be determined by the Secretary of State on the advice of the Actuary so that, so far as is reasonably practicable, they are equal in value to the benefits which would have been paid to the RMPP Leaver at Normal Retiring Age.

(3) Sub-paragraphs (1) and (2) above shall not apply in relation to a Wholly Discharged RMPP Member. The following shall apply instead—

- (a) If at any time when the RMSPS NRA60 Benefits and/or the RMSPS NRA65 Benefits of a Wholly Discharged RMPP Member are being deferred under Rule 3(8) (Benefits payable to Members on retirement), the Secretary of State is satisfied that the Wholly Discharged RMPP Member Retired on RMPP Ill Health Grounds (or could have Retired on RMPP Ill Health Grounds had the Member still been in Employer employment), the Secretary of State shall (subject, in particular to paragraphs 3 and 4 of Part IX (Overriding Finance Act Provisions) of this Schedule) terminate the deferment of that Member's RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits as appropriate. The reduction set out in Rule 3(9) (Benefits payable to Members on retirement) will not apply to the RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits that then come into payment. For avoidance of doubt, Paragraph (b) in the definition of the term Retired on RMPP Ill Health Grounds applies for the purposes of this sub-paragraph (3)(a) in relation to a Wholly Discharged RMPP Member who was in RMPP Reckonable Service on 31 March 2000.
- (b) At any time when the RMSPS NRA60 Benefits and/or the RMSPS NRA65 Benefits of a Wholly Discharged RMPP Member are being deferred under Rule 3(8) (Benefits payable to Members on retirement) that is within 10 years before that Member reaches Normal Retiring Age (but as long as the Member has reached Minimum Pension Age), the Secretary of State may at his discretion terminate the deferment of the said benefits on other compassionate grounds. The reduction set out in Rule 3(9) (Benefits payable to Members on retirement) will not apply to the RMSPS NRA60 Benefits and/or RMSPS NRA65 Benefits that then come into payment, provided that, to the extent the said benefits relate to periods of RMSPS Reckonable Service on and from 1 December 2006, the benefits shall be reduced on a basis to be determined by the Secretary of State on the advice of the Actuary so that, so far as is reasonably practicable, they are equal in value to the benefits which would have been paid to the Member at Normal Retiring Age.

(4) In relation to a Nil Margin Member, sub-paragraphs (1) and (2) will apply such that the Member's RMSPS NRA60 Benefits and (if they have not already come into payment) RMSPS NRA65 Benefits both come into payment, notwithstanding that no amount in respect of that Member's RMPP NRA60 Benefits will at that time come into payment under the RMPP.

(5) Similarly, in relation to a Partially Discharged RMPP Member, sub-paragraphs (1) and (2) will apply such that the Member's RMSPS NRA60 Benefits and RMSPS NRA65 Benefits will both come into payment (or, any such benefit that has not already come into payment will come into payment), notwithstanding that no amount in respect of that Member's Discharged RMPP Benefit will at that time come into payment under the RMPP.

Benefits payable to Members who retire under the RMPP in the interests of efficiency

6.—(1) Any Member who is retired from Employer employment in the interests of efficiency under the RMPP after the Cut-Off Date will be paid that Member's RMSPS NRA60 Benefits and RMSPS NRA65 Benefits (or, if either benefit is already in payment, the benefit not already in

payment) so that they come into payment at the same time as that Member's RMPP NRA60 Benefits and/or RMPP NRA65 Benefits (respectively) come into payment by reason of Rule 7 (Retirement in the interests of efficiency) or Rule 7A of Section B of the RMPP Rules.

(2) Where the Member (other than a CWU Represented Member) is to receive benefits by reason of this Rule 6 then—

- (a) if that Member is retired before Minimum Pension Age, payment of those benefits will be deferred in accordance with Rule 3(8) (Benefits payable to Members on retirement); or
- (b) if that Member is retired on or after Minimum Pension Age the benefits specified in Rule 3 (Benefits payable to Members on retirement) will be paid without deferment.

(3) Where a CWU Represented Member is to receive benefits by reason of this Rule 6 then—

- (a) if that Member is retired before Minimum Pension Age, payment of those benefits will be deferred in accordance with Rule 3(8) (Benefits payable to Members on retirement); or
- (b) if that Member is retired on or after Minimum Pension Age either—
 - (i) payment of those benefits will be deferred in accordance with Rule 3(8) (Benefits payable to Members on retirement); or
 - (ii) if that Member's Employer declares the circumstances to be appropriate such that his or her corresponding RMPP benefits will be paid without deferment, his or her RMSPS benefits will also be paid without deferment.

(4) This Rule will—

- (i) not apply to a Wholly Discharged RMPP Member;
- (ii) apply to a Partially Discharged RMPP Member, but only in respect of that Member's RMSPS benefit that is not his or her Relevant RMSPS Benefit; and
- (iii) apply to a Nil Margin Member such that the Member's RMSPS NRA60 Benefits and (if they have not already come into payment) his or her RMSPS NRA65 Benefits both come into payment, notwithstanding that notwithstanding that no amount in respect of his or her RMPP NRA60 Benefits will at that time come into payment under the RMPP.

(5) Subject to Rule 3(10) (Benefits payable to Members on retirement) in respect of the Member's GMP, the reductions set out in Rule 3(9) will apply to the benefits payable under this Rule 6.

Benefits payable to Members who retire under the RMPP on redundancy

7.—(1) Any Member (other than a Senior Manager Member) who is retired on the grounds of redundancy by that Member's Employer after the Cut-Off Date will be paid that Member's RMSPS NRA60 Benefits and RMSPS NRA65 Benefits (or, if either benefit is already in payment, the benefit not already in payment) so that they come into payment at the same time as that Member's RMPP NRA60 Benefits and/or RMPP NRA65 Benefits (respectively) come into payment by reason of Rule 8 (Retirement on Redundancy) or Rule 8AA of Section B of the RMPP Rules.

(2) Where the Member (other than a CWU Represented Member) is to receive benefits by reason of this Rule 7 then—

- (a) if that Member is retired before Minimum Pension Age, payment of those benefits will be deferred (and will subsequently come into payment) in accordance with Rule 3(8) (Benefits payable to Members on retirement); or
- (b) if that Member is retired on or after Minimum Pension Age the benefits will be paid without deferment.

(3) Where a CWU Represented Member is to receive benefits by reason of this Rule 7 then—

- (a) if that Member is retired before Minimum Pension Age, payment of those benefits will be deferred in accordance with Rule 3(8) (Benefits payable to Members on retirement); or

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- (b) if that Member is retired on or after Minimum Pension Age either—
 - (i) payment of those benefits will be deferred in accordance with Rule 3(8) (Benefits payable to Members on retirement); or
 - (ii) if that Member’s Employer declares the circumstances to be appropriate such that his or her corresponding RMPP benefits will be paid without deferment, his or her RMSPS benefits will also be paid without deferment.
- (4) This Rule will—
 - (i) not apply to a Wholly Discharged RMPP Member;
 - (ii) apply to a Partially Discharged RMPP Member, but only in respect of his or her RMSPS benefit that is not his or her Relevant RMSPS Benefit; and
 - (iii) apply to a Nil Margin Member such that the Member’s RMSPS NRA60 Benefits and (if they have not already come into payment) his or her RMSPS NRA65 Benefits both come into payment, notwithstanding that notwithstanding that no amount in respect of his or her RMPP NRA60 Benefits will at that time come into payment under the RMPP.
- (5) Subject to Rule 3(10) (Benefits payable to Members on retirement) in respect of the Member’s GMP, the reductions set out in Rule 3(9) will apply to the benefits payable under this Rule 7.

Benefits payable to Members who take early voluntary retirement under the RMPP

8.—(1) Any Member who is, after the Cut-Off Date, permitted by his or her Employer to retire under the RMPP before Normal Retiring Age and who has attained Minimum Pension Age will be paid the RMSPS NRA60 Benefits and RMSPS NRA65 Benefits specified in Rule 3 (Benefits payable to Members on retirement) (or, if either benefit is already in payment, the benefit not already in payment) so that they come into payment at the same time as his or her RMPP NRA60 Benefits and/or RMPP NRA65 Benefits (respectively) come into payment by reason of Rule 8B (Early Voluntary Retirement) of Section B of the RMPP Rules.

- (2) This Rule will—
 - (i) not apply to a Wholly Discharged RMPP Member;
 - (ii) apply to a Partially Discharged RMPP Member, but only in respect of that Member’s RMSPS benefit that is not his or her Relevant RMSPS Benefit; and
 - (iii) apply to a Nil Margin Member such that the Member’s RMSPS NRA60 Benefits and (if they have not already come into payment) RMSPS NRA65 Benefits both come into payment, notwithstanding that no amount in respect of that Member’s RMPP NRA60 Benefits will at that time come into payment under the RMPP.
- (3) For the avoidance of doubt, Rule 9(3)(a), Rule 9(4)(a) (Lump sum benefits payable on death of a Member) and Rule 19 (Pensions increase) shall apply to the reduced pension payable under this Rule 8 and any pension or pensions payable under Rule 11 (Spouse’s pension) (and, if applicable, Rule 12 (Spouse’s pension for relevant Members)), Rule 14 (Children’s pensions) or Rule 15 (Dependants’ pensions) shall be based on the reduced pension.

(4) Subject to Rule 3(10) (Benefits payable to Members on retirement) in respect of the Member’s GMP, the reductions set out in Rule 3(9) will apply to the benefits payable under this Rule 8.

Lump sum benefits payable on death of a Member

9.—(1) If a Member dies after the Cut-Off Date, the following lump sum benefits shall be paid to that Member’s personal representatives depending on the status of the Member on the day that Member died (and subject to the provisos in sub-paragraph (6) below).

(2) If the Member dies when no benefits from the RMSPS have been brought into payment, a lump sum equal to the greater of—

(a) the aggregate of—

(i) 5 times the amount of the annual preserved RMSPS NRA60 Pension at the rate at which that pension would have been payable (calculated without any enhancement of RMSPS Reckonable Service) to the Member had such pension been brought into payment on the date of that Member's death with an entitlement to the immediate payment of such pension; and

(ii) 5 times the amount of the annual preserved RMSPS NRA65 Pension at the rate at which that pension would have been payable (calculated without any enhancement of RMSPS Reckonable Service) to the Member had such pension been brought into payment on the date of that Member's death with an entitlement to the immediate payment of such pension; or

(b) 1.25 times RMSPS Pensionable Salary.

(3) If the Member dies when that Member's RMSPS NRA60 Pension is in payment but his or her RMSPS NRA65 Pension has not yet come into payment, a lump sum equal to the greater of—

(a) the aggregate of—

(i) if the Member dies within 5 years of his or her RMSPS NRA60 Pension coming into payment, an amount equal to the pension payments which would have been made during the remainder of the 5 year period (but calculated at the annual rate of the RMSPS NRA60 Pension in payment at the date of his or her death) (for avoidance of doubt the amount of the Member's pension payments to be used for this calculation shall be exclusive of any amount surrendered under Rule 16 (Surrender of part pension to provide for a spouse or other Dependant) and inclusive of any amount that the Member was entitled to as a result of the exercise of the conversion option under Rule 17 (Conversion of lump sum into pension)); and

(ii) 5 times the amount of the annual preserved RMSPS NRA65 Pension at the rate at which that pension would have been payable (calculated without any enhancement of RMSPS Reckonable Service) to the Member had such pension been brought into payment on the date of his or her death with an entitlement to the immediate payment of such pension; or

(b) 1.25 times RMSPS Pensionable Salary.

(4) If the Member dies when that Member's RMSPS NRA60 Pension has not yet come into payment but his or her RMSPS NRA65 Pension is in payment, a lump sum equal to the greater of—

(a) the aggregate of—

(i) if the Member dies within 5 years of his or her RMSPS NRA65 Pension coming into payment, an amount equal to the pension payments which would have been made during the remainder of the 5 year period (but calculated at the annual rate of the RMSPS NRA65 Pension in payment at the date of his or her death) (for avoidance of doubt the amount of the Member's pension payments to be used for this calculation shall be exclusive of any amount surrendered under Rule 16 (Surrender of part pension to provide for a spouse or other Dependant) and inclusive of any amount that the Member was entitled to as a result of the exercise of the conversion option under Rule 17 (Conversion of lump sum into pension)); and

(ii) 5 times the amount of the annual preserved RMSPS NRA60 Pension at the rate at which that pension would have been payable (calculated without any enhancement of RMSPS Reckonable Service) to the Member had such pension been brought into

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payment on the date of that Member's death with an entitlement to the immediate payment of such pension; or

(b) 1.25 times RMSPS Pensionable Salary.

(5) If the Member dies when that Member is in receipt of both his or her RMSPS NRA60 Pension and his or her RMSPS NRA65 Pension, a lump sum equal to the aggregate of—

(a) if the Member dies within 5 years of that Member's RMSPS NRA60 Pension coming into payment, an amount equal to the pension payments which would have been made during the remainder of the 5 year period (but calculated at the annual rate of RMSPS NRA60 Pension in payment at the date of that Member's death) (for avoidance of doubt the amount of the Member's pension payments to be used for this calculation shall be exclusive of any amount surrendered under Rule 16 (Surrender of part pension to provide for a spouse or other Dependant) and inclusive of any amount that the Member was entitled to as a result of the exercise of the conversion option under Rule 17 (Conversion of lump sum into pension)); and

(b) if the Member dies within 5 years of that Member's RMSPS NRA65 Pension coming into payment, an amount equal to the pension payments which would have been made during the remainder of the 5 year period (but calculated at the annual rate of RMSPS NRA65 Pension in payment at the date of that Member's death) (for avoidance of doubt the amount of the Member's pension payments to be used for this calculation shall be exclusive of any amount surrendered under Rule 16 (Surrender of part pension to provide for a spouse or other Dependant) and inclusive of any amount that the Member was entitled to as a result of the exercise of the conversion option under Rule 17 (Conversion of lump sum into pension)).

(6) The following provisos apply to payments made under the preceding sub-paragraphs of this Rule 9—

(a) the amounts payable under this Rule 9 are subject to the limits in Part IX (Overriding Finance Act Provisions) of this Schedule;

(b) in each of sub-paragraphs (2), (3) or (4) above for the purposes of calculating which of (a) or (b) is the greatest, no account shall be taken of the reductions specified in (c) below;

(c) when payment is made under sub-paragraphs (2), (3) or (4) above it shall be reduced by the appropriate reductions corresponding to the reductions which are to be made from a lump sum under General Rule 13 (Plan M), General Rule 14 (Plan U) and General Rule 15 (Plan L) inclusive according to the circumstances;

(d) where a Section B Active had before the Cut-Off Date been a "Pensioner" (as defined in Clause 1A (Definitions and interpretation) of the RMPP Rules) who had re-entered the RMPP and at the time of his death retained a deferred pension under the provisions of Rule 9(3)(b) of the RMPP Rules in force prior to 1 April 2010, a payment made to the Member under this Rule 9 will be (despite Clause 3(5)(a) (Benefits payable in respect of Wholly Transferred Beneficiaries)) in substitution for any death benefit otherwise payable under the RMSPS in respect of that uncrystallised deferred pension. If, however, the payment due in respect of the Member under this Paragraph would be smaller than any other death benefit which the Secretary of State could, but for this Paragraph have paid to the Member then the Secretary of State shall pay the larger death benefit instead;

(e) for the purpose only of calculating the amounts specified in Paragraphs (2)(a)(ii), (3)(a)(ii) and (4)(a)(ii) above where there was part-time service in the last three years of RMSPS Reckonable Service, then RMSPS Pensionable Salary will be calculated by reference to the actual pay and pensionable emoluments paid by the Employer, and not by reference to the full-time rate of pay;

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- (f) the benefits referred to in any of the sub-paragraphs above are additional to any refund of contributions which falls to be made to the personal representatives of the Member under sub-paragraphs (2) to (5) inclusive of General Rule 3 (Refund of contributions);
- (g) where a Member to whom any of sub-paragraphs (2), (3) or (4) above applies dies having elected on or before the Cut-Off Date under General Rule 7(1B) (Members' contributions) of the RMPP Rules to pay the additional contribution specified in that Rule without subsequent revocation under General Rule 7(1C) of the RMPP Rules the lump sum payable under any of sub-paragraphs (2), (3) or (4) above shall be not less than the aggregate of—
 - (i) a lump sum of $\frac{3}{80}$ of that Member's RMSPS Pensionable Salary for each year of RMSPS Reckonable Service completed before 1 April 1999, and proportionately for each part of a year, up to a maximum of 40 years at age 60; and
 - (ii) a lump sum equal to five times the amount of the annual pension based on RMSPS Reckonable Service before 1 April 1999 at the rate at which it would have been payable (calculated without any enhancement of RMSPS Reckonable Service) to the Member had that Member retired from Employer employment on the date of that Member's death with an entitlement to the immediate payment of such a pension;
- (h) where a Member has transferred out either his or her RMSPS NRA60 Benefits or his or her RMSPS NRA65 Benefits in accordance with Clause 11 (Individual transfers out of the Scheme) the provisions of this Rule 9 will apply only in respect of that tranche of benefits which is still retained in the RMSPS;
- (i) the Secretary of State may at his discretion deduct the cost of funeral expenses from the lump sum death benefits payable under this Rule 9 and pay it to the person who incurred the funeral expenses; and
- (j) for the purposes of calculating the rate at which any preserved pension would have been payable to a Member for the purposes of this Rule 9, the reductions set out in Rule 3(9) (Benefits payable to Members on retirement) will not apply.

Service in unhealthy places

10.—(1) If a Member was employed by an Employer prior to 1 April 1998 in a country or place named in Part IX (Overriding Finance Act Provisions) of this Schedule—

- (a) his service completed prior to 1 April 2010 will reckon at 1½ times its length in computing that Member's RMSPS Reckonable Service;
- (b) each complete year of such service will enable the Member if that Member has qualified for a pension to take that Member's RMSPS NRA60 Benefits 3 months earlier than age 60, so, however, that the lowering of the Normal Retiring Age in respect of RMSPS NRA60 Benefits shall not exceed 5 years in the case of that Member.

(2) The provisions in Paragraphs (1)(a) and (1)(b) above shall not apply in respect of service on and from 1 April 2010, and, for avoidance of doubt, the reductions in Normal Retiring Age in Paragraph (1)(b) above shall not apply to RMSPS NRA65 Benefits.

(3) If the Member was granted unpaid leave by an Employer on or before the Cut-Off Date to take up temporary employment with another employer (not being an Employer) in such country or place, the provisions of sub-paragraph (1) of this Rule 10 shall apply provided that the Member and that other employer either individually or in conjunction paid to the Fund in addition to the cost of enhancement in sub-paragraph (1), both the Member's standard contributions and those of that Member's Employer.

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Spouse's pension

11.—(1) On the death of a Member after the Cut-Off Date a spouse's pension shall be payable in accordance with this Rule 11.

(2) If a Member, who was not a Relevant Member, dies after the Cut-Off Date leaving a spouse, a spouse's pension shall be payable in accordance with whichever of the provisions of this Rule 11 are applicable depending on the status of the Member on the day that Member died in respect of all the Member's RMSPS Reckonable Service (subject to Rule 12 (Spouse's pension for Relevant members)).

(3) If a Relevant Member dies after the Cut-Off Date leaving a spouse, a spouse's pension shall be payable equal to the aggregate of the following—

- (a) a spouse's pension calculated in accordance with whichever of the provisions below of this Rule 11 is applicable depending on the status of the Member on the day that Member died in respect of both that part of the Relevant Member's RMSPS NRA60 Pension attributable to RMSPS Reckonable Service on and after the Relevant Date and the Relevant Member's RMSPS NRA65 Pension; and
- (b) a spouse's pension calculated in accordance with whichever of the provisions of Rule 12 (Spouse's pension for Relevant members) is applicable in respect of that part of the Relevant Member's RMSPS NRA60 Pension attributable to RMSPS Reckonable Service before the Relevant Date,

subject in both cases to Rule 13 (Provisions applicable to Rules 11 and 12).

For avoidance of doubt, where the Member is a Relevant Member, for the purposes of determining the spouse's pension payable under (a) above, references in the following provisions of this Rule 11 to "the Member's RMSPS NRA60 Pension" shall be read as "the part of the Member's RMSPS NRA60 Pension attributable to that Member's RMSPS Reckonable Service on and after the Relevant Date".

(4) If the Member dies when no benefits from the RMSPS have been brought into payment, and the Member leaves a spouse, the spouse shall be entitled to a pension equal to the aggregate of—

- (a) ½ of the Member's RMSPS NRA60 Pension; and
- (b) ½ of the Member's RMSPS NRA65 Pension,

in both cases which the Member would have received on that Member's date of death had his or her RMSPS NRA60 Pension and RMSPS NRA65 Pension come into payment on that date without the reduction set out in Rule 3(9) (Benefits payable to Members on retirement).

(5) If the Member dies when that Member's RMSPS NRA60 Pension was in payment but his or her RMSPS NRA65 Pension had not yet come into payment, and the Member left a spouse, the spouse shall be entitled to a pension equal to the aggregate of—

- (a) ½ of the Member's RMSPS NRA60 Pension in payment at the date of the Member's death (subject to Rules 13(1) and (3) (Provisions applicable to Rules 11 and 12)); and
- (b) ½ of the Member's RMSPS NRA65 Pension which the Member would have received on that Member's date of death had that pension come into payment on that date without the reduction set out in Rule 3(9) (Benefits payable to Members on retirement).

(6) If the Member dies when that Member's RMSPS NRA60 Pension has not come into payment but that Member's RMSPS NRA65 Pension was in payment, and the Member left a spouse, the spouse shall be entitled to a pension equal to the aggregate of—

- (a) ½ of the Member's RMSPS NRA60 Pension which the Member would have received on that Member's date of death had that pension come into payment on that date without the reduction set out in Rule 3(9) (Benefits payable to Members on retirement); and

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- (b) $\frac{1}{2}$ of the Member's RMSPS NRA65 Pension in payment at the date of the Member's death (subject to Rules 13 (1) and (3) (Provisions applicable to Rules 11 and 12)).

(7) If the Member was in receipt of both his or her RMSPS NRA60 Pension and his or her RMSPS NRA65 Pension and died leaving a spouse, the spouse shall be entitled to a pension equal to the aggregate of—

- (a) $\frac{1}{2}$ of the Member's RMSPS NRA60 Pension; and
- (b) $\frac{1}{2}$ of the Member's RMSPS NRA65 Pension,

in both cases in payment on the date of the Member's death (subject to Rules 13(1) and (3) (Provisions applicable to Rules 11 and 12)).

Spouse's pension for Relevant Members

12.—(1) In accordance with Rule 11(3) (Spouse's pension), this Rule 12 applies for the purposes of calculating the benefits payable to a spouse of a Relevant Member in respect only of that part of the Relevant Member's RMSPS NRA60 Pension attributable to RMSPS Reckonable Service before the Relevant Date. For avoidance of doubt, nothing in this Rule 12 affects the spouse's pension payable in respect of either the part of the Relevant Member's RMSPS NRA60 Pension attributable to RMSPS Reckonable Service on and after the Relevant Date, or in respect of the Relevant Member's RMSPS NRA65 Pension. The provisions of this Rule 12 are subject to the provisions of Rule 13 (Provisions applicable to Rules 11 and 12).

(2) Where the Relevant Member was in receipt of that Member's RMSPS NRA60 Pension on the date of his or her death and that Member dies leaving a widow or a Dependant Widower, the spouse's pension otherwise payable to the widow or Dependant Widower in respect of that part of his or her RMSPS NRA60 Pension attributable to RMSPS Reckonable Service before the Relevant Date shall be calculated as follows—

- (a) if under General Rule 20 (Widows' Pensions: Members' Choices) of the RMPP Rules the Relevant Member chose, or was deemed to have chosen, that his or her spouse shall receive an annual pension of $\frac{1}{3}$ of the Relevant Member's pension in respect of his or her RMSPS Reckonable Service before the Relevant Date, $\frac{1}{3}$ of that part of the Relevant Member's RMSPS NRA60 Pension in payment on the date of his or her death which is attributable to the Relevant Member's RMSPS Reckonable Service before the Relevant Date; or
- (b) if under General Rule 20 (Widows' Pensions: Members' Choices) of the RMPP Rules the Relevant Member chose that his or her spouse shall receive an annual pension of $\frac{1}{2}$ of the Relevant Member's pension in respect of his or her RMSPS Reckonable Service before the Relevant Date, $\frac{1}{2}$ of that part of the Relevant Member's RMSPS NRA60 Pension in payment on the date of his or her death which is attributable to the Relevant Member's RMSPS Reckonable Service before that date; or
- (c) if under General Rule 20 (Widows' Pensions: Members' Choices) of the RMPP Rules the Relevant Member chose, or was deemed to have chosen, that his or her spouse shall receive no annual pension in respect of his or her RMSPS Reckonable Service before the Relevant Date, the Relevant Member's spouse shall not be entitled to any pension attributable to that part of the Relevant Member's RMSPS NRA60 Pension in payment on the date of his or her death which is attributable to the Relevant Member's RMSPS Reckonable Service before the Relevant Date.

(3) Where the Relevant Member's RMSPS NRA60 Pension is preserved in the RMSPS on the date of his or her death and that Member dies leaving a widow or a Dependant Widower, the spouse's pension otherwise payable to the widow or Dependant Widower in respect of the part of his or her RMSPS NRA60 Pension attributable to RMSPS Reckonable Service before the Relevant Date shall be calculated as follows—

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- (a) if under General Rule 20 (Widows' Pensions: Members' Choices) of the RMPP Rules the Relevant Member chose, or was deemed to have chosen, that his or her spouse shall receive an annual pension of $\frac{1}{3}$ of the Relevant Member's pension in respect of his or her RMSPS Reckonable Service before the Relevant Date, $\frac{1}{3}$ of that part of the Relevant Member's RMSPS NRA60 Pension which the Relevant Member would have received on the Cut-Off Date if that Member had then reached age 60 and which would have been attributable to the Relevant Member's RMSPS Reckonable Service before the Relevant Date; or
 - (b) if under General Rule 20 (Widows' Pensions: Members' Choices) of the RMPP Rules the Relevant Member has chosen that his or her spouse shall receive an annual pension of $\frac{1}{2}$ of the Relevant Member's pension in respect of his or her RMSPS Reckonable Service before the Relevant Date, $\frac{1}{2}$ of that part of the RMSPS NRA60 Pension which the Relevant Member would have received on the Cut-Off Date if that Member had then reached age 60 and which would have been attributable to the Relevant Member's RMSPS Reckonable Service before the Relevant Date; or
 - (c) if under General Rule 20 (Widows' Pensions: Members' Choices) of the RMPP Rules the Relevant Member chose, or was deemed to have chosen, that his or her spouse shall receive no annual pension in respect of his or her RMSPS Reckonable Service before the Relevant Date, the Relevant Member's spouse shall not be entitled to any pension in respect of that part of the Relevant Member's RMSPS NRA60 Pension which is attributable to the Relevant Member's RMSPS Reckonable Service before the Relevant Date.
- (4) Where the Relevant Member dies in any of the circumstances in Rules 11(4) to (7) (Spouse's pension) leaving a widower (who is not a Dependant Widower), the widower shall only receive a spouse's pension in respect of that part of the Relevant Member's RMSPS NRA60 Pension attributable to RMSPS Reckonable Service before the Relevant Date if the Relevant Member has purchased such a pension for the widower under the previous provisions of General Rule 26 (Election for Widower's pension in respect of service prior to 1 December 1971) of the RMPP Rules in force at the relevant time.

(5) For the purposes of this Rule 12 only, Dependant Widower means a widower to whom a Relevant Member was married at the date RMPP Reckonable Service ceased and who was permanently incapacitated and dependent on her at that date.

Provisions applicable to Rules 11 and 12

13.—(1) If a Member dies in receipt of either or both his or her RMSPS NRA60 Pension or his or her RMSPS NRA65 Pension, the spouse's pension in respect of the pension (whether RMSPS NRA60 Pension, RMSPS NRA65 Pension, or both) in payment at the date of the Member's death shall, for a period of 91 days after the Member's death, be payable to the spouse at the same rate as the pension in payment at the date of the Member's death.

(2) If a Member dies in receipt of a pension (whether RMSPS NRA60 Pension, RMSPS NRA65 Pension or both) and the Member has married after the Cut-Off Date, the pension payable to the spouse in respect of whichever part of the Member's pension is in payment (whether RMSPS NRA60 Pension, RMSPS NRA65 Pension or both) shall be calculated excluding any part of the Member's RMSPS Reckonable Service in respect of which a refund of contributions referable to benefits paid under Section A or Section B to or in respect of the Member's widow, widower or children has been made: (i) from the RMSPS in accordance with General Rule 3 (Refund of contributions); or (ii) before the Cut-Off Date from the RMPP in accordance with General Rule 11 (Refund of contributions) of the RMPP Rules, unless there has been a subsequent payment of an equivalent amount to the Secretary of State by or on behalf of the Member together with Interest. Where a Member's RMSPS Reckonable Service exceeds 45 years the limits in Rules 3(3) and 3(4) (Benefits payable to Members on retirement) shall not apply for the purpose of this Rule.

(3) Any spouse's pension payable, provided it is not a widow's GMP, will be calculated without regard to any surrender of part of the Member's pension under Rule 16 (Surrender of part pension to provide for a spouse or other Dependant), inclusive of any amount that the Member was entitled to as a result of the exercise of the conversion option under Rule 17 (Conversion of lump sum into pension), and disregarding any exercise of the commutation option in Rule 18 (Commutation of pension) and shall be initially not less than £260 per annum and thereafter subject only to increases under Rule 19 (Pensions increase).

(4) A spouse's pension shall not be payable in respect of service given by a Member before 6 April 1978 if at the time of the Member's death the spouse was judicially separated from that Member on terms by which that Member contributed nothing to the spouse's support.

(5) Where the recipient of a pension payable to a spouse remarries the pension will continue unreduced until the death of the recipient.

(6) A spouse will always receive any GMP that the RMSPS is required to provide for the spouse under the Contracting out Laws. Additionally, the spouse's pension must be sufficient to satisfy the statutory standard referred to in Section 12A of the Pension Schemes Act 1993, as would have applied under the RMPP if the relevant Member had retained his or her benefits in the RMPP and had opted out of the RMPP under General Rule 1A (Optional membership) of the RMPP Rules at the end of the Cut-off Date, or such higher standard as is agreed between the Principal Employer and the Secretary of State.

(7) Where a Member has transferred out either his or her RMSPS NRA60 Benefits or his or her RMSPS NRA65 Benefits in accordance with Clause 11 (Individual transfers out of the Scheme), the provisions of Rule 11 (Spouse's pension) and Rule 12 (Spouse's pension for Relevant Members) will apply only in respect of that tranche of benefit which is still retained in the RMSPS.

Children's pensions

14.—(1) There shall be paid in respect of the Children of a Member who dies after the Cut-Off Date an annual pension of the following proportions of the pension or the deferred pension (both RMSPS NRA60 Pension and RMSPS NRA65 Pension) that Member was receiving or, in the case of a deferred pension, would have been entitled to receive at that date had the pension then come into payment without the reduction set out in Rule 3(9)—

(a) where the Member dies after the Cut-Off Date and a pension is paid under Rule 11 (Spouse's pension) (and, if applicable, Rule 12 (Spouse's pension for Relevant Members)) or Rule 15 (Dependants' pensions)—

1 Child $\frac{1}{3}$ of the Member's pension

2 or more Children $\frac{2}{3}$ of the Member's pension,

(b) where the Member dies after the Cut-Off Date and either no pension is paid under Rule 11 (Spouse's pension) (and, if applicable, Rule 12 (Spouse's pension for Relevant Members)) or Rule 15 (Dependant's pensions) or a pension ceases to be paid under either of those Rules—

1 Child $\frac{4}{9}$ of the Member's pension

2 or more Children $\frac{8}{9}$ of the Member's pension,

provided that—

(i) for the purposes of this sub-paragraph (1) no account shall be taken of any person in categories (d), (e) or (f) of the definition of "Child" who in the opinion of the Secretary of State was not wholly or mainly dependent on the Member at the date of that Member's retirement or earlier death;

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- (ii) the pension payable under this sub-paragraph (1) shall be calculated without regard to any surrender of part of the Member's pension under Rule 16 (Surrender of part pension to provide for a spouse or other Dependant), inclusive of any amount that the Member was entitled to as a result of the exercise of the conversion option under Rule 17 (Conversion of lump sum into pension), and disregarding any exercise of the commutation option in Rule 18 (Commutation of pension);
 - (iii) in any circumstances which the Secretary of State considers appropriate he may pay the higher level of pension where a pension is paid under Rule 11 (Spouse's pension) (and, if applicable, Rule 12 (Spouse's pension for Relevant Members)) or Rule 15 (Dependants' pensions), subject to the limits in Part IX (Overriding Finance Act Provisions) of this Schedule; and
 - (iv) should the payment of a pension to a Child under this sub-paragraph (1) constitute an unauthorised payment for the purposes of the Finance Act 2004, the Secretary of State has discretion not to pay that pension in accordance with Paragraph 3(a) of Part IX (Overriding Finance Act Provisions) of this Schedule.
- (2) The annual rate of a children's pension while—
- (a) there is only one eligible Child, shall be initially not less than £173.33 per annum and thereafter subject only to increases under Rule 19 (Pensions Increases); and
 - (b) there are two or more eligible Children, shall be initially not less than £260 per annum and thereafter subject only to increases under Rule 19 (Pensions Increases).
- (3) Subject to Part IX (Overriding Finance Act Provisions) of this Schedule, a Child of a deceased Member who, at the date of death of the Member, is incapable of self support by reason of bodily or mental infirmity may at the discretion of the Secretary of State either receive or continue to receive (as the case may be) a Child's pension for as long as the Secretary of State may determine unless the Child is receiving a dependant's pension under Rule 15 (Dependants' pensions). For the purposes of this sub-paragraph only, the age limits specified in the definition of "Children" shall not apply.
- (4) Where there are two or more eligible Children, the Secretary of State may at his discretion either pay any pension under this Rule equally between the Children or pay any pension in such shares to such Children as he determines.

Dependants' pensions

15. If a Member dies after the Cut-Off Date leaving no surviving spouse the Secretary of State may at his sole discretion and subject to the provisions of paragraph 3 of Part IX (Overriding Finance Act Provisions) of this Schedule pay a Dependant's pension equivalent to the spouse's pension under Rule 11 (Spouse's pension) (and, if applicable, Rule 12 (Spouse's pension for Relevant Members)) to any person who in his opinion is a Dependant of the Member, for such period and subject to such terms as the Secretary of State may from time to time decide.

Surrender of part pension to provide for a spouse or other Dependant

16.—(1) A Member shall have an option to surrender not more than $\frac{1}{3}$ of that Member's pension under the RMSPS to provide a pension for a person referred to in sub-paragraph (3) below of such amount as may be calculated by the Secretary of State according to tables prepared by the Actuary.

(2) The option must be exercised within 6 months before the date on which the Member's pension becomes payable or within such longer period as the Secretary of State may specify in a particular case (or in the circumstances set out in sub-paragraph (8) below).

(3) The pension may be—

- (a) for the Member's spouse from the day after the Member's death; or
- (b) for one Dependant from the day after the Member's death.

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(4) The spouse's or Dependant's pension payable after the Member's death shall not exceed the amount of the Member's pension reduced by the surrender under sub-paragraph (1) of this Rule.

(5) The amount to be surrendered shall be calculated to an exact number of pounds.

(6) Where the Member is entitled or prospectively entitled to a GMP the amount of pension surrendered under sub-paragraph (1) above may not exceed the amount which would make the Member's pension, after deduction of the amount surrendered, equal to such GMP.

(7) Subject as mentioned in sub-paragraph (12) below of this Rule the option shall be irrevocable after midnight of the Member's last day of service with an Employer or after midnight of the day before that Member's pension becomes payable or after midnight of any day appointed for the purpose by the Secretary of State, whichever is the latest provided that if the Member or his or her spouse or Dependant dies before midnight of the relevant day the option shall be void.

(8) A Pensioner who marries after retirement shall have a similar option to provide by surrender of part of his or her own pension a pension for his or her spouse from the day after the Member's death provided that the amounts surrendered with any amount surrendered under the preceding part of this Rule shall not exceed $\frac{1}{3}$ of his or her pension.

(9) The option under sub-paragraph (8) above shall be exercised within 3 months after the Pensioner's marriage, and subject as mentioned in sub-paragraph (12) below of this Rule shall be irrevocable after midnight of the date on which the Secretary of State receives notification of the exercise of the option or after midnight of any day appointed for the purpose by the Secretary of State, whichever is the later provided that if the Pensioner or his or her spouse dies before midnight on the relevant day the option shall be void.

(10) Except where they are inconsistent with sub-paragraphs (8) and (9) above the other sub-paragraphs of this Rule shall apply to pensions provided hereunder by a Pensioner as they apply to pensions provided hereunder by a Member.

(11) After any option under this Rule becomes effective the Member's pension will continue at the reduced rate if that Member survives his or her spouse or Dependant.

(a) (12) (a) Notwithstanding sub-paragraphs (7) and (9) above of this Rule a Pensioner who has exercised the option may notify the Secretary of State in such manner as he may require of his or her wish to cancel the option or reduce the amount of provision for the spouse's or Dependant's pension with retrospective effect from 1 April 1991, provided that any such notification will be subject to—

(i) acceptance by the Secretary of State at his discretion;

(ii) there being no resultant decrease in the spouse's or Dependant's overall benefit by comparison with such benefit payable before 1 April 1991; and

(iii) the prior written agreement of the potential beneficiary being given.

(b) The Secretary of State will also be entitled at his discretion to review any case in which a Pensioner, having exercised the option, has died, and he may in his discretion cancel the option or reduce the amount of provision for the spouse's or Dependant's pension with retrospective effect from 1 April 1991 if in his opinion it would have been in the best interests of the spouse or Dependant for the Pensioner to have done so himself or herself.

(13) Reduction of the provision for a spouse's or Dependant's pension under sub-paragraph (12) above of this Rule shall cause the Pensioner's benefit to be correspondingly restored with retrospective effect from 1 April 1991.

(14) For the purposes of this Rule, Members who were in RMSPS Reckonable Service on 1 April 2010 may surrender either or both RMSPS NRA60 Pension and RMSPS NRA65 Pension and references in this Rule to "pension" shall be interpreted accordingly. The fractions and limits on the amount that can be surrendered under this Rule shall apply separately to RMSPS NRA60 Pension and RMSPS NRA65 Pension.

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Conversion of lump sum into pension

17.—(1) A Member shall have the option, by giving notice in writing to the Secretary of State not later than 31 days before the date of retirement (or such later time as the Secretary of State may allow) to request that all or part of the lump sum (whether RMSPS NRA60 Lump Sum, RMSPS NRA65 Lump Sum, or both) payable on retirement shall be converted into an additional pension assessed on a basis to be determined by the Secretary of State on the advice of the Actuary.

(2) For the avoidance of doubt, any additional pension resulting from an exercise of the option under sub-paragraph (1) of this Rule will be taken into account for the purpose of determining any pension payable under Rule 11 (Spouse's pension) (and, where applicable, Rule 12 (Spouse's pension for Relevant Members)), Rule 14 (Children's pensions) or Rule 15 (Dependants' pensions), and Rule 9(2)(a)(i), Rule 9(3)(a)(i), Rule 9(4)(a)(i) or Rule 9(5) (Lump sum benefits payable on death of a Member) and Rule 19 (Pensions increase) shall apply to both the pension payable under Rule 3 (Benefits payable to members on retirement), Rule 6 (Benefits payable to Members who retire under the RMPP in the interests of efficiency), Rule 7 (Benefits payable to Members who retire under the RMPP on redundancy) or Rule 8 (Benefits payable to Members who take early voluntary retirement under the RMPP) (as appropriate) and the additional pension.

Commutation of pension

18.—(1) A Member shall have the option, by giving notice in writing to the Secretary of State not later than 31 days before the date of retirement (or such later time as the Secretary of State may allow) to request that part or all of the pension (whether RMSPS NRA60 Pension, RMSPS NRA65 Pension, or both) payable on retirement shall be commuted into an additional lump sum assessed on a basis to be determined by the Secretary of State on the advice of the Actuary.

(2) For the avoidance of doubt, any reduction in pension resulting from an exercise of the option under sub-paragraph (1) above will be disregarded for the purpose of determining any pension payable under Rule 11 (Spouse's pension) (and, where applicable, Rule 12 (Spouse's pension for Relevant Members)), Rule 14 (Children's pensions) or Rule 15 (Dependants' pensions).

Pensions increase

19.—(1) Any pension payable under the Section B Rules shall be increased from time to time in accordance with the 1971 Act and Sections 59 and 59A of the 1975 Act, as if it were a pension beginning on the Member's COD Beginning Date and it were payable under the Principal Civil Service Pension Scheme 1974 and any amendment or replacement thereof, subject to the modifications set out in and the additional provisions of this Rule.

(2) Subject to the further provisions made by sub-paragraphs (5) to (8) below, a Member's RMSPS Final Salary Benefits will be increased in accordance with sub-paragraph (3) below, and a Member's CSDB Benefits will be separately increased in accordance with sub-paragraph (4) below, provided that—

- (a) where different parts of the Member's RMSPS and RMPP benefits are for the purposes of Section 8(2) of the 1971 Act deemed to begin on different days, then for the avoidance of doubt the revaluation process under this paragraph will apply separately to the Member's RMSPS benefit in respect of each such part and a reference to the revaluation process applicable to the Member's RMPP benefit will be a reference to that process as applicable separately to the Member's RMPP benefit in respect of each such part. The definitions of "Applicable Revaluation Year", "CSDB Applicable Revaluation Year", "CSDB Terminal Revaluation Year", "Relevant RMPP Beginning Date", "COD Beginning Date" and "RMPP Terminal Revaluation Year" will be read accordingly; and

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- (b) where the COD Beginning Date in respect of the Member's benefit is on the same date as or later than the Relevant RMPP Beginning Date, the Member's benefit will not increase under sub-paragraph (3) or (4).
- (3) The Member's RMSPS Final Salary Benefit shall be increased as follows—
- (a) Where the Member's COD Beginning Date is before the start of the Member's RMPP Terminal Revaluation Year, in respect of the period from the Member's COD Beginning Date to the start of that Member's RMPP Terminal Revaluation Year, it shall be increased as if the percentage specified in each Pension Increase Order coming into force on or before the Relevant RMPP Beginning Date were the higher of zero and the percentage increase in the Government index of retail prices for the 12 months to the September preceding the date on which that Pension Increase Order came into force.
- (b) In respect of the period from the start of the Member's RMPP Terminal Revaluation Year to the Relevant RMPP Beginning Date, it shall be revalued by the factor of $(1+A\%)$ divided by $(1+B\%)$, or by a factor of one, if greater, where—
- A% = the percentage increase (if any) in the Government index of retail prices for the 12 months to the September of the Member's Applicable Revaluation Year, as if that percentage were the percentage increase specified in the Pension Increase Order which came into force at the end of the Member's Applicable Revaluation Year; and
- B% = (A% multiplied by: ((i) the number of complete months in the period from the Relevant RMPP Beginning Date to the end of that Member's RMPP Terminal Revaluation Year; plus (but only where the Relevant RMPP Beginning Date falls in the same Revaluation Year as that Member's COD Beginning Date) (ii) the number of complete months in the period from the start of that Member's RMPP Terminal Revaluation Year to that Member's COD Beginning Date)) divided by 12,
- and an incomplete month is to be treated as a complete month if it would have been so treated for the purposes of the Pension Increase Order coming into force at the end of the Member's Applicable Revaluation Year.
- (4) A Member's CSDB Benefits will be increased as follows—
- (a) In respect of the period from the Member's COD Beginning Date to the start of the Member's CSDB Terminal Revaluation Year, it shall be increased as if the percentage specified in each Pension Increase Order coming into force on or before the Relevant RMPP Beginning Date were the higher of zero and the percentage increase in the Government index of retail prices for the 12 months to the September preceding the date on which that Pension Increase Order came into force.
- (b) In respect of the period following the start of the Member's CSDB Terminal Revaluation Year to the Relevant RMPP Beginning Date, the CSDB Benefits will be increased by the factor of $(1+C\%)$ divided by $(1+D\%)$, or by a factor of one, if greater, where—
- C% = the percentage increase (if any) in the Government index of retail prices for the 12 months to the September of the Member's CSDB Applicable Revaluation Year, as if that percentage were the percentage specified in the Pension Increase Order which came into force at the end of the Member's CSDB Applicable Revaluation Year; and
- D% = (C% multiplied by: ((i) the number of complete months in the period from the Member's Deemed RMPP Exit Date to the end of that Member's CSDB Terminal Revaluation Year; plus (but only where the Member's Deemed RMPP Exit Date falls in the same Revaluation Year as the Commencement Date) (ii) the number of complete months in the period from the start of that Member's CSDB Terminal Revaluation Year to the Commencement Date)) divided by 12,

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and an incomplete month is to be treated as a complete month if it would have been so treated for the purposes of the Pension Increase Order coming into force at the end of the Member's CSDB Applicable Revaluation Year.

(5) Subject to sub-paragraphs (6), (7) and (8) below, in respect of the period from the Relevant RMPP Beginning Date, the Member's benefit shall be increased in accordance with the 1971 Act as if it were a pension beginning on the Relevant RMPP Beginning Date. For these purposes, the modifications set out in sub-paragraphs (3) and (4) above will not apply to the requirements of the 1971 Act.

(6) Where the Relevant RMPP Beginning Date and RMSPS Retirement Date both occur in the same Revaluation Year as that Member's Deemed RMPP Exit Date, the Member's pension will be increased at the Member's RMSPS Retirement Date by the Statutory Underpin Amount with respect to the period from the COD Beginning Date to the Relevant RMPP Beginning Date.

(7) Where the Relevant RMPP Beginning Date occurs in the same Revaluation Year as that Member's Deemed RMPP Exit Date, at the effective date of the first Pension Increase Order to come into force on or after the Member's Deemed RMPP Exit Date, the Member's pension will be increased by the Statutory Underpin Amount with respect to the period from the COD Beginning Date to the effective date of the first Pension Increase Order to come into force on or after the Relevant RMPP Beginning Date.

(8) Where the Relevant RMPP Beginning Date does not occur in the same Revaluation Year as the Member's Deemed RMPP Exit Date, at the Relevant RMPP Beginning Date the Member's pension will be increased by such additional amount (if any) as may be required to ensure that the amount of the Member's pension is not less than the amount it would have been had any increases provided under sub-paragraphs (3)(a) and (3)(b) been calculated by reference to the actual percentages specified in the Pension Increase Orders applicable to the periods described in those sub-paragraphs.

(9) Any pension payable prior to Normal Retiring Age will receive annual increases (where payable) as if it were a pension payable on or after Normal Retiring Age.

(10) In this Rule—

“1971 Act” means the Pensions (Increase) Act 1971(1);

“1975 Act” means the Social Security Pensions Act 1975(2);

“1992 Act” means the Social Security Administration Act 1992(3);

“Applicable Revaluation Year” means the Revaluation Year ending immediately before a Member's RMPP Terminal Revaluation Year unless the Member's RMPP Beginning Date falls in a Revaluation Year before the Revaluation Year in which that Member's Deemed RMPP Exit Date falls, in which case references to that Member's “Applicable Revaluation Year” should be read as references to that Member's RMPP Terminal Revaluation Year;

“COD Beginning Date” means the date on which a Member's pension under the RMSPS is deemed to begin for the purposes of Section 8(2) of the 1971 Act, which is the date that that Member's corresponding Section B pension under the RMPP would have been deemed to begin for the purposes of that section if that Member had opted out of the RMPP under General Rule 1A (Optional membership) of the RMPP Rules at the end of the Cut-Off Date;

“Corresponding RMPP Amount” means—

(a) in relation to a Member's RMSPS Final Salary Benefits, the “Notional RMSPS NRA60 Final Salary Benefits” in respect of that Member, as defined under Rule 1 (Definitions) of Section B of the RMPP Rules;

(1) 1971 c.56.
(2) 1975 c.60.
(3) 1992 c.5.

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- (b) in relation to a Member's RMSPS NRA60 CSDB Benefits, the "Notional RMSPS NRA60 CSDB Benefits" in respect of that Member, as defined under Rule 1 (Definitions) of Section B of the RMPP Rules; and
- (c) in relation to a Member's RMSPS NRA65 CSDB Benefits, the "Notional RMSPS NRA65 CSDB Benefits" in respect of that Member, as defined under Rule 1 (Definitions) of Section B of the RMPP Rules;

"CSDB Applicable Revaluation Year" means the Revaluation Year ending immediately before a Member's CSDB Terminal Revaluation Year;

"CSDB Terminal Revaluation Year" means the Revaluation Year during which a Member's Deemed RMPP Exit Date falls;

"Deemed RMPP Exit Date" means the earlier of the Member's RMPP Exit Date and the date on which he or she takes the Relevant RMPP Margin Benefit in respect of his or her RMSPS benefit or where appropriate benefit component;

"pension" has the same meaning as it has in the 1971 Act;

"Pension Increase Order" means an order made under Section 59 of the 1975 Act, by virtue of a direction given under Section 151 of the 1992 Act that the sums mentioned in Section 150(1) (c) of the 1992 Act are to be increased by a specified percentage;

"Relevant RMPP Margin Benefit" means, in respect of a Member's RMSPS benefit or where appropriate benefit component, the Member's RMPP benefit or where appropriate benefit component in the calculation of which the Corresponding RMPP Amount in relation to that RMSPS benefit or benefit component is being used;

"Revaluation Year" means, in respect of a Member's benefit under the RMSPS, the "base period" in relation to any Pension Increase Order, as defined in section 59 of the 1975 Act;

"Relevant RMPP Beginning Date" means, in respect of a Member's RMSPS benefit or where appropriate benefit component, the date on which the Member's Relevant RMPP Margin Benefit in respect of that RMSPS benefit or benefit component is deemed to begin under Section 8(2) of the 1971 Act;

"RMPP Terminal Revaluation" Year means the Revaluation Year during which the Relevant RMPP Beginning Date falls;

"RMSPS CSDB Benefits" means a Member's—

- (a) RMSPS NRA60 CSDB Benefits; and
- (b) RMSPS NRA65 CSDB Benefits;

"RMSPS Final Salary Benefits" means a Member's Section B benefit attributable to RMSPS Reckonable Service before 1 April 2008;

"RMSPS NRA60 CSDB Benefits" means a Member's Section B benefits attributable to RMSPS Reckonable Service on and from 1 April 2008 up to and including 31 March 2010;

"RMSPS NRA65 CSDB Benefits" means a Member's Section B benefits attributable to RMSPS Reckonable Service on and from 1 April 2010 up to and including the Cut-Off Date;

"RMSPS Retirement Date" means the date the Member's RMSPS benefit or where appropriate benefit component comes into payment; and

"Statutory Underpin Amount" means such additional amount (if any) as may be required to ensure that at that time, the amount of the Member's pension is no less than the amount it would have been had it been a pension beginning on the Member's COD Beginning Date and payable under the Principal Civil Service Pension Scheme 1974 and any amendment or replacement thereof, and increased in accordance with the 1971 Act and Sections 59 and 59A of the 1975 Act, without the modifications set out in this Rule 19.

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Terminal illness

- 20.—(1) This Rule shall apply where—
- (a) a registered medical practitioner has advised a Member’s Employer in writing before the Member’s death that in his opinion such Member is suffering from a terminal illness and ought not to be told; and
 - (b) the Member could have been Retired on RMPP III Health Grounds but was not so retired because the Employer decided (and recorded such decision before the Member’s death) not to make known to that Member the extent of his or her ill health; and
 - (c) as a result of such decision the Member died in the employment of an Employer instead of in retirement.
- (2) The Secretary of State shall pay in respect of such a Member whichever of the following two sets of benefits would, in the opinion of the Secretary of State, be the more beneficial, either—
- (a) those benefits which would have been payable if the Member had been Retired on RMPP III Health Grounds on the day before that Member died in the employment of an Employer; or
 - (b) those benefits which would have been payable on such Member’s death in the employment of an Employer.