
S T A T U T O R Y I N S T R U M E N T S

1974 No. 812 (S. 70)

PENSIONS

**The Local Government Superannuation
(Scotland) Regulations 1974**

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| <i>Made - - - -</i> | <i>7th May 1974</i> |
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In exercise of the powers conferred on me by sections 7, 8 and 12 of the Superannuation Act 1972(a), as read with paragraph 5(1) of Schedule 7 to that Act, section 110 of the National Insurance Act 1965(b) being the appropriate Minister for the purposes of the said section 110 in relation to the schemes for the provisions of pensions and other benefits under regulations made under section 7 of the Superannuation Act 1972, and of all other powers enabling me in that behalf, after consultation with such associations of local authorities as appeared to me to be concerned, the local Act authorities concerned and such representatives of other persons likely to be affected by the regulations as appeared to me to be appropriate, I hereby make the following regulations:—

PART A

PRELIMINARY

Title and commencement

A1. These regulations may be cited as the Local Government Superannuation (Scotland) Regulations 1974 and shall come into operation on 16th May 1974.

(a) 1972 c. 11.

(b) 1965 c. 51.

Interpretation

A2.—(1) In these regulations, unless the context otherwise requires—

- (a) any reference to any enactment or instrument shall be construed as a reference to that enactment or instrument as amended, modified, extended, applied or re-enacted by or under any other enactment or instrument ; and
- (b) any reference to any enactment applying to Scotland listed in the table in paragraph 5 of Schedule 7 to the Act of 1972, or any instrument (including a scheme) made under any enactment so listed or any provision of any such enactment or instrument shall additionally be construed as a reference to that enactment, instrument or provision as having effect by virtue of sub-paragraph (1) of that paragraph and as amended by the Miscellaneous Provisions regulations.

(2) In these regulations, unless the context otherwise requires, any reference to a regulation or to a Part or to a schedule shall be construed as a reference to a regulation contained in, or to a Part of or to a schedule to, these regulations, as the case may be, any reference to a paragraph shall be construed as a reference to a paragraph in the same regulation or, as the case may be, the same schedule and any reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if these regulations and the former regulations were Acts of Parliament.

Definitions

A3.—(1) For the purposes of these regulations, any enactment or group of enactments referred to in regulation A4 has the meaning assigned to it thereby, and unless the context otherwise requires—

“actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland ;

“added period payment” means a payment made for the purposes of—

- (a) regulation D10, D12 or D13 ; or
- (b) section 2(1) of the Act of 1953 as originally enacted or as having effect as mentioned in regulation A2(1)(b) or any similar provision contained in a local Act scheme ;

“added years”, in relation to any person, means—

- (a) any additional period of reckonable service which that person is entitled to reckon under regulation D10 ; and
- (b) any years added to his service under—
 - (i) regulation 12 of the Benefits regulations ; or
 - (ii) regulation 5 of the Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations 1954(b) ; or
 - (iii) regulation 4(2)(b) of the Local Government Superannuation (England and Scotland) Regulations 1948(c) as amended (d) ; or
 - (iv) any similar provision contained in a local Act scheme ;

(a) 1889 c. 63. (b) S.I. 1954/1241 (1954 II, p. 1680).

(c) S.I. 1948/1131 (Rev. XVII, p. 813; 1948 I, p. 3304). (d) S.I. 1954/1250 (1954 II, p. 1531).

“additional contributory payment” means a payment made—

(a) for the purposes of—

(i) regulation D6 or D7 ; or

(ii) section 2(3) of the Act of 1953 as originally enacted or as having effect as mentioned in regulation A2(1)(b) ; or

(b) under the Act of 1937 as originally enacted, or under the Act of 1922 or under a local Act scheme, as a condition of being entitled to reckon any service, either as service generally or as service of a particular character ; or

(c) for the purposes of proviso (ii) to section 8(2)(b) of the Act of 1937 ;

“administering authority” means any body which is required to maintain a superannuation fund under these regulations ;

“admission agreement” means an agreement made under, or continued in force as if made under, section 15 of the Act of 1953 or made under section 7 of the Act of 1948 ;

“amalgamation scheme” means a scheme made under section 1(3) of the Act of 1937 ;

“appointed day” means 16th May 1974 ;

“appropriate administering authority”, in relation to a pensionable employee and to the employing authority, means the body maintaining the superannuation fund which is, in relation to him and to the employing authority, the appropriate superannuation fund ;

“appropriate superannuation fund”, in relation to a pensionable employee and to the employing authority, means the superannuation fund maintained under these regulations in the benefits of which the pensionable employee is entitled to participate ;

“child” means a person who—

(a) is under the age of 16 years ; or

(b) having attained the age of 16 years, is receiving full-time education or undergoing full-time training for a trade, profession or calling, which training is for a period of not less than 2 years, and up till then there has been no time since he attained that age when he was not receiving such education or undergoing such training ; or

(c) having attained the age of 16 years, is an incapacitated person by reason of ill-health or infirmity of mind or body which arose either before he attained that age or while receiving such education or undergoing such training as mentioned in paragraph (b) of this definition,

and includes a person in respect of whom, as respects any period during which that person is not receiving full-time education or full-time training as mentioned in that paragraph, the appropriate administering authority are satisfied that that person’s full-time education or full-time training, as the case may be, ought not to be regarded as completed and, in their discretion, determine either—

(i) that the period shall be disregarded for the purposes of that paragraph ; or

(ii) that that period shall be so disregarded and shall also be treated as part of the period during which that person is receiving such full-time education or full-time training as aforesaid ;

“ combination scheme ” means a scheme of combination under sections 5(1) and (2) of the Act of 1922 or under section 2 of the Act of 1937 ;

“ contributory employee ” means a person who was entitled to participate in the benefits of a superannuation fund maintained under Part I of the Act of 1937 ;

“ death gratuity ” means a death gratuity payable under regulation E11 ;

“ designated employee ” means a person who before 16th May 1939 had been, or had been treated by a local authority as being, an officer or servant to whom the Act of 1922 applied ;

“ disqualifying break of service ”, in relation to any person, means a continuous period of 12 months or longer during no part of which he was a pensionable employee, contributory employee or local Act contributor or subject to the Act of 1922 ;

“ eligible child ” means—

(a) where a person has become entitled to a retirement pension, whether or not he has become entitled to receive payments in respect of that pension—

(i) a legitimate child of a marriage of that person which took place before the date on which that person became entitled to the retirement pension, born before the expiration of one year after the date on which that person became entitled to that pension ;

(ii) an adopted child of that person, adopted before that person became entitled to the retirement pension ; or

(iii) a step-child or illegitimate child of that person, an adopted child of the wife of a marriage of that person which took place before that person became entitled to the retirement pension or a child accepted by that person as a member of the family, being a child wholly or mainly dependent on that person both before he becomes entitled to that pension and at the time of his death ;

(b) where a person dies in an employment in which he is a pensionable employee—

(i) a legitimate child of that person, born before the expiration of one year after the date of the death of that person ;

(ii) an adopted child of that person ; or

(iii) a step-child or illegitimate child of that person, an adopted child of the wife of a marriage of that person or a child accepted by that person as a member of the family, being a child wholly or mainly dependent on that person at the time of his death ;

“ employee ” means an employee whether permanent or temporary, other than a person appointed to a post in a temporary capacity for a period of not more than 3 months or whose employment is of a casual nature ;

“ employer’s contribution ” means a sum payable under regulation C5 ;

“ employing authority ”, in relation to a pensionable employee, means the body in whose employment the pensionable employee is ;

“ employment ” includes office ;

“ enactment ” includes any instrument made under an Act ;

“ judicially separated ” means judicially separated in circumstances in which the husband is not required by decree or order of a competent court to contribute to the support of his wife, and is not, in fact, so contributing ;

“local Act contributor” means a person who was entitled to participate in the benefits of a superannuation fund maintained under a local Act scheme ;

“local Act scheme” has the same meaning as in section 8 of the Act of 1972 ;

“manual worker” means an employee who is not an officer ;

“national service”, in relation to any person, means service of a description specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a), and includes any period immediately following the termination thereof during which (with the consent of the authority or person by whom he was employed before undertaking that service) the person continued in similar service ;

“officer” means an employee whose duties are wholly or mainly administrative, professional, technical or clerical ;

“old modification scheme” means a scheme made pursuant to section 28(3) of the Widows’, Orphans’ and Old Age Contributory Pensions Act 1936(b) ;

“participating employment” means, in relation to any period which is reckonable as service for the purposes of these regulations, any employment in which a person—

(a) is required to pay graduated contributions under the paragraph (c) inserted in section 4(1) of the Insurance Act by section 1(2) of the National Insurance Act 1969(c), as amended by section 2(2) of the National Insurance and Supplementary Benefit Act 1973(d) ; or

(b) would be required to pay such contributions if the amount which was paid in any income tax week on account of his remuneration (or which would have been paid but for any suspension of remuneration due to leave of absence) exceeded the amount first mentioned in section 4(1) of the Insurance Act as so amended,

and includes any similar period of employment in which a person is, or would be, required to pay graduated contributions under the Northern Ireland Act or the Isle of Man Act ; but the expression does not include any period of national service in respect of which contributions were paid under the Superannuation (Local Government Staffs) (National Service) (Scotland) Rules 1949 to 1954(e) if immediately prior to entering national service the person had been in non-participating employment ;

“part-time employee” means an employee, other than a whole-time employee or variable-time employee ;

“passenger transport authority” means the Authority for a designated area within the meaning of section 9(1) of the Transport Act 1968(f) ;

“passenger transport executive” means the Executive for a designated area within the meaning of section 9(1) of the Transport Act 1968 ;

“payment in lieu of contributions” means a payment in lieu of contributions under Part III of the Insurance Act ;

“pensionable employee” means a person who is for the time being entitled under regulation B2 to participate in the benefits of the appropriate superannuation fund ;

“pensionable remuneration” has the meaning assigned to it by regulation E1 ;

(a) 1951 c. 65. (b) 1936 c.33. (c) 1969 c. 44. (d) 1973 c. 42.
 (e) S.I. 1949/581; 1952/75; 1954/1258 (1949 I, p. 3108; 1952 II, p. 2395; 1954 II, p. 1762).
 (f) 1968 c. 73.

“qualifying service”, in relation to any person, means the service, previous periods of employment and any other periods which he is entitled to reckon as qualifying service in accordance with regulation D2 ;

“reckonable service”, in relation to any person, means the service, previous periods of employment and any other periods which he is entitled to reckon as reckonable service in accordance with regulation D1 ;

“regional water board” means a board established under section 1 of the Water (Scotland) Act 1967(a) ;

“registration officer” means a person holding, or deemed to be holding, an appointment under section 7 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(b) ;

“regular fireman” means a member of a fire brigade maintained under the Fire Services Act 1947(c) of a class prescribed by a scheme for the time being in operation under section 26 of that Act for the purposes of section 2 of the Fire Services Act 1951(d) ;

“remuneration” means all the salary, wages, fees, poundage and other payments paid or made to an employee as such for his own use, and includes the money value of any apartments, rations or other allowances in kind appertaining to his employment, but does not include—

- (a) payments for non-contractual overtime ;
- (b) any allowance paid to him to cover cost of office accommodation or clerk’s assistance ;
- (c) any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him, for the purposes of his employment ;
- (d) any payment made to him on his ceasing to hold his employment in consideration of loss of holidays ; or
- (e) any payment accepted by him in lieu of notice to terminate his contract of employment ;

“rent officer” means any person who has been appointed a rent officer by the Secretary of State under section 37 of the Rent (Scotland) Act 1971(e) ;

“retiring allowance” means a retiring allowance payable under regulation E2 ;

“retirement pension” means a retirement pension payable under regulation E2 ;

“river purification board” means a board established under Part II of the Rivers (Prevention of Pollution) (Scotland) Act 1951(f) ;

“scheduled body” means a body described in Part I of Schedule 1 and a body described in column (3) of Part II of that schedule ;

“service” means service which is rendered to any scheduled body (other than service as a regular fireman) or to any other body or person as a local Act contributor ;

“variable-time employee” means an employee who has no contractual hours of employment ;

“war service”, in relation to any person, means war service within the meaning of the Local Government Staffs (War Service) Act 1939(g) and any period after the termination thereof during which (with the consent

(a) 1967 c. 78. (b) 1965 c. 49. (c) 1947 c. 41. (d) 1951 c. 27.
(e) 1971 c. 28. (f) 1951 c. 66. (g) 1939 c. 94.

of the authority or person by whom he was employed before undertaking that service) the person continues in similar service ;

“ water development board ” means a board established under section 3 or 5 of the Water (Scotland) Act 1967 ;

“ whole-time employee ” means an employee whose contractual minimum hours of employment regularly or usually amount to 30 hours or more in each week ; and “ whole-time officer ” and “ whole-time manual worker ” shall be construed accordingly.

(2) For the purposes of these regulations service rendered by an employee of a scheduled body whose services are placed at the disposal of a Minister of the Crown or a government department in pursuance of any enactment is service rendered to the scheduled body by whom he is employed.

Definition of enactments

A4. In these regulations—

“ the Act of 1922 ” means the Local Government and other Officers’ Superannuation Act 1922(a) ;

“ the Act of 1937 ” means the Local Government Superannuation (Scotland) Act 1937(b) ;

“ the Act of 1948 ” means the Superannuation (Miscellaneous Provisions) Act 1948(c) ;

“ the Act of 1953 ” means the Local Government Superannuation Act 1953(d) ;

“ the Acts of 1937 to 1953 ” means the Local Government Superannuation (Scotland) Acts 1937 to 1953 ;

“ the Act of 1972 ” means the Superannuation Act 1972 ;

“ the Benefits regulations ” means the Local Government Superannuation (Benefits) (Scotland) Regulations 1954(e) ;

“ the former regulations ” means—

(a)(i) the provisions of the enactments listed in the table in paragraph 5 of Schedule 7 to the Act of 1972 as applying to Scotland ; and

(ii) the provisions of any instrument (including a scheme) made under any enactment so listed, being provisions in force immediately before the appointed day,

as having effect, by virtue of sub-paragraph (1) of the said paragraph 5, as provisions of regulations under section 7 of the Act of 1972 ; and

(b) the Miscellaneous Provisions regulations ;

but where the expression is used together with a reference to revocation, the expression means such of the provisions mentioned in paragraph (a) of this definition as are specified in column (2) of Part I or II of Schedule 17 and the regulations referred to in paragraph (b) of this definition ;

“ the Insurance Act ” means the National Insurance Act 1965 ;

“ the Insurance Acts ” means the National Insurance Acts 1965 to 1973(f) ;

“ insurance code ” means the Insurance Act, the Northern Ireland Act or the Isle of Man Act ;

(a) 1922 c. 59.

(b) 1937 c. 69.

(c) 1948 c. 33.

(d) 1953 c. 25.

(e) S.I. 1954/1059 (1954 II, p. 1632).

(f) 1965 c. 51; 1966 c. 6; 1967 c. 73; 1969 c. 4; 1970 c. 51; 1971 c. 73; 1972 c. 36; 1972 c. 57; 1973 c. 42.

“interchange rules” means rules made under section 2 of the Act of 1948 (which provides for the pensions of persons transferring to different employment) and includes any similar instrument made, or having effect as if made, under any other Act which makes similar provision;

“the Isle of Man Act” means the National Insurance (Isle of Man) Act 1961 (an Act of Tynwald);

“the Miscellaneous Provisions regulations” means the Local Government Superannuation (Miscellaneous Provisions) (Scotland) Regulations 1973(a);

“the Northern Ireland Act” means the National Insurance Act (Northern Ireland) 1959(b);

Treatment of certain separate employments

A5. Where an employee holds under a scheduled body two or more separate employments, the provisions of these regulations shall, unless the context otherwise requires, apply as respects him in relation to each of those separate employments as if the other or others were an employment or employments held by him under another scheduled body.

Persons treated as employees of a scheduled body

A6.—(1) For the purposes, and subject to the provisions, of these regulations any person of a class described in column (1) of the following table shall be deemed to be an officer in the employment of the body described opposite thereto in column (2).

TABLE

| Class (1) | Deemed employing body (2) |
|---------------------------|---|
| Registration officers ... | The county council or the council of a large burgh who are the local registration authority for the purposes of section 5 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, by whom he was appointed or deemed to have been appointed under section 7 of that Act. |
| Rent officers | Any local authority with whom the Secretary of State has made arrangements under section 37 of the Rent (Scotland) Act 1971 to provide for the superannuation of the officer. |

(2) For the purposes, and subject to the provisions, of these regulations every employee of a passenger transport authority or of a subsidiary of a passenger transport executive shall be deemed to be an employee of that executive.

Treatment of certain additional duties

A7. Where the duties of an officer in the whole-time employment of a scheduled body include the additional duty of a returning officer at local government elections (in this regulation referred to as an “additional duty”) in circumstances where fees are paid in respect of the additional duty then—

(a) in the case of a person who became a pensionable employee on the appointed day and who immediately before that day was in the employ-

(a) S.I. 1973/503 (1973 I, p. 1596).

(b) 1959 c. 21 (N.I.).

ment mentioned above and whose duties therein immediately before the appointed day included the additional duty, these regulations shall, unless the context otherwise requires, apply as respects him in relation to the additional duty as if that additional duty were a separate variable-time employment held by him under a scheduled body, other than the scheduled body under whom he holds the whole-time employment mentioned above ; and

- (b) in any other case, these regulations shall, unless the context otherwise requires, apply as respects him in relation to the additional duty as if that additional duty was a separate variable-time employment held by him under a scheduled body, other than the scheduled body under whom he holds the whole-time employment mentioned above.

Deemed employments

A8. In these regulations, unless the context otherwise requires, references to employees of a scheduled body shall be construed as including references to persons who are deemed for the purposes of these regulations to be in the employment of a scheduled body, and other provisions relating to employment by or under a scheduled body shall be construed accordingly.

PART B

SUPERANNUATION FUNDS AND CONTRIBUTORS THERETO

Superannuation funds

B1.—(1) A superannuation fund shall be established and administered for the purposes of these regulations by every body maintaining immediately before the appointed day a superannuation fund under Part I of the Act of 1937 or under a local Act scheme.

(2) Every body mentioned in paragraph (1) shall, subject to any apportionment required by regulation J3, close the superannuation fund they were maintaining immediately before the appointed day and transfer any balance standing to the credit thereof to the superannuation fund to be established and administered under paragraph (1), and any outstanding or continuing liabilities of, or liabilities of any body or individual to, the former fund shall become liabilities of or to the latter fund.

Pensionable employees

B2.—(1) The following persons shall, subject to the provisions of this regulation, be entitled to participate in the benefits of the appropriate superannuation fund maintained under these regulations—

- (a) every whole-time officer of a body described in Part I of Schedule 1 ;
- (b) every whole-time manual worker of such a body as aforesaid who either—
- (i) has completed 12 months' continuous whole-time employment with his employing authority ; or
 - (ii) entered or re-entered the employment of his employing authority, without a disqualifying break of service, after other employment in which he was a contributory employee, pensionable employee or local Act contributor and in respect of which he has not, before so entering or re-entering, received a return of contributions under the former regulations, or under these regulations, or under a local Act scheme,

other than any such person who elected under paragraph 3 of Schedule 4 to the Act of 1937 not to become a contributory employee and in whose case the election had not before the appointed day ceased to have effect, but so long only as he continues without any break of service as a whole-time manual worker in the employment of the body to whom he gave notice under that paragraph ;

- (c) every variable-time employee of a body described in Part I of Schedule 1 who is also in the whole-time employment of such a body as aforesaid in virtue of which he is a pensionable employee ;
- (d) every employee described in column (1) of Part II of Schedule 1 of such a body as is described opposite thereto in column (3) (other than any such person as may be specified in respect of such body in column (2)), whom that body have by a statutory resolution specified as a pensionable employee or who belongs to a class which the body have by such a resolution as aforesaid specified as a class the members of which are to be pensionable employees ;
- (e) every whole-time member of a passenger transport executive and every whole-time director of a subsidiary thereof, whom that passenger transport executive have, in the case of a member thereof with the consent of the passenger transport authority for which that passenger transport executive is the Executive, by a statutory resolution specified as a pensionable employee ;
- (f) every person who immediately before the appointed day was a member of a passenger transport executive or a director of a subsidiary thereof and who immediately before that day was in that position a contributory employee, but so long only as he continues without a break in that position ;
- (g) every other person who on the appointed day was in the employment of a scheduled body, and who immediately before that day held a post in virtue of which he was a contributory employee (other than an officer of a scheduled body who was employed by them for part only of his time but who immediately before the appointed day was in that employment a contributory employee by reason of devoting substantially the whole of the rest of his time to employment by one or more scheduled bodies), but so long only as he continues without any break of service in the employment of that body, whether in the same post or some other post.

(2) A person who by virtue of paragraph (1)(c) became a pensionable employee under a body described in Part I of Schedule 1 shall, notwithstanding that he ceases to hold the whole-time employment referred to in that paragraph, continue to be a pensionable employee so long as he continues without any break of service in the variable-time employment of that body.

(3) A body described in Part I of Schedule 1 may resolve that a person who falls within paragraph (1)(a), (b) or (c) shall not become a pensionable employee unless he has undergone a medical examination to their satisfaction ; and a resolution under this paragraph may apply to any specified person or to any specified class of persons.

(4) The following persons shall not become pensionable employees by virtue of the foregoing provisions of this regulation, that is to say—

- (a) a person who is under the age of 18 years ;

(b) a person who has attained the age of 65 years:

Provided that this sub-paragraph shall not apply to a person—

- (i) to whom a pension has become payable which is liable to be reduced or suspended under regulation E15 or a short service grant became payable under the former regulations ; or
 - (ii) who, if he were to become a pensionable employee, would be entitled to reckon any previous service, period of employment or other period as reckonable service or qualifying service ; or
 - (iii) who has suffered loss of employment or loss or diminution of emoluments which was attributable to the provisions of any enactment and who under or by virtue of any enactment has received or is entitled to receive compensation for such loss or diminution which compensation is liable to be reduced or suspended in consequence of his taking up employment under a scheduled body in the like manner and to the like extent as it would have been reduced or suspended in consequence of his taking up such employment under the pension scheme to which he was subject immediately before suffering such loss ;
- (c) a person who under regulation 23 of the Miscellaneous Provisions regulations elected not to become a contributory employee and in whose case the election had not before the appointed day ceased to have effect, so long as he remains in the employment of the body to whom he gave notice under that regulation ;
- (d) a person who is entitled to participate in the benefits of any other superannuation scheme provided by or under any enactment (including an enactment in a local Act), other than section 7 of the Act of 1972 ;

(5) In this regulation—

“ statutory resolution ” means, in relation to a scheduled body, a resolution passed in the manner in which an ordinary resolution of the body may be passed, except that 28 days’ notice of the meeting at which the resolution is passed and of the terms of the resolution and of the fact that it is to be proposed at that meeting, must have been given in the manner in which notice for convening ordinary meetings of the body may be given ; and

“ short service grant ” means a short service grant as defined in regulation 2 of the Benefits regulations.

Appropriate superannuation fund

B3.—(1) The appropriate superannuation fund in relation to a pensionable employee of an employing authority shall where that authority are an administering authority, or were immediately before the appointed day a party to an admission agreement made with an admitting authority, be the fund administered by the employing authority or as the case may be by the authority who were the admitting authority.

(2) The appropriate superannuation fund in relation to a pensionable employee of an employing authority shall where that authority were a constituent authority under a combination or amalgamation scheme under the former regulations, be the fund administered by the administering authority who were formed for the purposes of that scheme.

(3) Subject to paragraph (5), in any case not falling within paragraphs (1), (2) or (4), the appropriate superannuation fund in relation to a pensionable employee of an employing authority shall be the superannuation fund

administered by the administering authority for the area within which the employing authority, or the greater part of the area of that authority, is situate.

(4) Subject to paragraph (5), where under any enactment provision was made for the designation of the appropriate superannuation fund of a body which is listed in Schedule 1 and a fund was so designated, the fund so designated shall, subject to regulation B1(2), be deemed to be the appropriate superannuation fund in relation to the pensionable employees of that body.

(5) Notwithstanding the provisions of sub-paragraphs (3) and (4) if the Secretary of State, on an application made to him, is satisfied, after consultation with the bodies appearing to him to be concerned, that it is expedient so to do, he may from time to time direct that all or any of the pensionable employees of the employing authority concerned shall be entitled to participate in the benefits of the superannuation fund maintained by some other administering authority and where he gives such a direction he shall give such further directions as he deems necessary for the making of financial adjustments, whether by way of a transfer of an apportioned part of the assets comprised in the fund in the benefits of which, but for that direction, those employees would have been entitled to participate, or the making of a payment out of that fund or both, for the transfer of any liabilities of that fund, and with respect to other consequential and incidental matters.

Power to admit employees of other bodies

B4.—(1) If application for the purpose is made to an administering authority by a body specified in paragraph (4), the authority may, if they think fit and on such terms and conditions as, subject to paragraph (2), they think proper, admit any employee (other than an employee who is under the age of 18 years or who has attained the age of 65 years and is not such a person as is mentioned in the proviso to regulation B2(4)(b)) of the body to participate in the benefits of the superannuation fund maintained by them, and in that event these regulations shall have effect as if the body were a scheduled body and the employee were a pensionable employee and the body shall have all such powers as may be necessary for the purpose of giving effect to the aforesaid terms and conditions.

(2) The terms and conditions of any agreement made under this regulation—

(a) shall contain provision that any question which may arise between the administering authority and the body concerned relating to the construction of the agreement or to the rights and obligations thereunder of either party thereto shall be determined by the Secretary of State ;

(b) may not contain provision (other than provision that any previous period of employment by the body concerned of an employee admitted under the agreement shall be reckonable as reckonable service to such extent as may be agreed between the administering authority and the body) conferring on any employee admitted under the agreement any greater or lesser rights under these regulations or subjecting him to any greater or lesser liabilities thereunder than those which he would have enjoyed or to which he would have been subject respectively had he become a pensionable employee by virtue of regulation B2.

(3) An administering authority shall forthwith upon the making of an agreement under this regulation notify the Secretary of State that the agreement has been made and furnish him with the name of the body concerned and with the date as from which the agreement takes effect.

- (4) The bodies referred to in paragraph (1) are—
- (a) a voluntary organisation engaged in the provision of services—
- (i) under Part I of the National Health Service (Scotland) Act 1972(a) ;
or
 - (ii) under Part III of the National Assistance Act 1948(b) ; or
 - (iii) under the Disabled Persons (Employment) Act 1958(c) ; or
 - (iv) under the Mental Health (Scotland) Act 1960(d) ; or
 - (v) under section 45 of the Health Services and Public Health Act 1968(e) ;
- (b) a body representative of local authorities or of local authorities and officers of local authorities or a body representative of officers of local authorities formed for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to local government ;
- (c) statutory undertakers ;
- (d) non-statutory undertakers approved for the purposes of this regulation by the Secretary of State ;
- (e) a body which provides a public service in the United Kingdom otherwise than for the purposes of gain ;
- (f) a body to whose funds any local authority contribute or to whom any grant is made out of moneys provided by Parliament ;
- (g) a development corporation established under the New Towns (Scotland) Act 1968(f).

(5) In relation to any person who immediately before the appointed day was subject to the former regulations by virtue of an admission agreement continued in force by regulation J4 as if made under this regulation, these regulations shall have effect as if he were a pensionable employee.

(6) In this regulation—

“statutory undertakers” means a body authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier, lighthouse or airport, or any undertaking for the supply of electricity, gas, hydraulic power or water ;

“non-statutory undertakers” means a body who are primarily engaged in carrying on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier, lighthouse or airport undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, though not authorised by any enactment to carry on such an undertaking ; and

“voluntary” means not carried on for profit and not provided by a local or public authority.

Management of superannuation fund

B5. There shall be carried and credited in each year to every superannuation fund maintained under this Part—

- (a) the amounts contributed during the year by pensionable employees entitled to participate in the benefits of the fund ;

(a) 1972 c. 58.

(b) 1948 c. 29.

(c) 1958 c. 33.

(d) 1960 c. 61.

(e) 1968 c. 46.

(f) 1968 c. 16.

- (b) the employer's contributions payable into the fund by employing authorities ;
- (c) all dividends and interest arising during the year out of the investment or use of the fund or any part thereof, and any capital moneys resulting from the realisation of investments, or from the repayment of moneys used temporarily for other authorised purposes ;
- (d) the amount of any additional contributory payments received by the administering authority under these regulations ;
- (e) any other sums which the administering authority may become liable to carry to the fund under these regulations.

Use and investment of superannuation fund's moneys

B6.—(1) If any moneys forming part of a superannuation fund maintained under this Part are not for the time being required to meet payments to be made out of the fund under these regulations, the administering authority shall invest the moneys and for that purpose the Trustee Investments Act 1961(a) shall apply or, in lieu of such investment, may use the moneys for any purpose for which they have a statutory borrowing power, or may lend the moneys to any other employing authority contributing to the fund for use for any purpose for which that authority have a statutory borrowing power, subject to the conditions specified in paragraph (2).

(2) The conditions mentioned in paragraph (1) shall be—

- (a) interest shall be paid to the fund on any moneys used as mentioned in that paragraph and for the time being not repaid at such rate per cent. per annum as may be determined by the administering authority to be equal, as nearly as may be, to the rate of interest which would be payable on a loan raised on a mortgage under the statutory borrowing power ; and
- (b) the statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

(3) Such costs, charges and expenses incurred by an administering authority in exercising the powers conferred upon them by paragraph (1) as may be determined by the authority may be paid out of the superannuation fund maintained by them under this Part.

PART C

CONTRIBUTIONS AND CERTAIN OTHER PAYMENTS TO SUPERANNUATION FUNDS

Payment and amount of employee's contributions

C1.—(1) Subject to the provisions of these regulations, a pensionable employee (not being a pensionable employee mentioned in paragraph (2)) of an employing authority shall, at such intervals as the administering authority may determine, contribute to the appropriate superannuation fund—

- (a) in the case of a manual worker, an amount equal to 5 per cent. of his remuneration under that employing authority ;
- (b) in the case of an officer being a designated employee who, without a disqualifying break of service, is at any time a pensionable employee

of an employing authority and is not a person who, before entering employment with that authority,—

(i) has, on ceasing on or after the appointed day to hold another employment, become entitled (other than by virtue of paragraph (1)(c) of regulation E2) to benefits under these regulations ; or

(ii) has, on so ceasing, become entitled by virtue of that paragraph to benefits under these regulations and gives notice under paragraph (4)(e) of that regulation to that authority,

an amount equal to 5 per cent. of such remuneration as aforesaid ;

(c) in the case of an officer (not being such an officer as is mentioned in sub-paragraph (b)) an amount equal to 6 per cent. of such remuneration as aforesaid.

(2) The reference in paragraph (1) to a pensionable employee mentioned in this paragraph is a reference to a pensionable employee who has completed not less than 45 years' reckonable service, disregarding reckonable service before attaining the age of 60 years beyond a total of 40 years.

Leave of absence from duty

C2. A pensionable employee of an employing authority who is on leave of absence from duty, otherwise than by reason of illness or injury, with reduced remuneration or without remuneration, shall—

(a) for the period of 30 days beginning with the date on which he went on leave of absence ; and

(b) if he gives, or has given, notice in writing for the purpose to that employing authority not later than 30 days after the day before the date on which he went on leave of absence, for the period beginning with the day after the expiration of the period specified in sub-paragraph (a) and ending:—

(i) where the absence from duty is by reason of receiving full-time education or undergoing full-time training which will enable the employee to discharge his duties more efficiently, with the expiration of 36 months from the day before the date on which he went on leave of absence ; and

(ii) in any other case, with the expiration of 12 months from that day, make contributions to the appropriate superannuation fund on such remuneration as he would have received during that period in his employment under that employing authority but for that leave of absence from duty.

Statement of remuneration received otherwise than from employing authority

C3. A pensionable employee who receives any part of his remuneration otherwise than from the employing authority shall render to that authority within one month after the first day of each financial half-year a written statement of his receipts in respect of that part of his remuneration during the preceding financial half-year and, if so requested in writing by the employing authority, as soon as is reasonably practicable after receipt of the request shall render to that authority a statutory declaration verifying the correctness of the statement.

Deduction from remuneration of employee's contributions and recovery thereof

C4. An employing authority may deduct from the remuneration payable by them to a pensionable employee the contributions payable by him under

regulation C1 or C2 to the appropriate superannuation fund and, if and so far as deductions are not made from the remuneration of a pensionable employee, the appropriate administering authority may recover any contributions payable by him in any court of competent jurisdiction or may deduct any sum remaining due on account thereof from any payment by way of benefits under these regulations.

Employer's contributions

C5. An employing authority shall contribute to the appropriate superannuation fund in each year an amount equal to 130 per cent. of the sum which during the year has been contributed to the fund under regulation C1 and C2 by the employing authority's pensionable employees, and any sums payable to the fund by the authority, or the share properly attributable to them of any sums payable to the fund, in pursuance of an actuary's certificate given, or a scheme made, under section 18 of the Act of 1937.

Employer's additional contributions

C6. Where a consent is given under regulation D10 in respect of an employee or was given under regulation 12 of the Benefits regulations in respect of an employee who is such a person as is mentioned in regulation D11, the employing authority shall be liable, so long as the employee remains in their employment, to contribute to the appropriate superannuation fund—

- (a) contributions equal to the amount of the added period payments payable by the employee under that regulation ; and
- (b) contributions equal to any amounts by which, under the proviso to Schedule 6 or proviso (ii) to regulation 12(3) of the Benefits regulations the amounts payable by the employee as aforesaid have been reduced.

Where the amounts payable by an employee have been reduced as aforesaid or an employee is required by Schedule 4 to satisfy his liability in respect of the excess over 15 per cent. by payment in the manner therein mentioned, the amounts payable by the employing authority in respect of their liability under paragraph (a) shall be amounts equal to those which would have been payable by the employee but for the reduction or the requirements of that schedule.

Employer's further payments

C7. Where an employing authority have—

- (a) made a determination under regulation D4 ; or
- (b) passed a resolution under regulation D9 or D14 ; or
- (c) granted an additional benefit under regulation E13,

any extra charge on the appropriate superannuation fund resulting from that determination or resolution or, as the case may be, the amount of that additional benefit shall be repaid to the fund by that authority.

Return of employee's contributions in certain cases

C8.—(1) This regulation shall apply to a pensionable employee of an employing authority—

- (a) who before becoming entitled to any benefit under these regulations, ceases to be employed by that authority ; and
- (b) whose remuneration on which contributions were paid under regulation C1 or C2, or under Part I of the Act of 1937 or under a local Act scheme, or were paid under some other superannuation scheme in

respect of service or employment which became, by virtue of interchange rules, reckonable for the purposes of the former regulations, has not at any time exceeded the annual rate of £5,000.

(2) A person to whom this regulation applies who—

- (a) is entitled to reckon an aggregate of less than 5 years' reckonable service and qualifying service ; or
- (b) is entitled to reckon an aggregate of not less than 5 years' reckonable service and qualifying service and elects that this paragraph shall apply in his case by notice in writing given to the appropriate administering authority within 12 months after the date on which he ceases to be employed as mentioned in paragraph (1)(a),

shall be entitled—

- (i) if he so ceases to be employed for any reason other than his voluntary resignation, or his resignation or dismissal in consequence of inefficiency or an offence of a fraudulent character or misconduct, to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to the fund, together with compound interest thereon, calculated, to the date on which he ceased to hold his employment, for any period before 1st April 1972, at the rate of 3 per cent. per annum with half-yearly rests and, for any period after 31st March 1972, at the rate of 4 per cent. per annum with yearly rests ;
- (ii) if he so ceases to be employed by reason of his voluntary resignation, or his resignation or dismissal in consequence of inefficiency or an offence of a fraudulent character or misconduct (not being such an offence or grave misconduct in connection with the duties of, or otherwise in relation to, his employment) to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to the fund.

(3) Where a person to whom this regulation applies ceases to be employed as mentioned in paragraph (1)(a) in consequence of an offence of a fraudulent character or of grave misconduct, being such an offence or such misconduct in connection with the performance of the duties of, or otherwise in relation to, his employment, the employing authority may, if they think fit, direct the return to him out of the appropriate superannuation fund of a sum equal to the whole or a part of the aggregate amount of his contributions to the fund or, if he so ceases to be employed in consequence of such an offence of a fraudulent character as aforesaid, the payment out of that fund of an equivalent sum to his spouse or any dependant of his.

(4) Notwithstanding anything in the foregoing provisions of this regulation, no payment shall be made thereunder to a person who, having ceased to be employed by the employing authority in the circumstances mentioned in regulation E2(1)(c) and before giving a notice under paragraph (2)(b), again becomes a pensionable employee and gives notice under regulation E2(4)(e).

(5) An administering authority shall not make any payment under paragraph (2) to such a person as is mentioned in sub-paragraph (a) of that paragraph before the expiration of a year from the date on which that person ceases to be employed or until a claim for payment has been made to them, whichever event first occurs.

(6) On making any repayment of contributions (with or without interest) under this regulation, the administering authority shall deduct from the repayment any tax to which they may become chargeable under paragraph

2 of Part II of Schedule 5 to the Finance Act 1970(a) (which relates to charge to tax on repayment of employee's contributions).

(7) For the purposes of this regulation a pensionable employee who ceases to be employed in the circumstances mentioned in regulation E2(1)(c) (other than a person who elects under regulation E2(4)(a)(iv) to receive benefits from the date on which he so ceased or to whom, on so ceasing, regulation E2(4)(b)(ii) applies) shall be treated as not being entitled to any benefit under these regulations.

(8) In this regulation, references to the aggregate amount of an employee's contributions to a superannuation fund include references to—

- (a) any contributions paid by him to any superannuation fund under regulation C1 or C2, or under Part I of the Act of 1937, or under the Act of 1922 or under a local Act scheme ;
- (b) any contributions which, if the former regulations had not been revoked by these regulations and he had immediately before ceasing to be employed as mentioned in paragraph (1)(a) been a contributory employee, he would, by virtue of interchange rules, have been deemed to have made to the appropriate superannuation fund within the meaning of the Act of 1937 ;
- (c) any amount—
 - (i) which, if the former regulations had not been revoked as aforesaid and he had immediately before so ceasing been a contributory employee, would, by virtue of interchange rules, have been included in any amount which would, on his so ceasing, have become payable to him by way of a return of contributions under section 10 of the Act of 1937 ; or
 - (ii) by which, if the former regulations had not been revoked as aforesaid and he had immediately before so ceasing been a contributory employee, the last-mentioned amount would, by virtue of interchange rules, have been deemed to have been increased ;
- (d) any sum paid by him into a superannuation fund under an old modification scheme ;
- (e) any sum paid by him by way of additional contributory payments ; and
- (f) any amount paid by him by way of added period payments, but only in so far as any such contribution, sum or amount—
 - (i) has not been returned to the person or, if it has been returned, has subsequently been repaid by him ;
 - (ii) is attributable to service which might have been reckoned under Part D in relation to the employment he has ceased to hold ; and
 - (iii) is not attributable to any earlier period of service in respect of which a benefit under Part E has been paid.

Reduction of returned contributions following payment in lieu of contributions

C9.—(1) Subject to the provisions of this regulation, where a pensionable employee leaves employment in circumstances in which returned contributions are due and a payment in lieu of contributions has previously been made in respect of him in circumstances in which returned contributions were not due, those returned contributions shall be reduced by a sum equal to the amount, or the aggregate of the amounts, by which under section 60(5) of the Insurance Act (which defines an employer's rights against an insured person in respect of payments in lieu of contributions) they could have been

reduced if returned at the time when the previous payment in lieu of contributions was made.

(2) Paragraph (1) shall also apply for the reduction of returned contributions where a payment in lieu of contributions has been made under any insurance code in respect of any period of former employment which is reckonable as service as a pensionable employee if—

- (a) that payment in lieu was made in circumstances not involving the return of any superannuation contributions made by him in that employment ; and
- (b) the transfer value payable in respect of that employment has been adjusted to take account of that payment in lieu,

and where no superannuation contributions were payable in that employment, any amount returnable in respect of contributions deemed to have been made therein shall be reduced by a sum equal to one half of that payment in lieu.

(3) No payment in lieu of contributions shall be taken into account for the purposes of this regulation—

- (a) on more than one occasion ; or
- (b) if the payment is one which has been reduced under regulation 13 of the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations 1960(a) or any corresponding enactment in force in Northern Ireland or the Isle of Man.

(4) Where returned contributions are due in the circumstances mentioned in paragraph (1) on the cessation of two or more concurrently held employments, the reduction required by that paragraph shall be made by such one of the authorities paying the returned contributions as they may agree or, in default of agreement, as is determined by the Secretary of State, and where those employments were held under the same employing authority, the reduction shall be made in relation to such one only of the employments as is determined by the authority.

(5) Where returned contributions are reduced under paragraph (1) or under section 60(5) of the Insurance Act or any corresponding provision of the Northern Ireland Act or the Isle of Man Act, any sum so deducted shall not form part of any amount payable to or in respect of him, either as returned contributions or as a benefit ascertained by reference to the amount of the contributions paid by him, on the occasion of any later cessation of his employment.

(6) In this regulation “ returned contributions ” means an amount payable under regulation C8 to or in respect of a pensionable employee by way of a return of contributions.

PART D

SERVICE

Reckonable service

D1.—(1) Subject to paragraph (2) and regulation D3, a pensionable employee shall be entitled to reckon as reckonable service, in relation to the employment in respect of which he is a pensionable employee—

- (a) service on or after the appointed day in respect of which he has made or is deemed to have made the contributions required by these regulations ;

(a) S.I. 1960/1103 (1960 II, p. 2244).

- (b) in the case of a person who became a pensionable employee on the appointed day, any service, employment or period which immediately before the appointed day he was, or for the purposes of these regulations is treated as having been, entitled under or by virtue of the former regulations or any other enactment, or would have been entitled upon payment of the amount mentioned in the proviso to section 13(1) of the Act of 1937 or repayment of the sum mentioned in subsection (2) of that section, to reckon as or aggregate with the service he was entitled to reckon as contributing service in relation to that employment or non-contributing service for the purposes of the former regulations ;
- (c) in the case of a person who became a pensionable employee on the appointed day by virtue of regulations A7(a) and B2(1)(c), any service, employment or period which immediately before the appointed day he was, or for the purposes of these regulations is treated as having been, entitled under or by virtue of the former regulations or any other enactment to reckon as or aggregate with service he was entitled to reckon as contributing service in relation to the wholtime employment mentioned in regulation A7(a) or non-contributing service for the purposes of the former regulations ;
- (d) in the case of a person who was a contributory employee under a scheduled body, ceased to be employed by that body before the appointed day and on or after that day but within 12 months of so ceasing becomes a pensionable employee, any service, employment or period which immediately before he ceased to be employed by them he was, or for the purposes of these regulations is treated as having been, entitled under or by virtue of the former regulations or any other enactment to reckon as or aggregate with service he was entitled to reckon as contributing service in relation to his employment under that body or non-contributing service for the purposes of the former regulations ;
- (e) in the case of a person who before the appointed day was a local Act contributor under a local authority or other body, ceased to be employed by that authority or body before the appointed day and on or after that day but within 12 months of so ceasing becomes a pensionable employee, any service, employment or period which he would have been entitled to reckon as service or a period of contribution for the purpose of calculating a benefit payable to him under the local Act scheme if at the date when he ceased to be employed by that authority or body he had been entitled to a benefit payable under that scheme ;
- (f) any employment which by virtue of regulation D4 is, in relation to the employment in which he is a pensionable employee, to be treated for the purposes of these regulations as service which immediately before the appointed day or, as the case may be, ceasing to be employed as mentioned in paragraph (d) he was entitled to reckon or, as the case may be, which he would have been entitled to reckon as non-contributing service for the purposes of the former regulations ; and
- (g) any other service or period which under or by virtue of regulation D10, D11, D12, D13 or D14 is, in relation to that employment, to be reckoned as reckonable service.
- (2) In the case of a pensionable employee who—
- (a) is such a person as is mentioned in paragraph (1)(b), (d) or (e) ; and
- (b) if the former regulations had not been revoked by these regulations, would in the employment in respect of which he is a pensionable

employee have been a contributory employee and would only have been entitled in relation to that employment to reckon under section 12(2) or 13 of the Act of 1937 previous service upon payment of the amount mentioned in the proviso to subsection (1) of the said section 13 or upon repayment of the sum mentioned in subsection (2) of that section,

then, unless he is such a person as is mentioned in paragraph (1)(b) and before the appointed day paid that amount or, as the case may be, that sum, he shall only be entitled to reckon such previous service as reckonable service if, within 12 months after the appointed day or within 3 months after he becomes a pensionable employee, whichever is the later, he pays that amount or, as the case may be, repays that sum to the appropriate administering authority.

Qualifying service

D2. Subject to regulation D3 a pensionable employee shall be entitled to reckon as qualifying service,—

- (a) in the case of a person who became a pensionable employee on the appointed day, any service, employment or period which immediately before the appointed day he was entitled under or by virtue of the former regulations or any other enactment to reckon for the purpose of determining whether he was entitled to a benefit under the former regulations, but for no other purpose ;
- (b) in the case of a person who was a contributory employee under a scheduled body, ceased to be employed by that body before the appointed day and on or after that day but within 12 months of so ceasing becomes a pensionable employee, any service, employment or period which immediately before he so ceased he was entitled under or by virtue of the former regulations or any other enactment to reckon for the purpose of determining whether he was, in relation to that employment, entitled to receive a benefit under the former regulations , but for no other purpose ;
- (c) in the case of a person who before the appointed day was a local Act contributor under a local authority or other body, ceased to be employed by that authority or body before the appointed day and on or after that day but within 12 months of so ceasing becomes a pensionable employee, any service, employment or period which immediately before he so ceased he was entitled to reckon for the purpose of determining whether he was entitled to receive a benefit under the local Act scheme but for no other purpose ;
- (d) any other service, employment or period which by virtue of regulation D15 or D16 is to be reckoned as qualifying service.

Exclusion from reckonable service and qualifying service

D3.—(1) Subject to regulation E16, a pensionable employee shall not be entitled to reckon as reckonable service—

- (a) where he has entered the employment of a scheduled body—
 - (i) after becoming entitled to receive payment of or payments in respect of any superannuation benefit, under Part E or otherwise other than a superannuation benefit under the Insurance Act ; or
 - (ii) after becoming entitled to a benefit under paragraph (1)(c) of regulation E2, if he gives notice under paragraph (4)(e) of that regulation ; or

- (b) where, by virtue of regulation K1,
 - (i) he becomes entitled to receive payment of or payments in respect of any benefit under these regulations ; or
 - (ii) he becomes entitled to a benefit under paragraph (1)(c) of regulation E2 and gives notice under paragraph (4)(e) of that regulation,

any service, employment or period of which account has been taken for the purpose of determining whether he was entitled to that benefit or has been, or is to be, taken for the purpose of calculating the amount of that benefit.

(2) A pensionable employee shall not be entitled to reckon as reckonable service or qualifying service—

- (a) any service, employment or period in respect of which he has received a return of contributions under these regulations ; or
- (b) where before entering the employment in respect of which he is a pensionable employee he was previously a pensionable employee or contributory employee under a scheduled body or a local Act contributor under a local authority or other body and ceased to be a pensionable employee, contributory employee or local Act contributor, as the case may be, under that body or authority in such circumstances that a transfer value was paid by the body or authority maintaining the superannuation fund in the benefits of which he was as such an employee or contributor entitled to participate to some body or person (other than an administering authority, or a body or authority maintaining a superannuation fund under Part I of the Act of 1937 or a local Act authority) any service, employment or period in respect of which that transfer value was paid.

Previous employment under an officer

D4.—(1) This regulation shall apply to a pensionable employee who—

- (a) has been for a period before the appointed day in previous employment and subsequently entered before that day the employment of a scheduled body ;
- (b) either—
 - (i) was a contributory employee immediately before the appointed day and became a pensionable employee on that day ; or
 - (ii) was a contributory employee under a scheduled body, ceased to be employed by that body before the appointed day and on or after that day, but within 12 months of so ceasing, becomes a pensionable employee ; and
- (c) is not such a person as is mentioned in regulation K1(1).

(2) The appropriate employing authority may, if application for the purpose is made to them in writing by a person to whom this regulation applies within 12 months after the date on which he first becomes a pensionable employee, within 12 months after receipt of the application determine that for the purposes of these regulations the whole or part of the period of previous employment shall, in relation to his employment under them, be treated as service which immediately before the appointed day or, as the case may be, ceasing to be employed as mentioned in paragraph (1)(b)(ii) he was entitled to reckon as non-contributing service for the purposes of the former regulations.

- (3) In this regulation—
- (a) “appropriate employing authority” means—
- (i) in the case of a person to whom paragraph (1)(b)(i) applies, the employing authority under whom that person was a pensionable employee on the appointed day ; or
 - (ii) in the case of a person to whom paragraph (1)(b)(ii) applies, the body mentioned in that paragraph ; and
- (b) “previous employment”, in relation to a person, means employment before the appointed day under an officer of a scheduled body, being employment in which he was engaged wholly or mainly in the performance of duties relating to the functions of that body, and includes, in the case of a person who has been in such employment and left that employment in order—
- (i) to become a person under training within the meaning of the Military Training (Consequential Provisions) Order 1939(a) ; or
 - (ii) to enter upon war service ; or
 - (iii) to enter upon national service (other than such service as is mentioned in sub-paragraph (b)(i)) ;
- in the case of such a person as is mentioned in sub-paragraph (b)(i), his period of training within the meaning of the order there mentioned and, in any other case, the service mentioned in sub-paragraph (b)(ii) or, as the case may be, sub-paragraph (b)(iii), but does not include, in a case where a determination was made in pursuance of section 12(6) of the Act of 1937 or section 7(3) of the Act of 1953, any service, employment or period reckonable by virtue of that determination as non-contributing service for the purposes of the former regulations.

Treatment of certain contributing service as non-contributing service

- D5.**—(1) This regulation shall apply to a pensionable employee who—
- (a) either—
- (i) was a contributory employee immediately before the appointed day and became a pensionable employee on that day ; or
 - (ii) was a contributory employee under a scheduled body, ceased to be employed by that body before the appointed day and on or after that day, but within 12 months of so ceasing, becomes a pensionable employee ;
- (b) became a contributory employee before 1st October 1954 ;
- (c) was entitled to the benefit of section 13(1)(b) of the Act of 1937 ;
- (d) from the day on which he so became a contributory employee until immediately before the appointed day or, as the case may be, he ceased to be employed as mentioned in sub-paragraph (a)(ii), remained a contributory employee ; and
- (e) is not such a person as is mentioned in regulation K1(1).

(2) For the purposes of these regulations any service of a person to whom this regulation applies which immediately before the appointed day or, as the case may be, the day on which he ceased to be employed as mentioned in paragraph (1)(a)(ii), he was, by virtue of regulation 3(b) of the Local Government Superannuation (Reckoning of Service on Transfer) (Scotland

Regulations 1939(a), entitled to reckon as contributing service for the purposes of the former regulations in relation to the employment in respect of which he was a contributory employee shall, subject to regulations D6, D7 and D9, be treated as service which immediately before the appointed day or so ceasing he was entitled to reckon as non-contributing service for the purposes of the former regulations.

Non-contributing service treated as contributing service on payment of additional contributory payments

D6.—(1) This regulation shall apply to a pensionable employee who—

(a) either—

(i) became a contributory employee within the period of 3 months before the appointed day ; or

(ii) having become a contributory employee before the commencement of that period, did not before the commencement of that period receive a notification of the decision of the scheduled body under whom he was a contributory employee, required to be given under regulations made under section 31(6) of the Act of 1937, that he was a contributory employee or that he was entitled to reckon a period of employment as non-contributing service, as the case may be, or where he appealed, notification of the decision of the Secretary of State thereon ;

(b) from the day on which he so became a contributory employee until immediately before the appointed day remained a contributory employee ; and

(c) became a pensionable employee on the appointed day.

(2) If a person to whom this regulation applies, within 12 months after the appointed day, gives notice in writing to the employing authority that he intends to make a payment for the purpose, he shall, if he pays a sum calculated in the manner provided in Part I of Schedule 3, be entitled, in relation to the employment in respect of which the payment is made, to have the whole or part of any service, employment or period which—

(a) he is entitled to reckon as reckonable service by virtue of regulation D1(1)(b) ; and

(b) is service, employment or a period which immediately before the appointed day he was entitled to reckon as non-contributing service for the purposes of the former regulations,

treated for the purposes of these regulations as service, employment or a period which immediately before that day he was entitled to reckon as contributing service for the purposes of the former regulations in relation to that employment.

(3) Any such sum may be paid upon the employee giving notice in writing under paragraph (2), in such manner (whether by a lump sum or instalments or partly in one way and partly in the other) and at such times as may be agreed between the employee and the employing authority, subject however to Part II of Schedule 3.

(4) Any amount payable by an employee under this regulation shall be paid to the employing authority and on receipt by the employing authority shall be paid by them to the appropriate administering authority.

Previous employment treated under regulation D4 or service treated under regulation D5 as non-contributing service to be treated as contributing service on payment of additional contributory payments

D7.—(1) If a pensionable employee, within 12 months of a notification under regulation L4 of a determination under regulation D4, gives notice in writing to the employing authority that he intends to make a payment for the purpose, he shall, if he pays a sum calculated in the manner provided in Part I of Schedule 3, be entitled, in relation to the employment in respect of which the payment is made, to have the whole or part of any service, employment or period which—

- (a) he is entitled to reckon as reckonable service ; and
- (b) is treated under regulation D4 as service which immediately before the appointed day or, as the case may be, ceasing to be employed before that day he was entitled to reckon as non-contributing service for the purposes of the former regulations,

treated for the purposes of these regulations as service, employment or a period which immediately before that day or so ceasing he was entitled to reckon as contributing service for the purposes of the former regulations in relation to that employment.

(2) If a pensionable employee, within 12 months of a notification under regulation L4, gives notice in writing to the employing authority that he intends to make a payment for the purpose, he shall, if he pays a sum calculated in the manner provided in Part I of Schedule 3, be entitled, in relation to the employment in respect of which the payment is made, to have the whole or part of any service which—

- (a) he is entitled to reckon as reckonable service ; and
- (b) is treated under regulation D5 as service which immediately before the appointed day or, as the case may be, ceasing to be employed before that day he was entitled to reckon as non-contributing service for the purposes of the former regulations,

treated for the purposes of these regulations as service which immediately before that day or so ceasing he was entitled to reckon as contributing service for the purposes of the former regulations in relation to that employment.

(3) Any such sum as is mentioned in paragraph (1) or (2) may be paid, upon the employee giving notice in writing under paragraph (1) or, as the case may be, paragraph (2) in such manner (whether by a lump sum or instalments or partly in one way and partly in the other) at such times as may be agreed between the employee and the employing authority, subject however to Part II of Schedule 3.

(4) Any amount payable by an employee under this regulation shall be paid to the employing authority and on receipt by the employing authority shall be paid by them to the appropriate administering authority.

Continuation of additional contributory payments commenced under the former regulations

D8. Where immediately before the appointed day a person, in pursuance of section 2(3) of the Act of 1953, was in the process of paying any sum wholly or partly by instalments under Schedule 2 to the Benefits regulations, the outstanding instalments shall be deemed to be instalments of an amount payable under regulation D6.

Non-contributing service treated at discretion of employing authority as contributing service

D9. The employing authority under whom a person (not being such a person as is mentioned in regulation K1(1), first became a pensionable employee may, at any time within 12 months after the appointed day, resolve that the whole or a specified part of any service, employment or period which—

- (a) that person is entitled to reckon as reckonable service by virtue of regulation D1(1)(b), (c) or (d) ; and
- (b) is, or is treated under regulation D4 or D5 as, service which immediately before the appointed day or, as the case may be, ceasing to be employed before that day, he was entitled to reckon or, as the case may be, which he would have been entitled to reckon, as non-contributing service for the purposes of the former regulations,

shall, in relation to his employment under them, be treated for the purposes of these regulations as service which immediately before that day or, as the case may be, so ceasing, he was entitled to reckon or, as the case may be, which he would have been entitled to reckon, as contributing service for the purposes of the former regulations in relation to the employment in respect of which he was a contributory employee.

Added years reckonable on payment as reckonable service

D10.—(1) This regulation shall apply to a pensionable employee who—

- (a) either—
 - (i) was a contributory employee immediately before the appointed day and became a pensionable employee on that day ; or
 - (ii) was a contributory employee under a scheduled body, ceased to be employed by that body before the appointed day and on or after that day, but within 12 months of so ceasing, becomes a pensionable employee ;
- (b) at the time of his first becoming a contributory employee (or, if he had previously become a designated employee or local Act contributor, at the time of his first becoming such an employee or contributor) had reached the age of 25 years but was not over the age of 35 years ; and
- (c) for the efficient discharge of his duties in the employment in which he was a contributory employee was required to possess such professional or other qualifications and possessed such qualifications which he had not acquired during employment with a scheduled body.

(2) If application for the purpose is made in writing by a person to whom this regulation applies, within 12 months after the date on which he first becomes a pensionable employee, to the employing authority under whom he was a pensionable employee on the appointed day or, as the case may be, the day on which he first became a pensionable employee after the appointed day and the employing authority within 12 months after receipt of the application in their discretion consent to the reckoning of a number of years, not exceeding the number of years determined in accordance with paragraph (3), as reckonable service, he shall, in relation to his employment under that authority, be entitled to reckon, if he completes payments under this regulation, the number of years in respect of which the employing authority gave their consent under this paragraph and, in any other case, such an additional period (if any) as is determined in accordance with Schedule 5, as reckonable service.

(3) The number of years reckonable under this regulation shall not exceed the number of years by which the age of the pensionable employee at the time of his first becoming a contributory employee, designated employee or local Act contributor, as the case may be, exceeds the age of 20 years, or 10 years, whichever is the less.

(4) The amount payable by an employee in respect of whom such a consent as is mentioned in paragraph (2) has been given shall, in respect of each year of the period in respect of which that consent was given, be calculated in accordance with Schedule 6 and shall, subject to Schedule 4, be paid by way of additional contributions to the appropriate superannuation fund, at such intervals as the administering authority may determine.

(5) The provisions of regulation C4 shall apply in relation to any amount payable by an employee under this regulation as they apply in relation to contributions payable by a pensionable employee under regulation C1.

Continuation of payments for added years commenced under the former regulations

D11. Where immediately before the appointed day a person was in the process of making payments under regulation 12 of the Benefits regulations, the outstanding payments shall be deemed to be payments of an amount payable under regulation D10.

Increase of reckonable service on lump sum payment

D12.—(1) If a pensionable employee (not being a pensionable employee mentioned in paragraph (2)) elects, by notice in writing given to the appropriate administering authority within 12 months after the date on which he first became a pensionable employee, to make a payment to the appropriate superannuation fund in order to be entitled to reckon an additional period, not exceeding the maximum length determined in accordance with Schedule 7, as reckonable service he shall, if he pays by a lump sum to that fund an amount calculated in accordance with Part I of Schedule 8 within the period of 12 months referred to above, be entitled, in relation to the employment in respect of which he is a pensionable employee, to reckon that additional period as reckonable service.

(2) The reference in paragraph (1) to a pensionable employee mentioned in this paragraph is a reference to—

- (a) a pensionable employee who, on first becoming a pensionable employee, had attained the age of 59 years ; or
- (b) a pensionable employee who—
 - (i) is such a person as is mentioned in paragraph (1)(a) of regulation E19 ; and
 - (ii) was entitled as mentioned in paragraph (1)(b)(i) of that regulation ; and
 - (iii) has not made an election under paragraph (2) of that regulation.

Increase of reckonable service on the making of periodical payments

D13.—(1) Subject to the provisions of paragraphs (2) and (3) a pensionable employee (not being a pensionable employee mentioned in paragraph (8)), may, by notice in writing to the appropriate administering authority, elect to make payments to the appropriate superannuation fund in

order to be entitled, in relation to the employment in respect of which he is a pensionable employee, to reckon an additional period, not exceeding the maximum length determined in accordance with Schedule 7, as reckonable service. Where the appropriate administering authority are not the employing authority, the employee shall, when giving a notice under this paragraph, send a copy of that notice to the employing authority.

(2) The provisions of paragraphs (5), (6) and (7) shall not apply to any employee unless the appropriate administering authority are of the opinion, on consideration of a report obtained by them under paragraph (3), that the employee to whom the report relates is in good health.

(3) On receipt by the appropriate administering authority of a notice of election by an employee under paragraph (1) the authority shall forthwith arrange for the employee to be examined by a registered medical practitioner nominated by them and for a report to be given to them by the practitioner stating whether, in his opinion, the employee is in good health, regard being had to his age; and if the opinion stated in such report is that the employee is not in good health, the appropriate administering authority shall notify him accordingly and offer him an opportunity of a further examination by some other registered medical practitioner nominated by them with a view to that practitioner reporting to them on the state of the employee's health.

(4) Any fee payable to a practitioner in respect of an examination and report under paragraph (3) shall be paid by the employee examined at the time of the examination.

(5) Subject to the provisions of paragraphs (2) and (3) the amount payable by an employee who has made an election under this regulation shall be calculated and paid in accordance with Part II of Schedule 8 and shall, subject to Schedule 4, be paid by way of additional contributions to the appropriate superannuation fund, at such intervals as the administering authority may determine, which contributions shall commence to be payable on the employee's birthday next following the day on which the election is made under this regulation and shall cease to be payable on the day immediately before the birthday of the employee at which or, as the case may be, the birthday immediately preceding the date at which he would become entitled by virtue of regulation E2(1)(a) or (b)(ii), if he then ceased to be employed, to a retirement pension.

(6) An employee who has completed payments under this regulation shall be entitled, in relation to the employment mentioned in paragraph (1), to reckon the additional period in respect of which those payments were made as reckonable service and an employee who is in the course of making payments under this regulation shall be entitled to reckon such additional period (if any) as is determined in accordance with Schedule 5 as reckonable service.

(7) The provisions of regulation C4 shall apply in relation to any amount payable by an employee under this regulation as they apply in relation to contributions payable by a pensionable employee under regulation C1.

(8) The reference in paragraph (1) to a pensionable employee mentioned in this paragraph is a reference to—

- (a) a pensionable employee who has attained the age of 59 years; or
- (b) such a pensionable employee as is mentioned in regulation D12(2)(b).

Increase of reckonable service at discretion of employing authority in the case of certain late entrants

D14.—(1) Subject to paragraph (2), where a person enters the employment of a scheduled body or has been offered an employment under such a body and is, or will be, in that employment a pensionable employee under that body, the scheduled body may, if satisfied that, having regard to the interests of the efficient exercise of their functions, there are exceptional reasons for so doing, not later than 6 months after the person enters their employment, resolve that he shall be entitled, in relation to that employment, to reckon an additional period, not exceeding the maximum length determined in accordance with Schedule 7, as reckonable service and in that case the person shall be entitled to reckon such an additional period as is determined in accordance with paragraph (3).

(2) A scheduled body may not pass a resolution under this regulation in respect of a person who at the time of his entering the employment under them mentioned in paragraph (1) or of the resolution there mentioned, whichever is the earlier, has attained the age of 59 years.

(3) A pensionable employee who remains in the employment of the employing authority by whom a resolution in respect of him was passed under this regulation until he attains the earliest age at which he is entitled by virtue of regulation E2(1)(a) or (b)(ii) to benefits under these regulations shall be entitled to reckon the additional period specified in that resolution as reckonable service and a pensionable employee who leaves the employment of that authority before he attains that age shall be entitled to reckon as reckonable service such an additional period as is determined in accordance with the following formula, namely:—

$$\frac{A \times T}{R}$$

where—

A is the length of the additional period specified in the resolution under this regulation ;

T is the period during which the employee has been in the employment of the authority who passed that resolution ; and

R is the period during which the employee would have been in the employment of that authority had he remained in their employment until attaining the earliest age at which he would have become entitled by virtue of regulation E2(1)(a) or (b)(ii) to benefits under these regulations.

Previous service of certain variable-time employees

D15.—(1) This regulation shall apply to a person who—

(a) on or after the appointed day becomes or has become a variable-time employee of a scheduled body, other than by virtue of regulation A7(a) ;

(b) is in that employment a pensionable employee ; and

(c) on the day on which he entered that employment or, if in that employment he did not become a pensionable employee on that day, during the period of beginning with that day and ending with the day on which he became in that employment a pensionable employee, was a whole-time employee of a scheduled body and was in that whole-time employment a pensionable employee.

(2) A person to whom this regulation applies shall be entitled to reckon as qualifying service, in relation to the variable-time employment mentioned in paragraph (1), any service, employment or period which on the day on which he became in that employment a pensionable employee he was entitled to reckon as reckonable service or qualifying service in relation to the whole-time employment mentioned in paragraph (1)(c).

Previous service of certain re-employed pensioners

D16.—(1) Where a person—

(a) either—

(i) has become entitled to a retirement pension and has entered or enters further employment with any scheduled body ; or

(ii) is in receipt of a pension payable out of public funds or under a local Act scheme, enters the employment of any scheduled body and his pension is on that account liable to be reduced or suspended ; and

(b) is in his new employment a pensionable employee,

then, on ceasing to hold that employment, he shall be entitled to reckon as qualifying service any service, employment or period in respect of which he became entitled to the retirement pension or, as the case may be, the pension referred to in sub-paragraph (a)(ii) was granted.

(2) For the purposes of this regulation “retirement pension” includes a superannuation allowance under Part I of the Act of 1937 and an annual pension under the former regulations.

Calculation of part-time service

D17. For the purpose of calculating the amount of any benefit under these regulations which is or will become payable to or in respect of a pensionable employee who has served as a part-time employee, the period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

Counting of non-contributing service

D18.—(1) For the purposes of these regulations (other than for a purpose mentioned in paragraph (3)) any reckonable service of a pensionable employee which is, or is treated under these regulations as, service, employment or a period which immediately before the appointed day or, as the case may be, ceasing to be employed he was entitled to reckon as non-contributing service for the purposes of the former regulations shall be counted at half its length unless and until it is treated under or by virtue of regulation D6, D7 or D9 as service, employment or a period which immediately before the appointed day or, as the case may be, ceasing to be employed he was entitled to reckon as contributing service for the purposes of the former regulations.

(2) Where any part of a period of part-time service of a pensionable employee reduced under regulation D17 was non-contributing service, for the purpose of calculating the amount of any benefit under these regulations which is or will become payable to or in respect of him this regulation shall apply to that part as reduced under regulation D17.

(3) The purposes mentioned in paragraph (1) are the following purposes:—

(a) determining whether a pensionable employee is entitled to a benefit under these regulations or any such benefit is payable in respect of him ; and

- (b) reckoning the period of reckonable service a pensionable employee would be entitled to reckon as mentioned in paragraph 1 of Schedule 7, in a case where he gave a notice under Schedule 2 to the Benefits regulations or he gave a notice under regulation D6 or D7 before the date on which he gives a notice under regulation D12 or D13 or, as the case may be, the date on which the resolution is passed under regulation D14.

Disregard of certain reckonable service in determining entitlement to benefits

D19. For the purpose of determining whether a pensionable employee is entitled to a benefit under these regulations or any such benefit is payable in respect of him, no account shall be taken of—

- (a) any added years ;
- (b) any additional period reckonable as reckonable service under regulation D12 or D13 ;
- (c) any additional period reckonable as reckonable service at the discretion of the employing authority under regulation D14 ;
- (d) any other period which on entering an employment before the appointed day in which he was a contributory employee he became entitled, by virtue of interchange rules, to reckon as or aggregate with service for the purpose of calculating the amount of any benefit under the former regulations, but for no other purpose.

Counting of certain reckonable service and qualifying service in determining entitlement to benefits

D20. For the purpose of determining whether a pensionable employee is entitled to a benefit under these regulations or any such benefit is payable in respect of him, any reckonable service and qualifying service of his which—

- (a) if he became a pensionable employee on the appointed day, was service, employment or a period which immediately before that day he was entitled under or by virtue of the former regulations or any other enactment to reckon for the purpose of determining whether he was entitled to receive a benefit under the former regulations ; or
- (b) if he was a contributory employee and ceased before the appointed day to be subject to the former regulations but, on or after the appointed day and within 12 months of so ceasing, becomes a pensionable employee, was service, employment or a period which immediately before he so ceased to be employed he was entitled under or by virtue of the former regulations or any other enactment to reckon for the purpose referred to in paragraph (a),

shall be counted at the same length as it would have been counted for the purpose of determining whether he was entitled to receive a benefit under the former regulations.

Disregard of certain reckonable service in calculating the amount of any benefit

D21.—(1) For the purpose of calculating the amount of any benefit under these regulations which is or will become payable to or in respect of a pensionable employee, no account shall be taken of any period of his reckonable service by which that period, together with—

- (a) any period of reckonable service which was taken into account in the calculation of a retirement pension ; and

(b) any service and any period in respect of which any pension was granted under a local Act scheme, exceeds 45 years, disregarding reckonable service before attaining the age of 60 years beyond a total of 40 years.

(2) In this regulation—

“retirement pension” includes a superannuation allowance under Part I of the Act of 1937 and an annual pension under the former regulations ; and

“reckonable service” includes any period by reference to which an additional benefit has been granted under regulation E13.

Counting of certain reckonable service in calculating the amount of any benefit

D22. For the purpose of calculating the amount of any benefit under these regulations—

(a) any reckonable service of an employee which—

(i) if he became a pensionable employee on the appointed day, was service, employment or a period which immediately before that day he was entitled under or by virtue of the former regulations or any other enactment to reckon as or aggregate with contributing service for the purposes of the former regulations ;

(ii) if he was a contributory employee and ceased before the appointed day to be subject to the former regulations but, on or after the appointed day and within 12 months of so ceasing, becomes a pensionable employee, was service, employment or a period which immediately before he so ceased he was entitled under or by virtue of the former regulations or any other enactment to reckon as or aggregate with contributing service for the purposes of the former regulations,

shall be counted at the same length as it would have been counted for the purpose of calculating the amount of any benefit under the former regulations ;

(b) such part (if any) of the reckonable service of an employee as does not amount to a number of complete years shall be counted as a fraction of a year, of which fraction the denominator shall be 365 and the numerator shall be the number of completed days comprised in that part.

PART E

BENEFITS

Pensionable remuneration

E1.—(1) For the purposes of these regulations, the pensionable remuneration of a pensionable employee in relation to an employment under a scheduled body which he ceases to hold shall be taken to be, subject to paragraph (3) and regulation J5, the remuneration of that employment in respect of service rendered to that body in that employment during the relevant period specified in paragraph (2) which is reckonable by him as reckonable service in relation to that employment, and (where that employment commenced after the commencement of the relevant period) the remuneration of any previous employment under a scheduled body or a local Act authority or national service during the relevant period which is reckonable by him as reckonable service in relation to that employment.

(2) The relevant period for the purpose of calculating the pensionable remuneration of a pensionable employee shall be—

(a) the year ending with the day on which he ceases to hold his employment or the day on which he completes 45 years' reckonable service, disregarding reckonable service before attaining the age of 60 years beyond a total of 40 years, whichever is the earlier ; or

(b)(i) where contributions by and in respect of him have not been made in respect of the whole of the year specified in sub-paragraph (a) by reason of absence from duty, otherwise than by reason of illness or injury, without remuneration and notice for the purpose is, or has been, given by him in accordance with paragraph (4) or, as the case may be, a determination for the purpose is made in accordance with paragraph (5), the total of the 365 days immediately preceding the day following the end of the year specified in sub-paragraph (a) and in respect of which contributions were made or deemed to have been made by and in respect of him ;

(ii) where his remuneration has been reduced and the employing authority have certified under regulation L10 that the reduction in his remuneration was in consequence of a material change in his circumstances—

(i) if the reduction was made during the 5 years immediately preceding the day following the end of the year specified in sub-paragraph (a) and notice for the purpose is, or has been, given by him in accordance with paragraph (4) or, as the case may be, a determination for the purpose is made in accordance with paragraph (5), such one of the 5 years as is specified in the notice or, as the case may be, determined ;

(ii) if the reduction was made during the 13 years immediately preceding the day following the end of the year specified in sub-paragraph (a) and notice for the purpose is, or has been, given by him in accordance with paragraph (4) or, as the case may be, a determination for the purpose is made in accordance with paragraph (5), such consecutive 3 years of those 13 years as is specified in the notice or, as the case may be, determined.

(3) For the purposes of this regulation—

(a)(i) in the case of an employee whose remuneration was, during the 10 years immediately preceding the day following the end of the year specified in sub-paragraph (2)(a), reduced or discontinued by reason of his absence from duty owing to illness or injury ;

(ii) in the case of an employee whose remuneration was, during the period mentioned in sub-paragraph (a)(i), discontinued during absence from duty, otherwise than by reason of illness or injury, but who made contributions in accordance with regulation C2 ; and

(iii) in the case of an employee who, during that period, on reduction or discontinuance of his remuneration contributed under section 6(5) of the Act of 1937,

he shall be deemed to have received the remuneration which he would have received but for the reduction or discontinuance ;

(b) the remuneration of a pensionable employee in respect of any period of part-time employment shall be deemed to be the remuneration which would have been paid in respect of a single comparable whole-time employment under a scheduled body ;

- (c) if a pensionable employee after ceasing to be in the employment of a single scheduled body becomes an employee in the employment of two or more scheduled bodies, then if his remuneration in the first mentioned employment becomes material for the purpose of calculating the benefit payable to him on his ceasing to hold one of the second mentioned employments, that remuneration shall for the purpose of the calculation be treated as attributable to those employments and apportioned between them ;
- (d) in a case where the relevant period is that specified in paragraph 2(b)(ii)(ii), the aggregate of the remuneration of the pensionable employee during the relevant period shall be divided by 3 ;
- (e) in calculating for the purposes of these regulations the pensionable remuneration of a pensionable employee by whom fees or other variable payments in the nature of fees were earned as part of his remuneration, the amount in respect of fees or other variable payments to be included in his remuneration for the relevant period referred to in paragraph (1) shall be the annual average of the fees or other payments earned by him during the period of 3 years ending with the last day of the relevant period or such longer period, not exceeding 5 years and ending with the last day of the relevant period, as the body who paid the remuneration of the employment he ceased to hold may, if satisfied there are sufficient reasons for so doing, allow or, if he was entitled during part only of the above-mentioned period of 3 years to receive fees or other variable payments in the nature of fees, the annual average of the fees or other payments earned by him during that shorter period ;
- (f) in the case of a pensionable employee whose service, rendered as mentioned in paragraph (1) which is reckonable as therein mentioned, previous employment and national service as mentioned in that paragraph was for part only of the year specified in paragraph (2)(a), his pensionable remuneration shall be deemed to be the remuneration of his employment during that part of that year and the remuneration of any such previous employment or national service during that part of that year which is reckonable by him as reckonable service in relation to the employment which he ceases to hold multiplied by the reciprocal of the fraction of that year for which he was in receipt of remuneration as mentioned above ; and
- (g) in a case where the relevant period is the year specified in paragraph (2)(a), if the amount of the pensionable remuneration of the pensionable employee is less than the amount it would have been had the relevant period been one of the 2 years immediately preceding the year so specified (whichever one of those 2 years yields the higher amount) and notice for the purpose is, or has been, given by him in accordance with paragraph (4) or, as the case may be, a determination for the purpose is made in accordance with paragraph (5), it shall be increased by the difference between the two said amounts.
- (4) A notice by a person for the purposes of this regulation shall be made in writing to the appropriate administering authority not later than one month after notification under regulation L8 of his entitlement to a benefit out of the appropriate superannuation fund.
- (5) If a person—
- (a) dies while still in an employment in which he was a pensionable employee ; or

(b) dies before the expiration of the period within which he is entitled to give a notice under this regulation, without giving notice thereunder, a determination for the purposes of this regulation may be made by the appropriate administering authority.

(6) In its application for the purposes of regulations E6(1)(b), E7, E9(1)(b), E10 or E11(2) this regulation shall have effect as if paragraph (3)(b) were omitted.

Entitlement to retirement pension and retiring allowance

E2.—(1) Subject to paragraph (4) and as hereafter in these regulations provided, a pensionable employee of an employing authority shall, on ceasing to hold an employment under them, be entitled in relation to that employment to an annual retirement pension and a lump sum retiring allowance if—

- (a) he has attained the age of 60 years and the reckonable service and qualifying service he is entitled to reckon amounts in aggregate to not less than 25 years ; or
- (b) the reckonable service and qualifying service he is entitled to reckon amounts in aggregate to not less than 5 years and either—
 - (i) he is incapable of discharging efficiently the duties of that employment by reason of permanent ill-health or infirmity of mind or body ; or
 - (ii) he has attained the age of 65 years ; or
 - (iii) he has attained the age of 50 years and one of the conditions prescribed in paragraph (3) is applicable to his case ; or
- (c) he is not entitled to a benefit under sub-paragraph (a) or (b) and either the reckonable service and qualifying service he is entitled to reckon amounts in aggregate to not less than 5 years or he is not a person who is entitled on so ceasing to a return of contributions under regulation C8.

(2) A pensionable employee of an employing authority who—

- (a) was a contributory employee immediately before the appointed day to whom immediately before that day there applied provisions corresponding to section 16 of the Act of 1937 (modifications applicable to female nursing, etc. staff) as originally enacted by virtue of an option to retain existing benefits under regulation 17 of the Benefits regulations, or regulation 21 or 23 of those regulations ;
- (b) became a pensionable employee on the appointed day ;
- (c) ceases to hold an employment under that authority in which on so ceasing, if the former regulations had not been revoked by these regulations and he had been a contributory employee, he would have been a person to whom there applied such a provision of the former regulations as is specified in sub-paragraph (a) ;
- (d) ceases to hold that employment after attaining—
 - (i) in the case of a female nurse, female physiotherapist, midwife or health visitor or a person to whom, if the former regulations had not been revoked by these regulations, provisions corresponding to section 16 of the Act of 1937 would have applied by virtue of section 9 of the Act of 1953, the age of 55 years ;
 - (ii) in any other case the age of 60 years ;

- (e) continued to be a pensionable employee without a disqualifying break of service throughout the period beginning with the appointed day and ending with the day on which he so ceased as mentioned above ;
- (f) is entitled on so ceasing to reckon—
- (i) in the case of a person to whom immediately before the appointed day regulation 21 of the Benefits regulations applied, not less than 5 years' (in aggregate) reckonable service and qualifying service ;
 - (ii) in any other case, not less than 25 years' (in aggregate) reckonable service and qualifying service ; and
- (g) is not entitled on so ceasing to benefits under these regulations by virtue of paragraph (1)(a) or (1)(b)(i) or (ii),
- shall be deemed to have ceased to hold the employment mentioned in sub-paragraph (c) in the circumstances mentioned in paragraph (1)(b)(iii).
- (3) For the purposes of paragraph (1)(b)(iii) the prescribed conditions shall be—
- (a) that the employing authority mentioned in paragraph (1) certify that the employee has ceased to hold his employment by reason of redundancy or in the interests of the efficient exercise of their functions ; or
 - (b) that the employee was one of the holders of a joint appointment whose appointment has been terminated by reason that the other ceased to hold his appointment ; or
 - (c) that the employee is a person duly entitled to benefits payable under regulations made under section 220 of the Local Government (Scotland) Act 1973(a) (premature retirement of certain officers).
- (4) A pensionable employee who ceases to be employed in the circumstances mentioned in paragraph (1)(c) shall not on that account be entitled to receive payment of or payments in respect of a benefit under this regulation—
- (a) in the case of a male pensionable employee—
 - (i) until he attains the earliest age at which he would, apart from paragraph (1)(b)(iii), have become entitled to receive a benefit under these regulations if he had remained in the employment he ceased to hold in the circumstances referred to above ; or
 - (ii) until, before attaining the age mentioned in sub-paragraph (a)(i), he becomes incapable of discharging efficiently the duties of the employment he so ceased to hold by reason of permanent ill-health or infirmity of mind or body ; or
 - (iii) until he attains or has attained the age of 50 years and the body who, in relation to the employment he so ceased to hold, was immediately before he so ceased the employing authority determine on compassionate grounds that a benefit under this regulation should be paid before the date on which he attains the earliest age as aforesaid ; or
 - (iv) unless he so ceases to be employed after attaining the age of 60 years and not later than one month after so ceasing by notice in writing to the employing authority elects to be entitled to receive benefits under this regulation from the date on which he so ceased ;

- (b) in the case of a female pensionable employee—
- (i) until she attains the earliest age at which she would, apart from paragraph (1)(b)(iii), have become entitled to receive a benefit under these regulations if she had remained in the employment she ceased to hold in the circumstances referred to above ; or
 - (ii) until, before attaining the earliest age mentioned in sub-paragraph (b)(i), she retires and attains or has attained the age of 60 years ; or
 - (iii) until, before attaining the earliest age as aforesaid, she becomes incapable of discharging efficiently the duties of the employment she so ceased to hold by reason of permanent ill-health or infirmity of mind or body ; or
 - (iv) until she attains or has attained the age of 50 years and the body who, in relation to the employment she so ceased to hold, was immediately before she so ceased the employing authority determine on compassionate grounds that a benefit under this regulation should be paid before the date on which she attains the earliest age as aforesaid ;
- (c) if contributions have been returned to the pensionable employee under regulation C8 ;
- (d) if, after so ceasing to be employed but before becoming entitled to receive payment of or payments in respect of a benefit under paragraph (1)(c), rights in respect of the reckonable service he was entitled to reckon in relation to the employment he ceased to hold in the circumstances referred to above have been transferred to another pension scheme by virtue of interchange rules ; or
- (e) if, after so ceasing to be employed but before becoming entitled to receive payment of or payments in respect of a benefit under paragraph (1)(c), he becomes a pensionable employee and does not within 3 months after so becoming a pensionable employee, or such longer period as the appropriate administering authority, if the superannuation fund concerned is the same in the case of both employments, or the authority maintaining the fund relating to the former employment and the authority maintaining the fund relating to the latter employment, may in a particular case allow, give to the authority maintaining the fund relating to the latter employment notice in writing that he wishes to retain the rights to benefits under these regulations to which he had under paragraph (1)(c) already become entitled.

Amount of retirement pension and retiring allowance

E3.—(1) Subject to paragraphs (2), (9) and (10) and as hereafter in this Part provided, the rate of the retirement pension to be paid to a person shall be the amount ascertained by multiplying one eightieth of his pensionable remuneration by the length in years of his reckonable service.

(2) In the case of a person entitled under regulation D12, D13 or D14 to reckon an additional period as reckonable service who had at the appropriate time attained the age of 45 years or over, the amount of the retirement pension shall be increased by the amount ascertained by multiplying one two hundred and fortieth of his pensionable remuneration by the length in years of that additional period.

(3) Subject to the succeeding provisions of this regulation and as hereafter in this Part provided, the retiring allowance to be paid to a person shall be the amount ascertained by multiplying three eightieths of his pensionable remuneration by the length in years of his reckonable service :

Provided that in the case of a person entitled under regulation D12, D13 or D14 to reckon an additional period as reckonable service who had at the appropriate time attained the age of 45 years or over, in calculating the amount of the retiring allowance no account shall be taken of that additional period.

(4) The amount, calculated in accordance with paragraph (3), of the retiring allowance to be paid to an employee who, if the former regulations had not been revoked by these regulations and he had become entitled under regulation 6 of the Benefits regulations to a lump sum grant, would have been entitled under regulation 14 of the Benefits regulations or regulation 21(4) or (5) of those regulations to an increase of the amount of that grant, shall be increased by the amount ascertained by multiplying $\frac{1}{2}$ per cent. of the amount of the retiring allowance, calculated as aforesaid, by the length in years of his reckonable service ending with the relevant date:

Provided that in the case of a person in the employment of a single scheduled body to whom, in consequence of having been in the part-time employment of each of two or more scheduled bodies, the provisions of more than one of paragraphs (a), (b) and (c) of regulation 14 of the Benefits regulations or, as the case may be, of more than one of paragraphs (4), (5) and (6) of regulation 21 of those regulations would have applied if the former regulations had not been revoked by these regulations, the amount of the increase shall be ascertained by aggregating the amounts which would be payable by way of increase if he had continued in each of the part-time employments until the date on which he ceased to hold the first-mentioned employment and his pensionable remuneration in respect of each part-time employment had been an amount which bears the same proportion to his pensionable remuneration in the employment which he ceased to hold as the remuneration of the part-time employment bears to the aggregate of the remuneration of the part-time employments.

In this paragraph "relevant date" means—

(a) in the case of a person to whom, if the former regulations had not been revoked by these regulations, paragraph (4) or (5) of regulation 21 of the Benefits regulations would have applied, the last day of the period in respect of which he would have been entitled under paragraph (4) or (5) of that regulation to an increase of the amount of the lump sum grant referred to above; and

(b) in any other case—

(i) 30th September 1950, being the date specified in proviso (ii) to regulation 14 of the Benefits regulations; or

(ii) where a date other than 30th September 1950 but corresponding to that date would have been applicable under that proviso to the person's service, that corresponding date.

(5) In the case of a married male employee in respect of whose reckonable service and qualifying service a pension may become payable under regulation E5, the amount of the retiring allowance calculated in accordance with paragraphs (3) and (4) shall be reduced by the amount ascertained by multiplying two eightieths of his pensionable remuneration by the length in years of his reckonable service (if any) before 1st April 1972.

(6) Where at the time when a pensionable employee ceases to be employed—

(a) he is a widower; or

- (b) he and his wife are judicially separated ; or
- (c) he is a person whose marriage has been dissolved,

and the death of his wife or the separation or the dissolution of the marriage, as the case may be, occurred after the relevant date, the amount of the retiring allowance calculated in accordance with paragraphs (3) and (4) shall be reduced by the amount ascertained by multiplying two eightieths of his pensionable remuneration by the length in years of his reckonable service before the death, separation or dissolution occurred or before 1st April 1972, whichever is the earlier.

In this paragraph " relevant date " means--

- (i) 30th September 1950 ; or
- (ii) in any case where before the appointed day the former regulations applied to a person as modified or extended by or under the provisions of any local Act or scheme and, if the former regulations had not been revoked by these regulations and that person had become entitled to a retirement grant under the former regulations, that grant would have fallen to be reduced under regulation 6(4) of the Benefits regulations, as modified or extended as aforesaid, or under provisions corresponding to those of that regulation contained in the local Act or scheme by reference to a date other than 30th September 1950, being the date specified in that regulation, the date corresponding to 30th September 1950 specified in those provisions.

(7) Where a pensionable employee becomes entitled to benefits under these regulations by virtue of regulation E2(1)(b)(i), for the purpose of calculating the amount of a benefit under this regulation he shall be treated as being entitled to reckon as reckonable service such an additional period as is determined in accordance with Schedule 9.

(8) In the case of a person to whom regulation E19 applies, who has exercised his right of election under that regulation, paragraph (4) shall apply as if he had at no time been entitled as mentioned in sub-paragraph (b)(i) or (ii) of regulation E19(1) and was immediately before the appointed day or, as the case may be, before ceasing to be employed as mentioned in regulation E19(1)(a)(ii) such a person as is mentioned in paragraph (a) or (b), as the case may be, of regulation 14 of the Benefits regulations.

(9) Where a pensionable employee becomes entitled to benefits under these regulations by virtue of regulation E2(1)(c) and--

- (a) in the case of a male pensionable employee having ceased to be employed after attaining the age of 60 years, elects as mentioned in regulation E2(4)(a)(iv) to be entitled to receive benefits from the date on which he so ceased ; or
- (b) in the case of a female pensionable employee having retired before attaining the earliest age at which she would, apart from regulation E2(1)(b)(iii), have become entitled to receive a benefit under these regulations, has attained the age of 60 years,

the amount of any benefit calculated under the preceding provisions of this regulation shall be reduced according to the age at which the person ceased to hold the employment by the percentage shown in the appropriate column of the relevant Table set out in Schedule 10:

Provided that a retirement pension payable in respect of any period of reckonable service shall not be reduced under this paragraph to less than the minimum rate of equivalent pension benefits applicable in respect of that period under the Insurance Acts.

(10) Subject to paragraphs (11) to (13), for the purpose of calculating the amount of any benefit under the preceding provisions of this regulation no account shall be taken of reckonable service before attaining the age of 60 years beyond a total of 40 years.

(11) In the case of a person to whom paragraph (7) applies, paragraph (10) should apply to his reckonable service as increased by virtue of paragraph (7).

(12) Where the amount of the retiring allowance to be paid to a person falls to be reduced under paragraph (5) or (6), any reckonable service to be disregarded by virtue of paragraph (10) shall be taken from the beginning of the period of his reckonable service.

(13) Where the amount of the retiring allowance to be paid to a person falls to be increased under paragraph (4), any reckonable service to be disregarded by virtue of paragraph (10) shall be taken from the end of the period of his reckonable service.

(14) In this regulation "appropriate time" has the meaning assigned thereto by paragraph 1(2) of Schedule 7.

Allocation of part of retirement pension

E4.—(1) Subject to regulation F19 and Schedule 11 and in accordance with the provisions of that schedule, a pensionable employee who—

(a) on ceasing to hold his employment becomes entitled to a retirement pension ; or

(b) would, if he were to retire from his employment, become entitled, on so retiring, to and to receive payments in respect of such a pension,

shall if he so desires be allowed by the appropriate administering authority to surrender, as from the date on which he ceases to hold his employment, a part of the retirement pension to which he would otherwise be entitled in consideration of the grant to the spouse or any dependant of his of a pension on his death of such value as, according to tables to be prepared from time to time by the Government Actuary, is actuarially equivalent at the date aforesaid to the value of that part of the retirement pension which is surrendered.

(2) For the purposes of a surrender by virtue of paragraph (1)(b), it shall be assumed—

(a) that there will be no change in the employee's state of health between the date on which he is allowed to make the surrender and the date on which he ceases to hold his employment ; and

(b) if he ceases to hold his employment by reason of his death, that he had retired from his employment immediately before he died.

(3) Notwithstanding that a person has already made a surrender of a part of a retirement pension, he may, subject to regulation F19 and Schedule 11 and in accordance with the provisions of that schedule, surrender a further part or parts of that retirement pension :

Provided that the aggregate of the parts surrendered shall conform with the limits imposed by paragraph 1 of that schedule on the surrender of a single part of a retirement pension.

(4) Where a person was allowed to surrender under section 16 of the Act of 1953 and that surrender did not have effect before the appointed day, the person shall be deemed to have been allowed to surrender part of a retirement pension under this regulation and the provisions of this regulation shall, as nearly as may be, apply to that surrender accordingly:

Provided that—

- (a) if the person in whose favour such a surrender was allowed is living and, where that person was at the time the surrender was allowed the spouse of the person who made the surrender, remains the spouse and the husband and wife are not judicially separated, the person who made the surrender may, within 3 months after the appointed day, give notice in writing to the appropriate administering authority—
 - (i) that he does not wish this paragraph to apply to that surrender, in which event this paragraph shall not apply, and shall be deemed never to have applied, thereto ; or
 - (ii) that he wishes to be deemed to have been allowed to surrender under this regulation such part of the retirement pension to which he would otherwise be entitled as is specified in that notice (such part being of a smaller amount than the amount specified in the notification of surrender given by him under the rules made under section 16 of the Act of 1953), in which event he shall be deemed to have been allowed to surrender under this regulation such part of the retirement pension as is specified in the said notice ; and
- (b) in determining under paragraph 2 of Schedule 11 the amount of pension payable the tables to be used shall be the tables which were prepared for the purposes of section 16 of the Act of 1953 and in force at the date on which the surrender was allowed under that section.

(5) For the purposes of this regulation a pensionable employee who ceases to be employed in the circumstances mentioned in regulation E2(1)(c) shall not be treated as ceasing to hold his employment until the date immediately preceding the date (if any) on which he becomes entitled to receive payments in respect of the retirement pension or as having become entitled to a retirement pension until the last-mentioned date.

Entitlement to widow's short-term pension and widow's long-term pension

E5.—(1) Subject to paragraph (2) and as hereafter in this Part provided, if a male person dies who—

- (a) was entitled at the time of his death to receive payments in respect of a retirement pension ; or
- (b) was at the time of his death employed in an employment in which he was a pensionable employee and the reckonable and qualifying service he was entitled to reckon amounted in aggregate to not less than 5 years ; or
- (c) was entitled at the time of his death to a retirement pension, but was not entitled at that time to receive payments in respect of that pension,

and he is survived by a widow, his widow shall be entitled—

- (i) if he was such a person as is mentioned in sub-paragraph (a) or (b), to a widow's short-term pension in respect of the period of 3 months after the day of his death and to a widow's long-term pension ; and

- (ii) if he was such a person as is mentioned in sub-paragraph (c), to a widow's long-term pension:

Provided that—

- (a) a widow shall not be entitled to a widow's short-term pension (if any) or to a widow's long-term pension—

(i) by virtue of sub-paragraph (a) or (c), if the marriage took place on or after the date on which her husband became entitled to the retirement pension; or

(ii) if at the date on which her husband became entitled to the retirement pension or at the date of his death the husband and wife were judicially separated; and

- (b) in the case of the widow of such a person as is mentioned in sub-paragraph (a) or (b), that widow shall not be entitled to receive payment in respect of a widow's long-term pension until the day following the expiration of the period of 3 months after the day of her husband's death.

(2) A widow's short-term pension and a widow's long-term pension shall not be payable to a widow—

(a) if she re-marries, in respect of any period after re-marriage;

(b) if on the day of the death of her husband she is then cohabiting with another man as his wife, in respect of any period after that day; or

(c) if after that day she commences to cohabit with a man as his wife, in respect of any period after so commencing:

Provided that if at any time after her re-marriage she has again become a widow or that marriage has been dissolved or the cohabitation has been terminated, the appropriate administering authority may, in their discretion, bring the widow's long-term pension into payment as from that time.

Amount of widow's short-term pension and widow's long-term pension

E6.—(1) Subject as hereafter in this Part provided, a widow's short-term pension shall be at an annual rate—

(a) in the case of the widow of a person who was entitled at the time of his death to receive payments in respect of a retirement pension, equal to the rate payable to him immediately before his death of that pension; and

(b) in the case of the widow of a person who was at the time of his death employed in an employment in which he was a pensionable employee, equal to his pensionable remuneration.

(2) Subject to paragraph (3) and as hereafter in this Part provided, the amount of a widow's long-term pension shall be—

(a) in the case of the widow of such a person as is mentioned in paragraph (1)(a), one half of the retirement pension to which he was entitled at the time of his death;

(b) in the case of the widow of such a person as is mentioned in paragraph (1)(b), one half of the retirement pension to which he would have been entitled if he had been at the time of his death a person such as is mentioned in regulation E2(1)(b)(i); and

(c) in the case of the widow of a person who was entitled at the time of his death to a retirement pension, but was not entitled at that time

to receive payments in respect of that pension, one half of the retirement pension to which he would have been entitled if he had been at the time of his death a person such as is mentioned in regulation E2(1)(b)(ii).

(3) For the purposes of paragraph (2)—

(a) any such retirement pension as is mentioned in paragraph (2)(a) shall be deemed to be the retirement pension that would have been payable but for—

- (i) any increase under regulation E3(2) ;
- (ii) any reduction under regulation E3(9) or E15 or Part F ; and
- (iii) any surrender of part thereof under regulation E4 ; and

(b) if any such retirement pension as is mentioned in paragraph (2)(b) or (c)—

- (i) would have been increased under regulation E3(2), no account shall be taken of that increase ;
- (ii) would have been reduced under Part F, no account shall be taken of that reduction,

and any such retirement pension shall be deemed to be the retirement pension that would have been payable but for any surrender of part thereof under regulation E4.

Widow's special short-term pension

E7. If a male person dies who was at the time of his death employed in an employment in which he was a pensionable employee and the reckonable service and qualifying service he was entitled to reckon amounted in aggregate to less than 5 years and he is survived by a widow, his widow shall be entitled to a widow's special short-term pension—

- (a) where her husband is not survived by an eligible child or there is no eligible child in her care, in respect of the period of 3 months after the day of his death ; or
- (b) where he is survived by an eligible child or eligible children—
 - (i) if and so long as one such eligible child is in her care, in respect of the period of 4½ months after that day ;
 - (ii) if and so long as two or more such eligible children are in her care, in respect of the period of 6 months after that day,

at an annual rate equal to his pensionable remuneration :

Provided that a widow shall not be entitled to a widow's special short-term pension—

- (i) if at the date of the death of her husband the husband and wife are judicially separated ; or
- (ii) if on the day of the death of her husband she is then cohabiting with another man as his wife.

Entitlement to children's short-term pension and children's long-term pension

E8.—(1) Subject to paragraph (2) and as hereafter in this Part provided, if a male person dies who—

- (a) was entitled at the time of his death to receive payments in respect of a retirement pension ; or
- (b) was at the time of his death employed in an employment in which he

was a pensionable employee and the reckonable service and qualifying service he was entitled to reckon amounted in aggregate to not less than 5 years ; or

(c) was entitled at the time of his death to a retirement pension, but was not entitled at that time to receive payments in respect of that pension, and he is survived by an eligible child or eligible children, there shall be payable to or for the benefit of his eligible child or eligible children—

- (i) if he was such a person as is mentioned in sub-paragraph (a) or (b), a children's short-term pension in respect of the period of 3 months after the day of his death and a children's long-term pension ; and
- (ii) if he was such a person as is mentioned in sub-paragraph (c), a children's long-term pension :

Provided that—

- (a) where a widow's short-term pension is payable to the widow of the deceased person, a children's short-term pension shall not be payable during the period the widow's short-term pension is payable ; and
- (b) if the deceased person was such a person as is mentioned in sub-paragraph (a) or (b), the children's long-term pension shall not be payable until the day following the expiration of the period of 3 months after the death of the deceased person.

(2) A children's short-term pension and a children's long-term pension shall not be paid to or for the benefit of a female eligible child—

- (a) if on the day of the death of the deceased person she is married or cohabiting with another man as his wife, in respect of any period after that day ; or
- (b) if after that day she marries or commences to cohabit with a man as his wife, in respect of any period after marriage or so commencing :

Provided that if at any time after the marriage she has become a widow or the marriage has been dissolved or the cohabitation has been terminated, the appropriate administering authority may, in their discretion, pay the children's short-term pension or, as the case may be, the children's long-term pension to her or for her benefit as from that time.

Amount of children's short-term pension and children's long-term pension

E9.—(1) A children's short-term pension shall be at an annual rate—

- (a) where the deceased person was entitled at the time of his death to receive payments in respect of a retirement pension, equal to the rate payable to him immediately before his death of that pension ; and
- (b) where the deceased person was at the time of his death employed in an employment in which he was a pensionable employee, equal to his pensionable remuneration.

(2) Subject to paragraph (3), the amount of a children's long-term pension shall be—

- (a) where the deceased person is survived by a widow to whom there is payable, or would be payable, apart from proviso (a)(ii) to paragraph (1) of regulation E5 or paragraph (2) of that regulation, a pension under that regulation, the amount which, opposite to the number of eligible children in respect of whom it is for the time being payable specified in column (1) of the following table, is specified in column (2) thereof ; or

(b) where the deceased person is not survived by such a widow as is mentioned in sub-paragraph (a) or in respect of any period after the death of such a widow, the amount which, opposite to the number of eligible children in respect of whom it is for the time being payable specified as aforesaid, is specified in column (3) of that table:—

TABLE

| Number of eligible children (1) | Annual amount of children's long-term pension where there is a surviving widow of the deceased person (2) | Annual amount of children's long-term pension where there is not a surviving widow of the deceased person (3) |
|------------------------------------|--|--|
| 1 child | One quarter of the retirement pension to which the deceased person was entitled. | One third of the retirement pension to which the deceased person was entitled. |
| 2 or more children ... | One half of the retirement pension to which the deceased person was entitled. | Two thirds of the retirement pension to which the deceased person was entitled. |

(3) For the purposes of paragraph (2)—

(a) the retirement pension of a deceased person shall be deemed to be—

(i) if he was at the time of his death employed in an employment in which he was a pensionable employee, the retirement pension to which he would have been entitled if he had been at that time such a person as is mentioned in regulation E2(1)(b)(i) ; or

(ii) if he was entitled at the time of his death to a retirement pension, but was not entitled at that time to receive payments in respect of that pension, the retirement pension to which he would have been entitled if he had been at that time such a person as is mentioned in regulation E2(1)(b)(ii) ;

(b) the retirement pension of a deceased person who was entitled at the time of his death to receive payments in respect of that pension shall be deemed to be the retirement pension that would have been payable but for—

(i) any increase under regulation E3(2) ;

(ii) any reduction under regulation E3(9) or E15 or Part F ; and

(iii) any surrender of part thereof under regulation E4 ; and

(c) in any case other than that mentioned in sub-paragraph (b), if the retirement pension of a deceased person—

(i) would have been increased under regulation E3(2), no account shall be taken of that increase ;

(ii) would have been reduced under Part F, no account shall be taken of that reduction,

and the retirement pension shall be deemed to be the retirement pension that would have been payable but for any surrender of part thereof under regulation E4.

(4) If an eligible child who has attained the age of 16 years and to whom, or for whose benefit, a children's long-term pension is payable is in receipt of remuneration in respect of full-time training for a trade, profession or calling, at an annual rate in excess of £250, increased from time to time by the amount (if any) by which an annual pension of the amount of £250 would be increased under the Pensions (Increase) Act 1971(a), if the eligible child were in receipt of such a pension and that pension were specified in Part II of Schedule I to that Act and were one which began for the purposes of the said Act on the appointed day, the annual amount of the children's long-term pension shall be reduced by the amount of the excess or, if it would result in a smaller reduction of the children's long-term pension, the child shall be disregarded for the purpose of calculating the amount of that pension.

(5) The children's short-term pension and the children's long-term pension shall be payable to, or among, the eligible children in respect of whom it is for the time being payable in such proportions as the appropriate administering authority think fit:

Provided that that authority may if they think fit pay any such pension or any part thereof to such other person as they may, in their discretion, determine and any person to whom any such pension or part thereof is so paid shall apply it in accordance with any directions given by the administering authority for the benefit of the eligible children in respect of whom that pension is for the time being payable.

Children's special short-term pension

E10. If a male person dies who was at the time of his death employed in an employment in which he was a pensionable employee and the reckonable service and qualifying service he was entitled to reckon amounted in aggregate to less than 5 years, and he is survived by an eligible child or eligible children and any such eligible child is in the care of a person (other than any surviving widow of his who is entitled to a widow's special short-term pension) (hereafter in this regulation referred to as the "guardian"), a children's special short-term pension shall be paid to the guardian in respect of such eligible child or, as the case may be, eligible children—

- (a) where the deceased person is survived by a widow who is entitled to a widow's special short-term pension but there is no such eligible child in her care—
 - (i) if and so long as one such eligible child is in the care of the guardian, in respect of the period of 1½ months after the day of the deceased person's death ;
 - (ii) if and so long as two or more such eligible children are in the care of the guardian, in respect of the period of 3 months after that day ;
- (b) where the deceased person is survived by a widow who is entitled to a widow's special short-term pension and so long as there are one or more such eligible children in her care, in respect of the period of 1½ months after that day ;
- (c) where the deceased person is not survived by a widow who is entitled to a widow's special short-term pension—
 - (i) if one such eligible child is in the care of the guardian, in respect of the period of 2 months after that day ;

(ii) if two or more such eligible children are in the care of the guardian, in respect of the period of 4 months after that day, at an annual rate equal to the deceased person's pensionable remuneration.

Death gratuity

E11.—(1) Subject as hereafter in this Part provided, if—

- (a) a person who is employed in an employment in which he is a pensionable employee dies ; or
- (b) a person dies after having become entitled to a retirement pension and retiring allowance (other than a person who became entitled thereto by virtue of regulation E2(1)(c)) and either—
 - (i) the reckonable service by reference to which the retirement pension was calculated amounted in aggregate to less than 10 years and he had been entitled for a period of less than 5 years to receive payments in respect of that pension ; or
 - (ii) the reckonable service by reference to which the retirement pension was calculated amounted in aggregate to not less than 10 years ; or
- (c) a person dies who was entitled at the time of his death to a retirement pension and retiring allowance, but was not entitled at that time to receive payments in respect of that pension or payment of that allowance,

his personal representatives shall be entitled to receive a lump sum death gratuity.

(2) Subject to the succeeding provisions of this regulation and as hereafter in these regulations provided, the amount of a death gratuity shall be as follows:—

- (a) in respect of such a person as is mentioned in paragraph (1)(a) or (b)(ii), whichever of the following two amounts is the greater:—
 - (i) the amount ascertained by multiplying three eightieths of his pensionable remuneration by the length in years of his reckonable service by reference to which, in the case of such a person as is mentioned in paragraph (1)(a), the retirement pension would have been calculated had he become entitled to a retirement pension under regulation E2(1)(b)(i) on the day of his death or, in the case of such a person as is mentioned in paragraph (1)(b)(ii), the retirement pension was calculated ; or
 - (ii) the amount of his pensionable remuneration ;
- (b) in respect of such a person as is mentioned in paragraph (1)(b)(i), an amount equal to five times the rate of the retirement pension mentioned in that paragraph ; and
- (c) in respect of such a person as is mentioned in paragraph (1)(c), the amount ascertained by multiplying three eightieths of his pensionable remuneration by the length in years of his reckonable service by reference to which the retirement pension was calculated.

(3) In the case of such a person as is mentioned in paragraph (1)(a), (b)(ii) or (c) in respect of whose death a pension under regulation E5 is payable to his widow, the amount of the death gratuity shall be reduced by the amount ascertained by multiplying two eightieths of his pensionable remuneration by the length in years of his reckonable service (if any) before 1st April 1972.

(4) In the case of such a person as is mentioned in paragraph (1)(a) who was entitled to reckon reckonable service and qualifying service amounting in aggregate to not less than five years, the amount of the death gratuity shall be calculated as if he had become entitled to a retirement pension on the day of his death by virtue of regulation E2(1)(b)(i).

(5) In the case of such a person as is mentioned in paragraph (1)(b)(i), the amount of the death gratuity calculated under the preceding provisions of this regulation shall be reduced by an amount equal to the aggregate amount of any payments made to him in respect of the retirement pension mentioned in that paragraph and, if the person had surrendered a part of that retirement pension, by an amount equal to the amount which would have been paid in respect thereof but for the surrender.

(6) In the case of such a person as is mentioned in paragraph (1)(b)(ii), the amount of the death gratuity calculated under the preceding provisions of this regulation shall be reduced by an amount equal to the aggregate amount of any payments made to him in respect of the retirement pension and retiring allowance mentioned in that paragraph and, if the person had surrendered a part of that retirement pension, by an amount equal to the amount which would have been paid in respect thereof but for the surrender.

(7) Subject to paragraph (8), for the purpose of calculating the amount of a death gratuity under the preceding provisions of this regulation no account shall be taken of reckonable service before attaining the age of 60 years beyond a total of 40 years.

(8) Where the amount of a death gratuity to be paid in respect of a person falls to be reduced under paragraph (3), any reckonable service to be disregarded by virtue of paragraph (7) shall be taken from the beginning of the period of his reckonable service.

Pensions of widowers, etc.

E12. Subject as hereafter in this Part provided, a female pensionable employee who—

(a) either—

(i) has a husband who is permanently incapacitated by reason of ill-health or infirmity of mind or body and who is wholly or mainly dependent on her ; or

(ii) has no husband but has an eligible child or eligible children ; and

(b) notifies the appropriate administering authority in writing that she wishes to have the provisions of this regulation applied to her,

shall participate in the benefits provided by these regulations as if references in this Part to a male, a married male employee or a male person who was a pensionable employee, or was entitled to receive payments in respect of a retirement pension or was entitled to a retirement pension, but was not in receipt of payments in respect of that pension, included references to her and as if any reference to the wife or widow of such a person included a reference to her husband or her widower:

Provided that, if after giving a notification under paragraph (b), she marries or re-marries, the subsequent marriage and—

(i) the legitimate children of the subsequent marriage ;

(ii) any adopted child of hers, adopted after re-marriage ;

- (iii) any legitimate child of hers, born after the expiration of one year after the date of the death of her former husband ;
 - (iv) any step-child of hers, being a child of an earlier marriage of her husband by the subsequent marriage ; and
 - (v) any adopted child of her husband by the subsequent marriage,
- shall be left out of account for all the purposes of this Part unless her husband by the subsequent marriage is permanently incapacitated by reason of ill-health or infirmity of mind or body and wholly or mainly dependent on her.

Additional benefits granted at discretion of employing authority in the case of certain female nursing, etc. staff

E13.—(1) This regulation shall apply to a person who—

- (a) was a contributory employee immediately before the appointed day to whom immediately before that day section 16(1) of the Act of 1937 applied ;
- (b) became a pensionable employee on the appointed day ;
- (c) ceases to hold an employment in which on so ceasing, if the former regulations had not been revoked by these regulations and she had been a contributory employee, she would have been a person to whom section 16 of the Act of 1937 applied ;
- (d) ceases to hold that employment on or after attaining the age of 60 years but before she has completed 40 years' reckonable service and becomes entitled on so ceasing to a retirement pension ; and
- (e) continued to be a pensionable employee without a disqualifying break of service throughout the period beginning with the appointed day and ending with the day on which she so ceases as mentioned above.

(2) The employing authority of a person to whom this regulation applies may grant to her an additional benefit not exceeding the difference between the benefit to which she is entitled and the benefit to which she would have been entitled if she had remained in the employment of the authority until she attained the age of 65 years receiving an annual remuneration equal to her pensionable remuneration.

Reduction of retirement pension in the case of certain former teachers

E14.—(1) Where a person becomes entitled to a retirement pension in the calculation of the amount of which account is taken of service which he was entitled to reckon under section 15 of the Act of 1937 (which related to teachers), the amount receivable by him in any year in respect of that pension shall be reduced by a sum equivalent to the amount (if any) which is receivable by him in that year by virtue of the Teachers Superannuation (Scotland) Regulations 1969 to 1973 (a) (in this regulation referred to as "the Teachers regulations"), or would have been so receivable by him in that year but for any reduction made under regulation 51 of the Teachers regulations.

(2) In computing the reduction to be made under paragraph (1), account shall be taken of any sum paid or payable at any time under the Teachers regulations which was or is in the nature of a capital payment or which represents a return of contributions in respect of a period of service which

(a) S.I. 1969/77, 659; 1971/1995; 1972/551, 1239; 1973/399 (1969 I, p. 133, II, p. 1820; 1971 III, p. 5683; 1972 I, p. 1855, II, p. 3738; 1973 I, p. 1349).

has been taken into account in calculating the amount of the retirement pension, in the following manner, that is to say—

- (a) the amount of any sum paid under the Teachers regulations on or before the date on which the person became entitled to that retirement pension or becoming payable under the Teachers regulations at any time thereafter which was or is in the nature of a capital payment shall be divided by the factor shown in the following table in relation to the class of the person and to his age at the date on which the sum was paid or becomes payable, and the resulting amount shall be treated as a sum receivable by him by virtue of the Teachers regulations in any year ;
- (b) the amount representing any balance of his contributions under the Teachers regulations which he has become entitled to be repaid at the date on which he became entitled to the retirement pension in respect of a period of service which has been taken into account in calculating the amount of the retirement pension shall be divided by the factor shown in the table in relation to the class of the person and to his age at the date on which he became entitled to the retirement pension, and the resulting amount shall be treated as a sum receivable by him by virtue of the Teachers regulations in any year ;
- (c) the amount representing any balance of his contributions under the Teachers regulations which he may become entitled to be repaid after the date on which he became entitled to the retirement pension in respect of a period of service which has been taken into account in calculating the amount of the retirement pension shall be divided by the factor shown in the table in relation to the class of the person and to his age at the date on which he so becomes entitled to be repaid that balance of his contributions, and the resulting amount shall be treated as a sum receivable by him by virtue of the Teachers regulations in any year :

Provided that if, after the provisions of either sub-paragraph (b) or (c) have become applicable in relation to any person, an additional allowance under the Teachers regulations is granted to him then, if the aggregate amount of the deductions made from his retirement pension by reason of the previous operation of those provisions is less than the amount granted to him by way of additional allowance under the Teachers regulations, such latter amount for the purpose of the application of sub-paragraph (a) shall be deemed to be the difference between that amount and such aggregate amount as aforesaid and sub-paragraphs (b) and (c) shall cease to have any further effect in relation to him.

(3) If, after the provisions of either paragraph (2) (b) or (c) have become applicable in relation to any person, a repayment of the amount representing the balance of the person's contributions under the Teachers regulations is made to him, those provisions shall, in respect of the amount so repaid, continue to apply in the same manner as they had previously applied in relation to him for the purpose of computing the reduction to be made in his retirement pension in any year under paragraph (1) and no further account for that purpose shall be taken of that amount.

(4) If a person allocates or has allocated in accordance with Part VI of the Teachers regulations part of the annual allowance payable to him under the Teachers regulations, the annual allowance receivable in any year by virtue of the Teachers regulations shall for the purpose of paragraph (1)

be deemed to be the annual allowance which would have been receivable by him in that year but for the allocation.

(5) Any reference in this regulation to the date on which a person becomes entitled to a retirement pension shall, in relation to a person who ceased to be employed in the circumstances mentioned in regulation E2(1)(c), be construed as a reference to the date on which he becomes entitled to receive payments in respect of that pension.

TABLE

| Age | Factor | | | |
|------------------------------------|--------|------|-------|------|
| | Men | | Women | |
| | A. | B. | A. | B. |
| Under 60 years | 10·0 | — | 12·5 | — |
| 60 years but under 61 years | 10·0 | 11·6 | 12·5 | 13·4 |
| 61 years but under 62 years | 10·0 | 11·2 | 12·5 | 13·0 |
| 62 years but under 63 years | 10·0 | 10·8 | 12·5 | |
| 63 years but under 64 years | 10·0 | 10·4 | 12·1 | |
| 64 years but under 65 years | 10·0 | | 11·7 | |
| 65 years but under 66 years | 9·7 | | 11·2 | |
| 66 years but under 67 years | 9·3 | | 10·8 | |
| 67 years but under 68 years | 8·9 | | 10·3 | |
| 68 years but under 69 years | 8·5 | | 9·9 | |
| 69 years but under 70 years | 8·1 | | 9·5 | |
| 70 years but under 71 years | 7·7 | | 9·0 | |

A. Applicable to persons who ceased to be employed in the circumstances mentioned in regulation E2(1)(b)(i).

B. Applicable to persons who ceased to be employed in the circumstances mentioned in regulation E2(1), other than sub-paragraph (b)(i).

Reduction of retirement pension, etc., in the case of certain re-employed local government pensioners

E15.—(1) Subject to paragraph (2), this regulation shall apply to a person who has become entitled to a retirement pension and since becoming entitled to that pension has entered further employment with any scheduled body or local Act authority or enters further employment with any scheduled body (other than employment by virtue of which he is entitled to participate in benefits provided under regulations made under section 9 of the Act of 1972) (in this regulation referred to as “new employment”).

(2) This regulation shall not apply to a person who has become entitled to a retirement pension payable to him in respect of service rendered without a disqualifying break of service as a designated employee and a contributory employee or as a designated employee, a contributory employee and a pensionable employee unless he, within one month after entering the further employment or within one month after the appointed day, whichever period ends the later, by notice in writing to the authority under whom he holds that employment, elects that this regulation shall apply to him.

(3) The rate of retirement pension payable to a person to whom this regulation applies during the period, or part thereof, during which he holds the new employment shall not exceed the amount (if any) by which the annual rate of remuneration of the new employment falls short of the annual rate of remuneration of the employment in relation to which he became entitled to the retirement pension (in this regulation referred to as "former employment"), increased by the amount (if any) by which an annual pension of an amount equal to the annual rate of remuneration of the former employment would have been increased under the Pensions (Increase) Act 1971 in respect of the period ending with the day immediately preceding the day on which the person entered the new employment if the person were in receipt of such a pension and that pension were specified in Part II of Schedule 1 to that Act and were one which began for the purposes of the said Act on the day immediately following the day on which the person ceased to hold his former employment and the person had on the day on which he so ceased attained the age of 55 years:

Provided that if concurrently with the former employment he held, within the period of 12 months ending on the day on which he ceased to hold that employment, any other employment with any scheduled body or local Act authority (in this regulation referred to as "concurrent employment") then if either—

- (a) before so ceasing he ceased to hold a concurrent employment without having become entitled in relation thereto to a retirement pension and after ceasing to hold the former employment has entered further employment with any scheduled body or local Act authority or enters further employment with any scheduled body within 12 months after ceasing to hold the concurrent employment ; or
- (b) after ceasing to hold the former employment he has ceased or ceases to hold a concurrent employment without having become entitled in relation thereto to a retirement pension and thereafter has entered further employment with any scheduled body or local Act authority or enters further employment with any scheduled body,

the retirement pension shall—

- (i) not be reduced in relation to his new employment unless he spends in his new employment a time materially greater than the time which he spent in the concurrent employment during the year ending on the day on which he ceased to hold that concurrent employment ;
- (ii) if he spends in his new employment a time materially greater than the time which he spent in the concurrent employment during the year ending on the day on which he ceased to hold that concurrent employment, be reduced only to the extent by which the aggregate of the aforesaid pension and the annual rate of remuneration of his new employment exceeds the aggregate of the annual rate of remuneration of the former employment, increased as mentioned above, and the annual rate of remuneration of the concurrent employment during the year ending on the day on which he ceased to hold that concurrent employment, increased by the amount (if any) by which an annual pension of an amount equal to the annual rate of remuneration of the concurrent employment would have been increased under the Pensions (Increase) Act 1971 in respect of the period ending with the day immediately preceding the day on which the person entered the new employment if the person were in receipt of such a pension and that pension were specified in Part II of Schedule 1 to that Act and were one which began for the purposes of the said Act on the day immediately

following the day on which he ceased to hold his concurrent employment and the person had on the day on which he so ceased attained the age of 55 years.

(4) Where a person who has become entitled to a retirement pension proposes to accept any further employment with any scheduled body, he shall inform that body that he is so entitled and, if he enters their employment, shall forthwith give notice in writing that he is so employed to the body from whom he receives the pension.

(5) For the purposes of this regulation a person's annual rate of remuneration of his former employment shall be computed—

(a) in so far as it consisted of or comprised salary, wages or other emoluments, whether in money or in kind, receivable by the employee at a fixed rate—

(i) in the case of a person entitled in respect of that employment to a retirement pension under these regulations, at the rate at which it was payable on the last day of the relevant period in relation to that employment mentioned in regulation E1(1):

Provided that where the pensionable remuneration of the former employment was increased under paragraph (3)(g) of that regulation, the rate shall be computed at the rate at which it was payable on the last day of such of the 2 years mentioned in that paragraph as yielded the higher amount there mentioned ; and

(ii) in any other case, at the rate at which it was payable immediately before he ceased to hold his employment ; and

(b) in so far as it consisted of or comprised fees or other emoluments in the nature of fees—

(i) in the case of a person entitled in respect of that employment to a retirement pension under these regulations, at the average rate at which he earned those fees and other emoluments during the period of 3 years mentioned in paragraph (3)(e) of regulation E1 or, where under that paragraph a longer period was allowed, during such longer period as was allowed under that paragraph or, if he was entitled during part only of that period of 3 years to receive those fees and other emoluments, at the average rate for the period during which, within the said period of 3 years, he was entitled to receive them ; and

(ii) in any other case, at the average rate at which he earned those fees and other emoluments during the 3 years immediately before he ceased to hold the former employment or, if he was entitled during part only of that period to receive those fees or other emoluments, at the average rate for the period during which, within the said period of 3 years, he was entitled to receive them.

(6) For the purposes of this regulation—

(a) a person entitled in respect of his former employment to a retirement pension (other than a retirement pension under these regulations) who, on reduction or discontinuance of the remuneration of that employment, contributed under section 6(5) of the Act of 1937 as if his remuneration had not been reduced or discontinued ;

(b) a person entitled in respect of his former employment to a retirement pension under these regulations whose remuneration of that employment was discontinued during leave of absence from duty, otherwise than by

reason of illness or injury, but who made contributions in accordance with regulation C2 ; and

- (c) a person whose remuneration of his former employment was reduced or discontinued by reason of his absence from duty owing to illness or injury,

shall, in so far as the remuneration of his former employment at the time of its reduction or discontinuance consisted of or comprised salary, wages or other emoluments, whether in money or in kind, receivable at a fixed rate, be deemed to have received the remuneration which he would have received but for the reduction or discontinuance and, in so far as the remuneration of his former employment at the time aforesaid consisted of or comprised fees and other emoluments in the nature of fees, be deemed to have continued to receive those fees or other emoluments—

- (i) in the case of a person entitled in respect of his former employment to a retirement pension under these regulations, at the average rate at which he received them during the 3 years immediately before the said reduction or discontinuance or, where under paragraph (3)(e) of regulation E1 such a longer period as is mentioned in that paragraph was on his ceasing to hold his former employment allowed, during a period of the same length as the said longer period and ending immediately before the said reduction or discontinuance or, if he was not entitled during the whole of that period of 3 years or, as the case may be, such longer period as was allowed as aforesaid to receive those fees or other emoluments, at the average rate for the period during which, within the said period of 3 years or such longer period as was allowed, he was entitled to receive them ; and

- (ii) in any other case, at the average rate at which he received them during the 3 years immediately before the said reduction or discontinuance or, if he was not entitled during the whole of that period to receive those fees and other emoluments, at the average rate for the period during which, within the said period of 3 years, he was entitled to receive them.

(7) For the purposes of this regulation a person's annual rate of remuneration of his new employment—

- (a) in so far as it consists of or comprises salary, wages or other emoluments, whether in money or in kind, receivable by the employee at a fixed rate, shall be computed at the rate at which it was payable on the day on which he entered that employment ; and

- (b) where under paragraph (8)(a) the remuneration of the new employment is deemed to consist of or comprise such fees or other emoluments as are mentioned in that paragraph, in so far as that remuneration is deemed to consist of or comprise such fees or other emoluments, shall be computed at the average rate applicable in his case under paragraph (5)(b) and, if the person's annual rate of remuneration of his former employment is greater than his annual rate of remuneration of his new employment, shall be reduced by deducting therefrom an amount ascertained by multiplying the said average rate by the fraction of which the numerator is the annual rate of remuneration of his new employment and the denominator is the annual rate of remuneration of his former employment.

(8) For the purposes of this regulation, where a person's annual rate of remuneration of his new employment will consist of or comprise fees and

other emoluments in the nature of fees, the person's annual rate of remuneration of his new employment shall be deemed not to consist of or comprise those fees and other emoluments and shall be deemed—

- (a) if the person's annual rate of remuneration of his former employment consisted of or comprised fees and other emoluments in the nature of fees, to consist of or comprise those fees and other emoluments ;
- (b) if the person's annual rate of remuneration of his former employment did not consist of or comprise fees and other emoluments in the nature of fees, to consist of or comprise such an amount in respect of those fees and other emoluments as the employing authority and the employee may agree or, in default of agreement, as is determined by the Secretary of State.

(9) For the purposes of this regulation—

- (a) where the terms and conditions of a person's part-time employment are changed so as to alter the hours of that employment, this regulation shall, on and after the date on which that increase takes effect, apply as if on that date he had entered new employment ;
- (b) where a person is transferred to another post at an altered remuneration this regulation shall, on and after the date on which he is so transferred, apply as if on that date he had entered new employment.

(10) Where in relation to any person two or more retirement pensions fall to be reduced under the provisions of this regulation each such pension shall be reduced in proportion to its amount.

(11) Notwithstanding any previous provision of this regulation, where an instalment of a retirement pension is payable in respect of a period beginning before but ending on or after the appointed day that instalment shall be subject to the like reduction (if any) as it would have been subject to if these regulations had not been made.

(12) For the purposes of this regulation "retirement pension" includes a superannuation allowance under Part I of the Act of 1937 and an annual pension under the former regulations.

Combined benefits in the case of certain re-employed local government pensioners

E16.—(1) This regulation shall apply to a person—

- (a) who has become entitled to a retirement pension (other than a retirement pension falling to be reduced under regulation E3(9)) ;
- (b) who after becoming so entitled entered further whole-time employment with any scheduled body and was in that further employment (in this regulation referred to as "further pensionable employment") a pensionable employee ;
- (c) who ceases to hold the further pensionable employment ;
- (d) whose above-mentioned retirement pension was, during the period, or part thereof, during which he held the further pensionable employment, liable to be reduced or suspended ; and
- (e) who becomes, on ceasing to hold the further pensionable employment, entitled to a retirement pension.

(2) If a person to whom this regulation applies, by notice in writing given to the appropriate administering authority not later than one month after he ceases to hold his further pensionable employment or within one month after

the appointed day, whichever period ends the later, so elects, he shall, subject to paragraph (4), be entitled on so ceasing to a benefit (in this regulation referred to as a "combined benefit") calculated under these regulations by reference to both his reckonable service in the further pensionable employment and to the reckonable service taken into account in the calculation of the retirement pension mentioned in paragraph (1)(a):

Provided that if in conjunction with the retirement pension mentioned in paragraph (1)(a) the person received a retiring allowance and the amount of that allowance exceeds the amount of the lump sum payment which, apart from paragraph (4), would be included in the combined benefit (in this regulation referred to as a "lump sum payment") the person shall not be entitled to a combined benefit unless he pays to the appropriate administering authority, within 3 months after the date on which he gave the notice under this paragraph, a sum equal to the amount by which the retiring allowance exceeds the lump sum payment.

(3) For the purposes of paragraph (2), "reckonable service" includes any period by reference to which an additional benefit has been granted under regulation E13.

(4) Where a person to whom this regulation applies has made an election under paragraph (2) and has paid such sum (if any) as is mentioned in the proviso to that paragraph then—

- (a) if in conjunction with the retirement pension mentioned in paragraph (1)(a) the person received a retiring allowance—
 - (i) if in calculating that allowance no account was taken by virtue of the proviso to regulation E3(3) of such an additional period as is mentioned in that proviso, no account shall be taken of that additional period in calculating the amount of the lump sum payment;
 - (ii) if the amount of that allowance equals or exceeds the amount of the lump sum payment, a lump sum payment shall not be payable under paragraph (2);
 - (iii) if the amount of the lump sum payment exceeds the amount of that allowance, the amount of the lump sum payment shall be reduced by the amount of the allowance;
- (b) if in calculating the retirement pension mentioned in paragraph (1)(a) the annual pension which would otherwise have been payable was reduced pursuant to the provisions of Part F and, in his further pensionable employment, he was not, apart from the provisions of this subparagraph, subject to any provisions in Part F modifying any benefit payable to him in respect of that employment, the combined benefit shall be reduced by the amount by which the retirement pension was reduced;
- (c) the retirement pension mentioned in paragraph (1)(a) shall cease to be paid;
- (d) if under regulation E4 he has surrendered part of the retirement pension to which, but for the surrender, he would have become entitled on ceasing to hold his former employment, the surrender so made shall have effect in relation to the combined benefit as, but for subparagraph (c), it would have had effect in relation to the retirement pension in respect of which it was made, and any pension which becomes payable by virtue of that surrender shall be paid by the authority by whom the combined benefit is payable.

(5) For the purposes of this regulation a person who ceases to hold his further pensionable employment in the circumstances mentioned in regulation E2(1)(c) shall not be treated as having become entitled in relation to that employment to a retirement pension until the date (if any) on which he becomes entitled to receive payments in respect of that pension or as ceasing to hold that employment until the date immediately preceding the first-mentioned date.

Separate benefits in the case of certain re-employed local government pensioners

E17.—(1) This regulation shall apply to a person who—

- (a) has become entitled to a retirement pension or a pension payable under a local Act scheme (in this regulation referred to as a “first pension”);
- (b) after becoming so entitled entered further employment with any scheduled body and was in that further employment (in this regulation referred to as “further pensionable employment”) a contributory employee and a pensionable employee or a pensionable employee;
- (c) ceases to hold the further pensionable employment;
- (d) becomes, on so ceasing, entitled to a retirement pension; and
- (e) is not a person who, on so ceasing, makes an election under regulation E16 and pays such sum (if any) as is mentioned in the proviso to paragraph (2) of that regulation.

(2) Where a person to whom this regulation applies—

- (a) is a person who ceased to hold the employment in relation to which he became entitled to the first pension in the circumstances mentioned in regulation E2(1)(b)(i) and gave a notice under paragraph 3 of Schedule 9, then on ceasing to hold the further pensionable employment regulation E3(7) and Schedule 9 shall not apply;
- (b) is a person who ceased to hold the employment in relation to which he became entitled to the first pension in circumstances other than those mentioned in paragraph (1)(b)(i) of regulation E2 and ceases to hold the further pensionable employment in the circumstances mentioned in that paragraph, then on ceasing to hold the new pensionable employment paragraph 1 of Schedule 9, in its application to him, shall have effect as if for the words from “the period specified” to “thereof” there were substituted the words “6 $\frac{2}{3}$ $\frac{4}{6}$ $\frac{3}{5}$ years” and paragraph 3 of that schedule shall not apply;
- (c) dies, regulation E11(2)(a)(ii) shall not apply to the death gratuity payable in relation to the further pensionable employment.

(3) For the purposes of this regulation “retirement pension” includes a superannuation allowance under Part I of the Act of 1937 and an annual pension under the former regulations.

Adjustment of superannuation rights on death of certain re-employed local government pensioners

E18.—(1) Where a person who—

- (a) had become entitled to a retirement pension (other than a retirement pension falling to be reduced under regulation E3(9)); and
- (b) after becoming so entitled entered further employment with any scheduled body and was in that further employment a pensionable employee,

dies while still in the employment mentioned in sub-paragraph (b) and, if he had ceased to be employed otherwise than by reason of his death, would have been a person to whom regulation E16 would have applied, then the benefits (if any) payable under these regulations in respect of him (other than a widow's short-term pension and a children's short-term pension) shall be calculated, and any such surrender as is referred to in regulation E16(4)(d) shall have effect, as if immediately before his death he had become entitled to benefits calculated under regulation E16 or regulation E17, whichever method of calculation is the more favourable to the person entitled to receive them.

(2) Where a person who—

- (a) had become entitled to a superannuation allowance under Part I of the Act of 1937 or an annual pension under the former regulations or a pension payable under a local Act scheme ; and
- (b) after becoming so entitled entered further employment with any scheduled body and was in that further employment a contributory employee and a pensionable employee or a pensionable employee, and the pension referred to in sub-paragraph (a) is on that account liable to be reduced or suspended, and the person dies while still in that further employment,

then the benefits (if any) payable under these regulations in respect of him (other than a widow's short-term pension and a children's short-term pension) shall have effect as if immediately before his death he had become entitled to benefits calculated under regulation E17.

Benefits of persons with no entitlement under the former regulations to a retiring allowance and widow's pension or to a widow's pension

E19.—(1) This regulation shall apply to a person who—

(a) either—

- (i) was a contributory employee immediately before the appointed day and became a pensionable employee on that day ; or
- (ii) was a contributory employee under a scheduled body, ceased to be employed by that body before the appointed day and on or after that day, but within 12 months of so ceasing, becomes a pensionable employee ;

(b) immediately before the appointed day or, as the case may be, ceasing to be employed as mentioned in sub-paragraph (a)(ii), either—

- (i) was entitled under the Acts of 1937 to 1953 and any regulations made thereunder, either without any modification of the provisions thereof by or under any enactment or as modified by or under any enactment, to enjoy rights to benefits which did not include a title to a lump sum retiring allowance and a pension payable to his widow ; or
- (ii) not being such a person as is mentioned in sub-paragraph (b)(i), was entitled under the Acts of 1937 to 1953 and any regulations made thereunder, either without any modification as mentioned in sub-paragraph (b)(i) or as modified as mentioned in that sub-paragraph, to enjoy rights to benefits which did not include a title to a pension payable to his widow.

(2) This Part of these regulations, in its application to a person to whom this regulation applies, shall have effect, in the case of such a person as is mentioned in paragraph (1)(b)(i), subject to the modifications set out in

Parts I and III of Schedule 12 and, in the case of such a person as is mentioned in paragraph (1)(b)(ii), subject to the modifications set out in Parts II and III of that schedule, unless and until he otherwise elects in accordance with the provisions of paragraph (3).

(3) Any election by a person under paragraph (2) shall be made by giving notice in writing to the appropriate administering authority—

- (a) in the case of such a person as is mentioned in paragraph (1)(a)(i), within 6 months after the appointed day ;
- (b) in any other case, within 6 months after the date on which he first becomes a pensionable employee.

PART F

NATIONAL INSURANCE MODIFICATION

Classes of employee

Arrangement of pensionable employees into classes

F1.—(1) The provisions of this Part shall have effect for modifying the contributions and other superannuation payments payable by and the benefits payable to pensionable employees who are or have been insured persons, to take account of contributions payable and benefits receivable under the Insurance Act, and to make provision consequential thereon ; and for this purpose pensionable employees shall be divided into four classes, namely—

Case A

Any person who—

- (a) is contracted out of the graduated pension scheme ; and
- (b) retains unmodified status ;

Case B

Any person who—

- (a) is contracted out of the graduated pension scheme ; and
- (b) does not enjoy unmodified status ;

Case C

Any person who—

- (a) is within the graduated pension scheme ; and
- (b) retains unmodified status ;

Case D

Any person who—

- (a) is within the graduated pension scheme ; and
- (b) does not enjoy unmodified status.

(2) In this Part—

the expression “unmodified status” refers to the status of a person whose contributions were by virtue of the Modification regulations or of interchange rules not subject immediately before the appointed day to reduction to take into account his entitlement to a flat-rate pension and who remains a pensionable employee without a disqualifying break of service ;

“the Modification regulations” means the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations 1970(a);

“flat-rate pension” means a retirement pension referred to in section 30 of the Insurance Act;

“graduated pension” means a graduated retirement benefit referred to in section 36 of the Insurance Act;

“modification provision” means any provision of a pension scheme which secures the reduction of pensions under the scheme in connection with the operation of any insurance code;

“non-participating employment” has the same meaning as in section 56(1) of the Insurance Act;

“person contracted out of the graduated pension scheme” means a person in employment which is a non-participating employment; and

“person within the graduated pension scheme” means a person who is in participating employment;

“Stage I” means the period from 3rd April 1961 to 5th January 1964;

“Stage II” means the period from 6th January 1964.

Cases which can apply

F2. For the purposes of this Part a person may be treated as falling into different cases in respect of different periods of his service.

CASE A

Persons within Case A

F3. The contributions payable by and the benefits payable to any person within Case A shall not be subject to any reduction under this Part.

CASE B

Persons within Case B

F4. Regulations F5 to F9 shall apply to any person within Case B.

Reduction of contributions

F5. Contributions shall be reduced at the rate of 6p for each completed week of service and for any additional period less than a completed week.

Reduction of contributions in respect of added years, etc.

F6.—(1) Any amount payable—

(a) by way of additional contributions in respect of years added under regulation D10; or

(b) in accordance with regulations D6 and D7 in respect of service which was reckonable as non-contributing service for the purposes of the former regulations of which account may be taken in calculating the amount of the reduction of a retirement pension,

(a) S.I. 1970/1307 (1970 III, p. 4337).

shall be reduced, in the former case by the annual amount, and in the latter case by the lump sum, obtained by—

- (i) ascertaining the sum by which, in respect of the years so added or the period of non-contributing service which may be so taken into account, any retirement pension is liable to be reduced under regulation F7; and
 - (ii) taking for each pound of the sum so ascertained (and proportionately for any fraction of a pound) the sum shown in the appropriate column of Table I or II, as the case may be, in Schedule 13 in relation to the age which corresponds with the person's age on the date on which the relevant consent or notice was given.
- (2) In reckoning the amount of the contributions payable by an employing authority in respect of years added as aforesaid, account shall be taken of any reduction under this paragraph of additional contributions.

Reduction of pension

F7.—(1) A retirement pension shall, subject to the provisions of this regulation, be reduced in respect of any service after 31st August 1947 in relation to which reduced contributions were paid pursuant to any enactment.

(2) The rate of reduction shall be £1.70 in respect of each completed year of service as described in paragraph (1).

(3) Added years shall be treated as service after 31st August 1947 unless they had become reckonable under a local Act or local Act scheme on or before that date.

(4) Where a person's retirement pension has been increased under Schedule 9 he shall be treated for the purposes of this regulation as having paid reduced contributions in respect of the period by which his service has been increased under that schedule.

(5) If a person, having paid reduced contributions for any period under an old modification scheme, or an earlier enactment corresponding thereto, had paid thereunder a sum representing the difference between those contributions and the sum he would have contributed if both contributions had not been reduced, his service during that period shall not be treated as service in respect of which reduced contributions were paid.

(6) Where before the commencement of these regulations a person became entitled to reckon service by virtue of interchange rules, and there has been paid in respect of him a transfer value any part of which has been reduced by reason of modification provisions in his previous pension scheme, the service in respect of which the reduction was made shall be treated for the purposes of this regulation as service after 31st August 1947 for which his contributions were reduced.

(7) Reduction shall take effect on the date on which a retirement pension becomes payable unless the person has not then reached pensionable age within the meaning of the Insurance Act; and in that case the reduction shall take effect on the date on which he reaches that age.

(8) No retirement pension shall be reduced under this regulation by more than £67.75 per annum.

Persons in concurrent, etc. employments

F8.—(1) Where a person within Case B is during any period a pensionable employee in the employment of one or more scheduled bodies concurrently and is also in other employment in which he is not a pensionable employee, then if his employer in that other employment is treated as his employer for the purposes of section 3 of the Insurance Act, regulations F5 and F6 shall not apply to him.

(2) Where an insured person is a pensionable employee in the employment of two or more employing authorities concurrently, regulations F5 and F6 shall only apply in relation to him in his employment under the authority (if any) which is treated as his employer for the purposes of section 3 of the Insurance Act.

(3) Where an insured person is a pensionable employee in each of two or more separate employments under the same employing authority then, subject to paragraphs (1) and (2), regulations F5 and F6 shall apply in relation to him only in whichever of those employments occupies the greater part of his time or, if this cannot readily be ascertained, in whichever the authority may determine.

Old modification schemes

F9.—(1) This regulation applies to any person to whom an old modification scheme applied or was deemed to apply immediately before 1st September 1947 and to whom regulation 14(1) of the Modification regulations applied immediately before the appointed day.

(2) The provisions of Part C with respect to the payment of contributions shall continue to apply in relation to any person to whom this regulation applies subject to modifications corresponding to any which were applicable in relation to him by virtue of the old modification scheme.

(3) Where this regulation applies to any person immediately before he becomes entitled to a retirement pension, that pension shall be subject to modifications corresponding to those which were applicable in relation to him by virtue of the old modification scheme; and if he is entitled to a retiring allowance the amount thereof shall be reduced by the amount ascertained by—

- (a) multiplying three eightieths of the amount which by, the said scheme, was required to be deducted from the annual average of his remuneration in calculating his superannuation allowance by the number of years of reckonable service in respect of which his pension is by virtue of the said modifications reduced;
- (b) increasing the product by $\frac{1}{2}$ per cent. for any year of reckonable service in respect of which his retiring allowance is increased under regulation E3(4):

Provided that—

- (i) so much of this paragraph as relates to the reduction of a retiring allowance shall not apply to any person unless under the said scheme the amount of the reduction of benefit was calculated by reference to the annual average of his remuneration;
- (ii) where under the said scheme the reduction was subject to a maximum amount in respect of each year or other shorter period of payment, the retiring allowance shall not be reduced by any greater amount

than the amount by which the capital value of the said maximum amount or, as the case may be, of the annual equivalent of the maximum amount exceeds the capital value of the amount by which the pension is reduced.

(4) This regulation shall cease to apply to a person who receives a return of contributions.

CASES C AND D

Persons within Cases C and D

F10. Regulations F11 to F17 shall apply to any person within Case C or D.

Reduction of contributions

F11. Contributions shall be reduced at the appropriate rate per annum specified in the following Table:—

TABLE

| <i>Case</i> | <i>Rate per annum</i> |
|--|--|
| Person within Case C | 1% of remuneration up to £936, <i>less</i> — 6p for each completed week of service or additional period less than a completed week. |
| Person within Case C to whom regulation F9 applies | A rate calculated as for Case C, <i>plus</i> — the amount by which his contributions are required to be reduced under regulation F9 |
| Person within Case D | 1% of remuneration up to £936. |

Reduction of payments for added years and additional contributory payments

F12.—(1) Any amounts payable by way of additional contributions in respect of years added under regulation D10 shall be reduced throughout the period for which they are payable in accordance with the provisions of paragraph (3).

(2) Where in respect of any period of participating employment, or any period of non-participating employment at the end of which a payment in lieu of contributions is required to be made, additional contributory payments as referred to in regulations D6 and D7 are made by a person within Case C or D, those payments shall be reduced in accordance with the provisions of paragraph (4).

(3) The additional contributions referred to in paragraph (1) shall be—

(a) where consent to the making of the payments was given during Stage I, at the rate of three quarters of the appropriate percentage of remuneration specified in column 2 of the table in Schedule 6 for so much of the remuneration as does not exceed £780 per annum, and at the appropriate percentage so specified for so much of the remuneration (if any) as exceeds that amount ; or

(b) where such consent was given during Stage II, at the like rate so specified for so much of the remuneration as does not exceed £936 per annum, and at the appropriate percentage so specified for so much of the remuneration (if any) as exceeds that amount.

(4) The payments referred to in paragraph (2) shall be—

(a) at the rate of three quarters of the appropriate percentage of remuneration specified in column 2 or 3 of the table in Part I of Schedule 3 in respect of the specified remuneration ; and

(b) at the full rate so specified in respect of any part of the remuneration which exceeds the specified remuneration.

(5) In this regulation the expression “ specified remuneration ” means—

(a) in respect of any period of employment during Stage I, the remuneration received, up to a maximum of £780 ;

(b) in respect of any period of employment during Stage II, the remuneration received, up to a maximum of £936,

but where the payments are begun during Stage II in respect of any period of employment at the end of which a payment in lieu of contributions is or was required to be made, the expression means—

(i) in respect of any period of employment during Stage I, £780 per annum ;

(ii) in respect of any period of employment during Stage II, £936 per annum.

(6) The reduction required by this regulation in respect of a person within Case D shall not be less than any reduction which would have been required if regulation F6 had been applicable to him.

Reduction of pension

F13.—(1) Where any period of service reckonable in calculating the amount of a retirement pension was in participating employment and modified contributions were paid during it, the part of the pension which is attributable to that period shall be reduced in accordance with the provisions of this regulation.

(2) The rate of reduction shall be 1p for each completed 3 months of that service in respect of each £10 of specified remuneration as defined in regulation F12(5).

(3) The reduction required by this regulation in respect of a person within Case D shall not be less than any reduction which would have been required if regulation F7 had been applicable.

(4) Reduction shall take effect on the date when a retirement pension becomes payable unless the person has not then reached pensionable age within the meaning of the Insurance Act, in which case the reduction shall take effect on the date on which he reaches that age.

(5) No account shall be taken under this regulation of any part of a period of service in respect of which a retirement pension is reduced by virtue of interchange rules.

(6) No account shall be taken under this regulation of any period of participating employment as a pensionable employee during an income tax year if no graduated contributions had been paid under the Insurance Act in respect of any such period during that year unless at the end of that period a payment in lieu of contributions was required to be made.

(7) Where a person becomes entitled to a retirement pension on ceasing to be employed in a non-participating employment, or would have become entitled to a pension in those circumstances had he not continued in employment for more than 5 years after attaining pensionable age within the meaning of the Insurance Act, no account shall be taken, in respect of any period of participating employment, of retiring remuneration in excess of that specified during the period in a certificate of non-participation issued under section 56 of the Insurance Act as the level of his remuneration at which his employment would have become non-participating employment.

Reduction of death gratuity

F14.—(1) Where a death gratuity is payable under regulation E11 in respect of a person within Case C or D and either—

- (a) a payment in lieu of contributions is required to be made by reason of the cessation of his employment, or such a payment has previously been made in respect of him as a pensionable employee or contributory employee or local Act contributor in circumstances not involving a return of contributions ; or
- (b) a payment in lieu of contributions had been made under any insurance code upon the termination of any period of employment which, by virtue of interchange rules, is reckonable in any manner and to any extent as service as a pensionable employee, and—
 - (i) the transfer value payable in respect of that employment has been adjusted to take account of the payment in lieu of contributions, and
 - (ii) where superannuation contributions had been made by him in that employment, the payment in lieu of contributions was made in circumstances not involving the return of those superannuation contributions,

the employing authority may resolve that the death gratuity shall be reduced by a sum not exceeding one half of the payment in lieu of contributions, or the aggregate of such payments if more than one has been made, and in that case the amount of the gratuity shall be calculated accordingly.

(2) No payment in lieu of contributions shall be taken into account for the purposes of this regulation—

- (a) on more than one occasion, or
- (b) if the payment is one which has been reduced under regulation 13 of the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations 1960(a) or any corresponding enactment in force in Northern Ireland or the Isle of Man.

(3) Where a death gratuity is payable on the cessation of two or more concurrently held employments, the power conferred by this regulation shall be exercisable—

- (a) in relation to any payment in lieu of contributions then required to be made, by the employing authority making that payment, and
- (b) in relation to any such payment previously made, by whichever of the employing authorities lately employing the person as they may agree or, in default of agreement, as is determined by the Secretary of State.

(a) S.I. 1960/1103 (1960 II, p. 2244).

and when the said employments were held under the same employing authority, the power shall be exercised in relation to such one only of the gratuities as the authority may determine.

Reduction of benefit attributable to added years, etc.

F15. Where any payments referred to in regulation F12 of these regulations or regulation 20 of the Modification regulations were being reduced in accordance with those regulations, the period to which any such payment relates shall be treated as a period of service (rendered, if any requisite consent was given during Stage II, during that stage) in participating employment in respect of which graduated contributions have been paid; and the part of the pension to which the person concerned subsequently becomes entitled which is attributable to that period shall be reduced in accordance with the provisions of this Part.

Calculation of ill-health pension

F16. Where the period of service on which a retirement pension is based has been increased under Schedule 9, the amount by which that pension exceeds the pension which would otherwise have been payable shall not be subject to reduction under regulation F13; but if in respect of any period of service reckonable for his pension the person falls to be treated within Case B, the amount of that excess shall be reduced under regulation F7.

Persons in concurrent, etc. employments

F17.—(1) Where a person within Case C or D in the employment of one or more employing authorities concurrently is also in other employment in which he is not a pensionable employee, then if his employer in that other employment is treated as his employer for the purposes of section 3 of the Insurance Act, regulations F11 and F12 shall not apply to him.

(2) The provisions of regulation F8(2) and (3) shall apply to a person within Case C or D as they apply to a person within Case B, subject to the modification that references to regulations F5 and F6 shall be construed as references to regulations F11 and F12.

MISCELLANEOUS AND CONSEQUENTIAL

Contributions deemed to have been made

F18. If in respect of any period a pensionable employee pays no contributions under these regulations because the amount of the reduction in his contributions provided for by this Part equals or exceeds the amount of his contributions, he shall nevertheless be deemed for the purposes of regulation D1(1)(a) to have made the contributions required in respect of that period.

Limitations on surrender, termination, etc., of pensions

F19. No provision in these regulations—

- (a) for the surrender or assignment of a pension; or
- (b) for the reduction, termination or suspension of a pension, where the provision is invoked for any cause other than one prescribed by regulations made or deemed to have been made under section 57(1)(c) of the Insurance Act (which section describes equivalent pension benefits),

shall apply so as to reduce a pension payable in respect of any period of service to an employee who attains the age of 65 years in the case of a man,

or 60 years in the case of a woman, below the minimum rate of equivalent pension benefits applicable in respect of that period under the Insurance Acts ; and for this purpose “service” means service in a non-participating employment which is reckonable for the purpose of calculating the amount of any benefit payable to him, except any earlier period of such service in respect of which—

- (i) a payment in lieu of contributions had been made ; or
- (ii) equivalent pension benefits satisfying the requirements of the Insurance Acts had already been assured to him.

PART G

SPECIAL PROVISIONS FOR CERTAIN CASES

Members of passenger transport executives and directors of subsidiaries thereof

G1. Where a passenger transport executive—

- (a) have, by a resolution passed for the purpose of regulation B2(1)(e), specified a member of that executive or a director of a subsidiary thereof as a pensionable employee ; or
- (b) by a resolution passed for the purpose of a corresponding provision contained in an order made under section 9(1) of the Transport Act 1968, specified such a member or director as a local Act contributor and that employee was immediately before the appointed day a local Act contributor and became on the appointed day a pensionable employee,

that person shall be deemed for the purposes of these regulations to be in the employment of that executive and, in their application to such a person, these regulations shall have effect as if service as such a member or director were service in the employment of that executive.

Employees of the Scottish Special Housing Association

G2. These regulations and any other regulations having effect as if made under section 7 of the Act of 1972 shall apply to the Scottish Special Housing Association and to its employees subject to the modifications set out in Schedule 15, as if the Association were—

- (a) a body described in column 3 of Part II of Schedule 1 against which was described in column 1 opposite thereto “a whole-time employee” ; and
- (b) an administering authority.

Certain persons formerly subject to the Edinburgh local Act scheme

G3. For the purposes of these regulations the Corporation of the City of Edinburgh shall be deemed to include—

- (i) the said Corporation of the City of Edinburgh as governors and administrators of Trinity Hospital ;
 - (ii) subject to the provisions of the Heriot-Watt College Order 1965(a), the governors of Heriot-Watt College and the Heriot-Watt University ;
 - (iii) the Forth Road Bridge Joint Board ; and
 - (iv) the board of governors of Edinburgh College of Art,
- and subject as aforesaid the officers and manual workers of such bodies shall be deemed to be the officers and manual workers of the said Corporation.

PART H**DETERMINATION OF QUESTIONS AND APPEALS***Initial determination of questions***H1.** Any question concerning—

- (a) the rights or liabilities of an employee of a scheduled body, or of a person claiming to be treated as such an employee, under any of the provisions of these regulations ; or
- (b) the rights of a person who has been an employee of a scheduled body, or the rights of the widow, dependants or the personal representatives of such a person, under any of those provisions,

shall be decided in the first instance by the body concerned.

*Appeal by employee, etc.***H2.—**(1) If—

- (a) an employee of a scheduled body or person claiming to be treated as such an employee is dissatisfied with any decision made under these regulations by the body concerned as to his rights or liabilities or with the body's failure to make any such decision ; or
- (b) a person who has been an employee of a scheduled body or the widow, any dependant or the personal representatives of that person is or are dissatisfied with any decision made under these regulations by the body concerned as to his or their rights or with the body's failure to make any such decision,

and the person or persons serve on the Secretary of State written notice of appeal within the period specified in paragraph (2), the question shall be determined by the Secretary of State and his decision thereon shall be final.

(2) The period referred to in paragraph (1) for service of a notice of appeal shall be—

- (a) if the person is dissatisfied with a decision made under these regulations by the body concerned, 3 months from the date on which he receives from such body a written notification of that decision ;
- (b) if the person is dissatisfied with the failure of the body concerned to make a decision, 3 months from that failure,

or, if the Secretary of State is satisfied that there are reasonable grounds for not serving the notice within that period, such longer period as the Secretary of State may in the particular case allow.

(3) For the purposes of this regulation the body concerned shall be deemed to have failed to give a decision if, after the expiration of 3 months from the date on which they have been requested by notice in writing served on them by any such person as is mentioned in paragraph (1)(a) or (b) to decide any question, they have not decided that question.

Appeal by administering authority

H3.—(1) Subject to paragraph (2), an administering authority may, in accordance with the provisions of paragraph (3), appeal to the Secretary of State against—

- (a) any decision made under these regulations by any employing authority whose employees are entitled to participate in the benefits of the superannuation fund maintained by the administering authority ; or
- (b) any failure or refusal to make any such decision by any such authority.

(2) The right of appeal provided by paragraph (1) shall not extend to any decision made by an employing authority in exercise of a discretion conferred by or under these regulations solely on that authority.

(3) An administering authority who wish to appeal under the provisions of this regulation shall serve on the Secretary of State written notice of appeal within the period specified in paragraph (4).

(4) The period referred to in paragraph (3) for service of a notice of appeal shall be—

(a) if the appeal is against a decision of an employing authority, 3 months from the date on which the administering authority receive from the employing authority written notice of that decision ;

(b) if the appeal is against the failure or refusal of an employing authority to make a decision, 3 months from that failure or refusal.

(5) For the purposes of this regulation an employing authority shall be deemed to have failed to give a decision if, after the expiration of 3 months from the date on which they have been requested by notice in writing served on them by the administering authority to decide any question, they have not decided that question.

Deemed service of notices

H4. Where a notice under regulation H2 or H3 is served by post in a properly addressed prepaid envelope it shall be deemed to be served at the time at which a letter would be delivered in the ordinary course of post.

PART J

TRANSITIONAL PROVISIONS, ETC.

Definitions

J1. In this Part and in Schedule 14, unless the context otherwise requires—

“Health Service Regulations” means the National Health Service (Superannuation) (Scotland) Regulations 1961(a) as amended(b) ;

“Health Board” and “the Agency” have the meanings assigned to them in section 63 of the National Health Service (Scotland) Act 1972(c) as amended by the National Health Service Reorganisation Act 1973(d).

Valuation of superannuation funds

J2. An administering authority shall not be required to obtain any actuarial valuation of, or report on, the assets and liabilities of any superannuation fund maintained by them immediately before the appointed day under Part I of the Act of 1937 which was due at the end of the financial year 1972/1973 or at the end of the financial year 1973/1974.

Apportionment of superannuation funds

J3.—(1) Where by or under any order made under sections 31, 32 or 34 of the National Health Service (Scotland) Act 1972 as amended, persons who immediately before 1st April 1974 were entitled to participate in the benefits of a superannuation fund maintained under Part I of the Act of

(a) S.I. 1961/1398 (1961 II, p.2697).
(c) 1972 c.58.

(b) S.I. 1974/441 (1974 I, p. 1447).
(d) 1973 c.32.

1937 or under a local Act scheme were on 1st April 1974 transferred to the employment of a Health Board or the Agency and in consequence became officers within the meaning of the Health Service regulations, an apportioned part of that fund in respect of those persons shall be transferred by the administering authority to the Secretary of State.

(2) Persons who took up employment with a Health Board or the Agency on or before 1st April 1974, and who if they had not already taken up such employment would otherwise have been transferred on that date by virtue of an order mentioned in paragraph (1), shall for the purposes of this regulation be treated as though they were persons to whom that paragraph applies.

(3) Every administering authority shall for the purposes of this regulation obtain from an actuary a report as at 31st March 1974 on the superannuation fund maintained by it immediately prior to the appointed day.

(4) The provisions set out in Schedule 14 shall have effect for the purposes of the apportionment required by paragraph (1).

Admission agreements

J4. Any admission agreement under which the employees of any body specified in regulation B4(4) are, or can be, admitted to participate in the benefits of a superannuation fund and which is in force immediately before the appointed day, shall, notwithstanding the revocation effected by regulation M2 of the provision under which that agreement was made, or continued in force as if made, continue in force as if it were an agreement made under regulation B4 subject, however, to such modifications and adaptations as the parties concerned may agree to be necessary for bringing it into accordance with the provisions of these regulations or, in default of agreement, as the Secretary of State shall determine.

Preservation of rights and liabilities of persons to whom the provisions of a local Act scheme applied immediately before the appointed day

J5.—(1) This regulation shall apply to a person who—

- (a) immediately before the appointed day was a local Act contributor ; and
- (b) became on the appointed day a pensionable employee under a scheduled body.

(2) Where any right or liability conferred by or under a provision of a regulation specified in the following table would, in relation to a person to whom this regulation applies, be less beneficial than any right or liability conferred by any similar provision contained in the local Act scheme to which he was formerly subject, these regulations shall have effect in relation to him, for the appropriate period, as if they conferred on him a right or, as the case may be, a liability corresponding to that previously enjoyed by him or to which he was previously subject under that similar provision in lieu of the right or liability conferred by or under the first mentioned provision.

TABLE

1. Regulation C1.
2. Regulation E1.
3. Regulation E2(1)(a).

(3) In this regulation the appropriate period during which any provision mentioned in paragraph (2) is to continue to apply to such a person as is therein mentioned means the period of application specified in the similar provision contained in his former local Act scheme or, if no period is so specified, the period during which that person continues in the employment of the scheduled body mentioned in paragraph (1)(b) or of any successor body.

Modification of the regulations in their application to employees previously subject to a local Act scheme

J6.—(1) Where an employee—

- (a) was immediately before the appointed day a local Act contributor ; and
- (b) becomes on the appointed day a pensionable employee under a scheduled body,

these regulations shall, so long as he remains in the employment of that body or of any successor body, have effect in relation to him as if—

- (i) for any reference to a provision in the former regulations there were substituted a reference to the corresponding or similar provision in the local Act scheme ; and
- (ii) for any reference to an expression in column (1) of the following table (which lists certain expressions used in these regulations) there were substituted a reference to the expression appearing opposite thereto in column (2):—

TABLE

| (1) | (2) |
|--|---|
| 1. the Acts of 1937 to 1953 and the regulations made thereunder | the appropriate local Act scheme |
| 2. the appropriate superannuation fund within the meaning of the Act of 1937 | a superannuation fund maintained under the appropriate local Act scheme |
| 3. contributory employee | local Act contributor |
| 4. (a) contributing service and (b) non-contributing service, for the purposes of the former regulations | service for the purposes of the appropriate local Act scheme |
| 5. the former regulations | the appropriate local Act scheme |

(2) In this regulation “the appropriate local Act scheme” means the local Act scheme to which an employee mentioned in paragraph (1) was subject immediately before the appointed day.

Persons transferred to National Health Service employment under sections 31, 32 or 34 of the National Health Service (Scotland) Act 1972

J7. A person—

(a) who was transferred to the employment of a Health Board or the Agency on 1st April 1974 by virtue of an order made under sections 31, 32 or 34 of the National Health Service (Scotland) Act 1972 as amended ;
or

(b) who took up employment with such a Board or the Agency on or before 1st April 1974, but who if he had not taken up such employment would have been transferred on that date by virtue of such an order,

shall be deemed to be entitled or subject, immediately before 1st April 1974 or the date of his taking up such employment if earlier, under these regulations to the same rights and to the same liabilities to which he would have been entitled or subject if he had remained in the employment in which he was a contributory employee or local Act contributor until immediately before 16th May 1974 and became a pensionable employee on that date.

Modification of the regulations in their application to the Corporation of the City of Glasgow

J8. In the application of these regulations to the Corporation of the City of Glasgow for the period to 15th May 1975 these regulations shall have effect as if for regulation B6 there were substituted provisions corresponding to the provisions in that authority's local Act scheme in force immediately before the appointed day relating to the use and investment of the superannuation fund's moneys.

PART K

PERSONS CEASING TO BE EMPLOYED AFTER 30TH MARCH 1972 AND BEFORE THE APPOINTED DAY

Retrospective application

K1.—(1) If a person—

(a) ceased on or after 31st March 1972 to hold an employment in which he was a contributory employee and, where he was a person to whom the provisions of regulation 6 of the Miscellaneous Provisions regulations would otherwise have applied, did not elect under regulation 23 of those regulations that those provisions should not so apply ; or

(b) died on or after that date while still in such an employment,

subject to paragraph (5), he shall be entitled to or there shall be payable in respect of him such of the benefits conferred by these regulations to which he would have been entitled or as would have been payable in respect of him if these regulations had been in operation at the time he so ceased or died and any benefit to which he may be so entitled or which may be so payable in respect of him shall be in substitution for any benefit (including a return of contributions, any pension payable to a widow or any dependant of his by virtue of a surrender and, unless the employing authority determine otherwise, a gratuity granted to him, but excluding an injury allowance) which may have become payable to or in respect of him under or by virtue of the former regulations in respect of the employment he ceased to hold as mentioned in sub-paragraph (a) or, as the case may be, in which he died.

(2) For the purpose of determining whether such a person as is mentioned in paragraph (1) is by virtue of that paragraph entitled to a benefit under these regulations (in substitution for any benefit under the former regulations), or whether he is entitled to receive payment of or payments in respect of such a benefit or any such benefit is by virtue of that paragraph payable in respect of him and for the purpose of calculating the amount of any such benefit, the provisions of Parts A, D and E and regulation J5, subject to the modifications set out in Schedule 2, and in so far as they are applicable to that person in relation to the employment he ceased to hold as mentioned in paragraph (1)(a) or, as the case may be, in which he died, the provisions of Part G, shall apply to or in respect of him as if—

- (a) the expression “the appointed day” (except where used in relation to a specified period after that day and in regulations E2(4)(e), E4(1)(i) and (4), E12, E15(11), paragraphs (3) and (4) of this regulation and paragraph 2(a) of Schedule 11) meant the day on which that person so ceased or, as the case may be, died ;
- (b) that person had become a pensionable employee on that day ; and
- (c) the body under whom that person was a contributory employee as mentioned in paragraph (1) had on that day been a scheduled body,

and Part H shall apply to any question concerning any right or liability arising under or by virtue of this regulation.

(3) In the case of such a person as is mentioned in paragraph (1)(a), who has died before the appointed day or dies before the expiration of any period within which an application, election or notice is required under any provision of Part D or E, as applied by paragraph (2), to be made or given, without making or giving, as the case may be, the application, election or notice which that person was entitled to make or give, and of such a person as is mentioned in paragraph (1)(b), such an application, election or notice (other than a notice for the purposes of regulation E1, E2(4)(a)(iv), E4 or E15(2)) may be given—

- (a) if that person was a male and leaves a widow, by her ;
- (b) if that person was a male and does not leave a widow or his widow has died before the appointed day or dies before the expiration of any period mentioned above without making or giving, as the case may be, that application, election or notice, by his personal representatives ; and
- (c) if that person was a female, by her personal representatives.

(4) Where as respects such a person as is mentioned in paragraph (1)(a) a period is treated under regulation D4 by virtue of this regulation as service which that person was entitled to reckon as non-contributing service for the purposes of the former regulations, if such a person again became a contributory employee but before the appointed day ceased to hold the employment in which he was a contributory employee or died before that day, then the period treated under that regulation as mentioned above shall be aggregated with any service and any period he was entitled to reckon as non-contributing service for the purposes of the former regulations at the time he first ceased on or after 31st March 1972 to hold an employment in which he was a contributory employee.

(5) The aggregate amount of any benefits payable to or in respect of a person under these regulations by virtue of paragraph (1) shall be reduced by an amount equal to the aggregate amount of any payments which have been made under the former regulations for which benefits under these regulations are substituted under paragraph (1).

Right to opt out

K2. No provision of these regulations shall apply to any person to whom at any time from 1st April 1972 to 15th May 1974 (both dates inclusive) any benefit (including a return of contributions and any pension payable to a widow or any dependant by virtue of a surrender) was or is being paid or became or may become payable if—

- (a) he is placed by that provision in a worse position than he would have been if it had not applied in relation to that benefit; and
- (b) that provision relates to a benefit paid or payable in respect of such a person as is mentioned in regulation K1(1)(a) or (b) in respect of the employment he ceased to hold as mentioned in regulation K1(1)(a) or, as the case may be, in which he died; and
- (c) the first-mentioned person, by notice in writing given to the appropriate administering authority within 3 months after the appointed day, elects that that provision shall not apply to him.

PART L

MISCELLANEOUS AND SUPPLEMENTAL

Information to be supplied by certain employees

L1.—(1) Every scheduled body shall (unless the circumstances described in paragraph (2) apply) for the purposes of this Part—

- (a) in the case of a person described in regulation L2(4)(a), as soon as is reasonably practicable after the commencement of these regulations;
- (b) in the case of a person described in regulation L2(4)(b), within 3 months after that person has entered that employment; and
- (c) in the case of a person described in regulation L2(4)(c), within 6 months after any resolution, determination or other change mentioned therein,

request him to furnish—

- (i) a statement in writing of all his previous periods of employment (whether by a scheduled body, or by any other body or person), war service and national service (if any); and
- (ii) a copy of all previous notifications given to him under these regulations, the Local Government Superannuation (Administration) (Scotland) Regulations 1954(a), or the Local Government Superannuation (Administration) (Scotland) Regulations 1938(b),

and the administering authority shall so far as it appears to them necessary to do so verify from any previous employer or administering authority the information given by that person.

(2) A scheduled body who are satisfied that a person in their employment is not a pensionable employee or that they or the administering authority already have in their possession a complete and accurate record of all of his previous service (if any) relevant for the purposes of this Part, shall not be under a duty to request that person to furnish the documents described in paragraph (1).

(a) S.I. 1954/1243 (1954 II p.1583).

(b) S.R.&O. 1938/245 (Rev. XVII, p. 857: 1938 II, p.2808).

(3) A request by a scheduled body under paragraph (1) shall be in writing and shall include a conspicuous statement directing the attention of the employee to the importance of supplying full and accurate information on all matters to which the request relates and warning that person that any inaccuracy in or omission from the information which he supplies may prejudice the ascertainment of his rights under these regulations.

Decisions to be taken by scheduled bodies as to status of employees

L2.—(1) In relation to every person employed by a scheduled body, that body shall consider and decide the questions in paragraph (2) and, if appropriate, the questions in paragraph (3) when described in paragraph (4).

(2) The questions referred to in paragraph (1) are—

- (a) whether the employee is an officer or manual worker ;
- (b) whether his employment is whole-time, variable or part-time ;
- (c) where the employee has been required by the body concerned under regulation B2(3) to undergo a medical examination, whether he has undergone that examination to their satisfaction ; and
- (d) whether or not he is a pensionable employee.

(3) Where a scheduled body decide under paragraph (2)(d) that an employee is a pensionable employee they shall also consider and decide the following questions—

- (a) in the case of an employee whose remuneration does not wholly or partly consist of fees, the remuneration upon which contributions are payable ;
- (b) in the case of an employee whose remuneration does wholly or partly consist of fees, the remuneration upon which contributions are or may become payable ;
- (c) the source of all fees described in sub-paragraph (b) ; and
- (d) in the case of an employee whose employment is part-time employment, the proportion which his contractual minimum hours of employment each week in that part-time employment bear to the number of hours which would have been his contractual minimum hours of employment had he, in that employment, served whole-time.

(4) The questions specified in paragraphs (2) and (3) shall be considered and decided by the scheduled body—

- (a) in the case of a person in the employment of that body on the appointed day, as soon as is reasonably practicable after the commencement of these regulations ;
- (b) in the case of a person entering the employment of that body after the appointed day, within 3 months after he has entered that employment ; and
- (c) in the case of a person described in sub-paragraph (a) or (b), if any of the following events occur—
 - (i) any statutory resolution is passed by that body for the purposes of regulation B2(1)(d) ;
 - (ii) the number of his regular or usual hours of employment is changed ;
 - (iii) any determination is made under regulation D4 or any resolution is passed under regulation D9 ; or

- (iv) any other change occurs in, or in relation to, his employment, being a resolution, determination or other change which (either in the opinion of the scheduled body or in the opinion of the employee notified by him in writing to that body within 6 months after the event) is material for the purposes of these regulations, as soon as is reasonably practicable after the change or, as the case may be, after receipt by that body of notification by the employee.

Decisions to be taken by administering authorities as to status of employees

L3.—(1) In relation to every person employed by a scheduled body and, in accordance with regulation L2(2)(d), decided by that body to be a pensionable employee, the appropriate administering authority shall, upon receipt of the documents specified in regulation L1(1), consider and decide the questions in paragraph (2) when described in paragraph (3).

(2) The questions referred to in paragraph (1) are—

- (a) (i) what previous service or employment (if any) he is entitled to reckon ;
- (ii) whether that service counts as reckonable service or qualifying service ;
- (iii) whether any (and if so, what period or periods) of that service or employment was part-time service or employment and, if it was, what proportion of whole-time service or employment it represents ;
- (iv) what period or periods of that service or employment were in participating employment or non-participating employment for the purposes of Part F ;
- (v) whether any such period of participating employment falls to be disregarded under regulation F13(6) ;
- (vi) whether a payment in lieu of contributions has been made or equivalent pension benefits have been assured under Part III of the Insurance Act in respect of any such period of non-participating employment ; and
- (vii) the amount of any payment in lieu of contributions ;
- (b) what rate of contribution the employee is liable to pay to the appropriate superannuation fund ;
- (c) whether the rate referred to in sub-paragraph (b) is (by virtue of Part F) a reduced rate, and, if it is, details of the reduction in the rate and the date from which that reduction has effect ;
- (d) whether the employee is entitled to reckon any added years or additional period as reckonable service, and if so, the number of years or the period of service and the period during which any added period payment or additional contributory payment is payable.

(3) The questions specified in paragraph (2) shall be considered and decided by the appropriate administering authority as soon as is reasonably practicable after the date on which the person in relation to whom the decision is to be made becomes subject to these regulations, but if the information necessary in order to enable that authority to give a decision on any question is not then immediately available, that authority may postpone their decision on that question for a period not exceeding 6 months.

Notification of decisions as to status

L4.—(1) (a) A scheduled body (unless the circumstances described in paragraph (2) apply), as soon as is reasonably practicable after they have decided any question in accordance with regulation L2 ; and

(b) an administering authority, as soon as is reasonably practicable after they have decided any question in accordance with regulation L3,

shall send a written notification of their decision to the employee as described in paragraph (3).

(2) A scheduled body shall not be under a duty to send a written notification as described in paragraph (1) if the employee in relation to whom the decision was made has before the appointed day received from the body in whose employment he was immediately before the appointed day, a notification under regulation 7 of the Local Government Superannuation (Administration) (Scotland) Regulations 1954 that he was a contributory employee or local Act contributor and there has been no change in the conditions of his employment.

(3) The written notification mentioned in paragraph (1) shall include a conspicuous statement directing the attention of the employee—

(a) to the place at which he may obtain information about details in the notification or about calculation of service or benefits ;

(b) to his right under regulation H2(1), if he is dissatisfied with any decision notified in the notification, to refer the question to which the decision relates for determination by the Secretary of State ; and

(c) to the provisions of regulation H2(2) with respect to the time within which notice of any such appeal must be served on the Secretary of State.

(4) Every scheduled body in whose employment there is any pensionable employee shall cause a record to be kept in such form as the body thinks fit for the purpose of making readily available at all times information as to the name of every employee who is a pensionable employee and such other particulars relating to the employee as are referred to in regulation L2(2) and (3).

(5) Every administering authority shall cause a record to be kept in such form as the authority think fit for the purpose of making readily available at all times information as to the name of every person in respect of whom the authority are required to consider and decide as mentioned in regulation L3(2), and such other particulars relating to that person as are referred to in paragraphs (2) and (3) of that regulation.

Payments by employing authorities to administering authorities

L5.—(1) Every employing authority (not being an administering authority) shall pay to the appropriate administering authority at such intervals, not longer than 12 months, as the appropriate administering authority may determine—

(a) all amounts from time to time deducted from the remuneration of their pensionable employees under these regulations ; and

(b) a contribution towards the cost of the administration of the appropriate superannuation fund of such annual amount as may be agreed between the employing authority and the administering authority or, in default of agreement, as is determined by the Secretary of State.

(2) Payments made in pursuance of paragraph (1)(a) shall be paid into the appropriate superannuation fund.

(3) The payment by an employing authority of any sum due under paragraph (1)(a) shall, unless the appropriate administering authority direct as mentioned in paragraph (4), be accompanied by a statement showing—

- (a) the names and remuneration of each of the pensionable employees in relation to whom the payment is made ;
- (b) the amounts comprised in the payment which represent deductions from the remuneration of each of those employees, the periods in respect of which such deductions were made and the amounts (if any) by which any contributions to which the statement relates have been reduced by virtue of any provisions in Part F ;
- (c) the amount of the remuneration of those employees from or in respect of whom deductions have not been made ; and
- (d) the names of any pensionable employees from whose remuneration no deductions have been made.

(4) The appropriate administering authority may direct that, in lieu of complying with the requirements in paragraph (3), the employing authorities interested in the appropriate superannuation fund are to furnish the information provided for in that paragraph in such form and at such intervals, not being longer than 12 months, as the authority may specify.

(5) If any sum due under the provisions of this regulation remains unpaid beyond a period of one month after the date on which it becomes due, the sum shall bear interest at the rate of 5 per cent. per annum as from the expiration of that period.

Transmission of documents and information between authorities

L6.—(1) Every employing authority (not being an administering authority) shall forward to the appropriate administering authority—

- (a) when notifying an employee of a decision made under regulation L2, a copy of the notification and a copy of all information supplied by the employee in accordance with regulation L1 ;
- (b) as soon as is reasonably practicable upon receipt of every statement rendered by a pensionable employee under regulation C3 and of any statutory declaration, that statement and declaration ; and
- (c) from time to time, such other documents and information as the administering authority may reasonably require for the purpose of discharging their functions under these regulations.

(2) Every employing authority (not being an administering authority) shall from time to time notify the appropriate administering authority of—

- (a) the amount of any payment in lieu of contributions which becomes payable under the Insurance Act in respect of a pensionable employee, and the period to which such payment relates ;
- (b) details of the amount (if any) by which the employing authority have resolved under regulation F14 to reduce the amount of any death gratuity payable in respect of a pensionable employee ; and
- (c) details of any amount which the employing authority concerned is entitled to recover under section 60(1) of the Insurance Act in respect of any payment in lieu of contributions made under that Act.

(3) The payment by an administering authority of any amount referred to in paragraph (2)(a) shall be accompanied by a statement showing—

- (a) the names of the pensionable employees in relation to whom the payment is made ; and
- (b) the amounts which have been deducted from any death gratuity pursuant to a resolution referred to in paragraph (2)(b).

(4) Every administering authority, when notifying a person of a decision under regulation L3, shall (if that person is not in their employment) forward to the employing authority a copy of that notification.

Further provisions as to transmission of documents and information

L7.—(1) Without prejudice to the generality of regulation L6, an employing authority (not being an administering authority)—

- (a) on receiving from a pensionable employee notice of his intended retirement ;
- (b) on giving to an employee notice to terminate his services in circumstances in which he may become entitled to a return of contributions or to a benefit payable out of the appropriate superannuation fund ; or
- (c) on becoming aware of any other circumstances which may necessitate any payment out of the appropriate superannuation fund,

shall, as soon as is reasonably practicable, comply with the requirements in paragraph (2).

(2) The requirements mentioned in paragraph (1) are—

- (a) to inform the appropriate administering authority of the notice or other circumstances described in that paragraph ;
- (b) to forward to that authority particulars of the employee's remuneration during the period that is relevant to a decision on the benefit which may become payable to or in respect of that employee ; and
- (c) to forward to that authority a copy of any relevant medical or death certificate or of any certificate issued by the employing authority under regulation L10.

Decisions to be taken by employing authorities as to benefits and notification thereof

L8.—(1) Any question as to entitlement to a benefit (including a return of contributions) under these regulations (other than a question as to the amount thereof) shall, subject to the right of appeal to the Secretary of State conferred by regulation H2 or H3, be decided by the authority employing the person in respect of whom the question arises.

(2) The employing authority by whom a decision as to a person's entitlement has been made in accordance with paragraph (1) shall send to that person a written notification of their decision.

(3) A notification sent in pursuance of paragraph (2) shall include—

- (a) if the decision is adverse to the person, the grounds for the decision ; and
- (b) a statement of the kind required by regulation L4(3).

(4) The employing authority shall send to the appropriate administering authority a copy of every notification sent in accordance with the foregoing provisions of this regulation.

Decisions to be taken by administering authorities as to benefits and notification thereof

L9.—(1) Where a decision is made under regulation L8 that a payment should be made to a person, the appropriate administering authority shall, as soon as is reasonably practicable on receipt of the document described in regulation L8(4) or, if they are themselves the employing authority, as soon as is reasonably practicable on reaching a decision under regulation L8(1), consider and decide the amount of any benefit which is or may become payable out of the fund.

(2) An authority by whom a decision has been made in accordance with paragraph (1) shall send to the person in respect of whom the decision was made a written notification of their decision.

(3) A notification sent in pursuance of paragraph (2) shall include—

- (a) if the decision under regulation L8 is that a benefit is immediately payable to the person, a statement showing how that payment is computed;
- (b) in any other case, a statement of any benefit to which the person is entitled; and
- (c) a statement of the kind required by regulation L4(3).

Certificates as to reduction in remuneration

L10.—(1) Where it appears to an employing authority that a pensionable employee has, in consequence of a material change in circumstances, suffered a reduction in the remuneration of his employment, that authority—

- (a) on the application of that employee, shall, or
- (b) on their own initiative, may,

issue to that employee a certificate that there has been a material change in circumstances.

(2) A certificate issued under this regulation shall specify the date when the material change in circumstances occurred and shall be issued within 12 months of the material change or within such longer period as the Secretary of State may in any such case approve.

(3) An employing authority shall, for a period of not less than 10 years from the date of every material change in respect of which a certificate is issued under this regulation, cause a record to be kept of that certificate in such form as the authority shall think fit, and the record shall include the information that is required for a calculation to be made under regulation E1(2)(b)(ii).

Provision as to payments in lieu of contributions

L11. Where a payment in lieu of contributions is made in respect of any pensionable employee, the authority responsible for making the payment shall be entitled to recover out of the superannuation fund to which that person was a contributor or, if that authority is an administering authority, themselves to retain out of that fund a sum not exceeding the lesser of the following amounts—

- (a) the amount of the payment in lieu of contributions, less the amount (if any) which the authority could recover or retain under section 60 of the Insurance Act in respect of that payment or, in the case of a

person to whom regulation F14 applies but the power thereby conferred is not invoked, the amount of the payment in lieu of contributions less the amount by which the death gratuity could have been reduced under that regulation ; and

- (b) the amount paid into that fund in respect of that person (less any sum returnable to him as contributions) together with compound interest at the rate of 4 per cent. per annum with yearly rests.

Forfeiture of rights

L12. If a pensionable employee is dismissed or resigns, or otherwise ceases to hold his employment, in consequence of an offence of a fraudulent character or grave misconduct, being such an offence or such misconduct in connection with the performance of the duties of, or otherwise in relation to, his employment, the employing authority may direct that all or any of the rights enjoyed by or in respect of him with respect to his previous service, being rights under Parts C, D, E, F and J shall be forfeited.

Benefits not assignable

L13. A benefit under these regulations shall be payable to, or in trust for, the person to whom that benefit is granted by these regulations ; and every assignation of, or charge on, any such benefit shall be void, and no such benefit shall on the sequestration of a person entitled thereto or on the appointment of a judicial factor on his estate under section 163 of the Bankruptcy (Scotland) Act, 1913(a) pass to the trustee or judicial factor, without prejudice, however, to the making of an Order under section 148 of the said Act or under any similar enactment in England or Northern Ireland.

Age of compulsory retirement

L14. When a pensionable employee attains the age of 65 years he shall cease to hold his employment ; except that the employing authority may, with his consent, extend his service for one year or any less period, and so from time to time as they deem expedient.

PART M

AMENDMENTS, REVOCATIONS AND REPEALS

Amendments

M1.—(1) The enactments specified in Part I of Schedule 16 shall have effect subject to the amendments set out therein.

(2) The provisions of the instruments specified in Part II of Schedule 16 shall have effect subject to the amendments set out therein.

Revocations and repeals

M2.—(1) The provisions of the enactments set out in column (2) of Part I of Schedule 17, so far as they apply to Scotland and have effect—

(a) as provisions of regulations made under section 7 of the Act of 1972 ;
or

(b) as provisions of regulations made under section 8(2) of the Act of 1972 relating to a local Act scheme,

are hereby revoked.

(2) The provisions of the enactments set out in column (2) of Part II of Schedule 17 are hereby repealed.

(3) The provisions of the instruments set out in column (2) of Part III of Schedule 17, so far as they have effect as provisions of such regulations as are mentioned in paragraph (1)(a) or (b) are hereby revoked.

(4) The provisions of the instruments set out in column (2) of Part IV of Schedule 17 are hereby revoked.

William Ross,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.

7th May 1974.

SCHEDULE 1

PENSIONABLE EMPLOYEES

Regulations A3 and
B2(1)(a) to (c)

PART I

BODIES WHOSE WHOLE-TIME EMPLOYEES ARE TO BE COMPULSORILY
SUPERANNUABLE

Body

A county council, joint county council, town council or district council.

A joint board or joint committee appointed under any enactment, order or scheme, all the constituent authorities of which are such councils as aforesaid.

A joint committee established by a combination or amalgamation scheme.

A regional water board.

A water development board.

A river purification board.

A committee appointed for the purposes of the Public Libraries (Scotland) Acts 1887 to 1920(a).

Regulations A3 and B2(1)(d)

PART II

CERTAIN PERSONS WHO MAY BE SUPERANNUABLE

| Employee (1) | Excepted Employees (2) | Body (3) |
|---|--|---|
| A variable-time employee... | A variable-time employee who is also in the whole-time employment of such a body as is described in Part I of this schedule. | A body described in Part I of this schedule. |
| A whole-time employee or a variable-time employee | — | Any other body to which section 270 of the Local Government (Scotland) Act 1947(b) applies. |
| A whole-time employee ... | — | A passenger transport executive. |

(a) 1887 c. 42; 1894 c. 20; 1899 c. 5; 1920 c. 45.

(b) 1947 c. 43.

SCHEDULE 2

Regulation K1

MODIFICATIONS TO PARTS A, D AND E AND REGULATIONS J5 AND J6 IN THEIR APPLICATION TO PERSONS CEASING TO BE EMPLOYED AFTER 30TH MARCH 1972 AND BEFORE THE APPOINTED DAY

1. Regulation A3(1) shall have effect as if in the definition of "remuneration" for the words from "(d)" to the end there were substituted the words "and also, in the case of an employee who held his employment on or after 19th April 1973, does not include any payment made to him on his ceasing to hold his employment in consideration of loss of holidays or any payment accepted by him in lieu of notice to terminate his contract of employment."
2. Regulation D4 shall have effect as if—
 - (a) paragraph (1)(c) were omitted ; and
 - (b) in paragraph (2), for the words from "the date" to "employee" there were substituted the words "the appointed day".
3. Regulation D5(1) shall have effect as if sub-paragraph (e) were omitted.
4. Regulations D6 to D8 shall not apply.
5. Regulation D9 shall have effect as if the words from "not being" to "regulation K1(1)" were omitted.
6. Regulations D10 to D14 shall not apply.
7. Regulation E1(3)(e) shall have effect as if at the end there were added—

"Provided that if any such person as is mentioned in regulation E2(3)(c), by whom fees were at any time during the years 1968 to 1974 earned in respect of work done by him as returning officer at local government elections as part of his remuneration, gives notice for the purpose in accordance with paragraph (4), in calculating for the purposes of these regulations his pensionable remuneration the amount of those fees to be included in his remuneration during the relevant period referred to in paragraph (1) shall be the annual average of those fees earned during such consecutive 3 years of the years 1968 to 1974 as are specified in the notice ;".
8. Regulation E2(4) shall have effect as if—
 - (a) in sub-paragraph (a)(iv), for the words from "not" to "authority" there were substituted the words "by notice in writing to the appropriate administering authority, given within one month after the appointed day, or such longer period as that authority may in a particular case allow"; and
 - (b) in sub-paragraph (e)—
 - (i) the words "after so ceasing to be employed but" were omitted ; and
 - (ii) for the words "so becoming a pensionable employee" there were substituted the words "the appointed day".
9. Regulation E4 shall have effect as if —
 - (a) in paragraph (1)—
 - (i) after the words "retirement pension", where they first occur, there were inserted the words "(other than a person who ceased to hold his employment before 16th April 1974 and was, in relation to that employment, entitled to an annual pension under the Acts of 1937 to 1953 and the regulations made thereunder)"; and

(ii) for the words from “according” to “Actuary” there were substituted the following—

“ (i) where the person is such a person as is mentioned in paragraph (5) and does not become entitled to receive payments in respect of the retirement pension until on or after the appointed day, according to tables to be prepared from time to time by the Government Actuary ;

(ii) in any other case, according to the tables which were prepared for the purposes of section 16 of the Act of 1953,” ; and

(b) in paragraph (4)—

(i) for the words from “did not” to “deemed to have been allowed to surrender part of a retirement pension under this regulation” there were substituted the words “had effect before the appointed day, the person shall be deemed to have surrendered part of a retirement pension under this regulation” ; and

(ii) in proviso (a), for the words “was allowed”, in both places where they occur, there were substituted the words “had effect” and for the words “been allowed to surrender”, in both places where they occur, there were substituted the word “surrendered”.

10. Regulation E12 shall have effect as if—

(a) for the words from “a female” to “regulations” there were substituted the following—

“ if—

(a) a female, being such a person as is mentioned in regulation K1(1) on ceasing to hold an employment as mentioned in sub-paragraph (a) of that regulation or, as the case may be, immediately before her death as mentioned in sub-paragraph (b) of that regulation, either—

(i) had a husband who was permanently incapacitated by reason of ill-health or infirmity of mind or body and who was wholly or mainly dependent on her ; or

(ii) had no husband but had an eligible child or eligible children ; and

(b) a notice for the purpose is given in accordance with the succeeding provisions of this regulation,

this Part shall apply” ; and

(b) at the end there were added—

“ A notice for the purposes of this regulation may be given—

(i) in the case of a female, being such a person as is mentioned in regulation K1(1)(a), by her, or, if she has died before the appointed day or dies before the expiration of the period within which a notice under this regulation is required to be given without giving such a notice and leaves a widower, by him or, if she does not leave a widower or her widower has died before the appointed day or dies before the expiration of the period within which such a notice as aforesaid is required to be given without giving such a notice, by her personal representatives ; and

(ii) in the case of a female, being such a person as is mentioned in regulation K1(1)(b), by her widower or, if her widower has died before the appointed day or dies before the expiration of the period within which a notice for the purposes of this regulation is required to be given without giving such a notice, by her personal representatives,

and shall be given in writing to the appropriate administering authority within 3 months after the appointed day or such longer period as that authority may in a particular case allow.”.

11. Regulation J5 shall have effect as if—
- (a) in paragraph (2), the words “ for the appropriate period ” ; and
 - (b) paragraph (3),
were omitted.
12. Regulation J6 shall have effect as if for the words from the beginning to “ successor body ” there were substituted the following—
- “ Where a person, being such a person as is mentioned in regulation K1(1), was immediately before the appointed day a local Act contributor these regulations shall ”.
13. Schedule 11 shall have effect as if—
- (a) in paragraph 2, for the words from “ shown ” to the end there were substituted the following—
 - “ (a) where the person is such a person as is mentioned in regulation E4(5) and does not become entitled to receive payments in respect of the retirement pension until on or after the appointed day, shown in the tables prepared by the Government Actuary under regulation E4 and in force at the date on which the surrender is allowed ;
 - (b) in any other case, shown in the tables which were prepared for the purposes of section 16 of the Act of 1953 and in force at the date of his ceasing to hold his employment.” ;
 - (b) in paragraph 4, for sub-paragraphs (a) and (b) there were substituted the following—
 - “ (a) in the case of such a person as is mentioned in regulation E4(5), within 2 months before or within one month after the date on which he ceases to be employed or within 3 months after the appointed day, whichever period ends the later ; and
 - (b) in any other case, within 3 months after the appointed day,” ;
 - (c) in the proviso to paragraph 4—
 - (i) for the words “ a retiring employee ” there were substituted the words “ a person ” ;
 - (ii) for the words “ sub-paragraph (a) ” there were substituted the words “ this paragraph ” ; and
 - (iii) for the words from “ the date ” to the end there were substituted the following—
 - “ (i) in the case of such a person as is referred to in paragraph 4(a), the date on which he ceases to be employed or, as the case may be, the appointed day ; and
 - (ii) in any other case, the appointed day.” ;
 - (d) in paragraph 7—
 - (i) in the proviso to sub-paragraph (1), for the words “ a retiring employee ” there were substituted the words “ a person referred to in paragraph 4(a) ” and the words from “ and ” to the end were omitted ; and
 - (ii) in sub-paragraph (3), the words from “ if the person ” to “ employee ” were omitted ; and
 - (e) in paragraph B of the form specified at the end of the schedule, for the words from “ if ” to the end there were substituted the words “ as from 19 , I became entitled.”.

SCHEDULE 3

ADDITIONAL CONTRIBUTORY PAYMENTS

Regulations D6 and D7 : PART I

CALCULATION OF SUM PAYABLE

1. For the purpose of calculating the sum payable by a pensionable employee who, in pursuance of regulation D6 or D7, desires to have any service or period which is, or is treated under regulation D4 or D5 as, service which immediately before the appointed day or, as the case may be, on ceasing to be employed before that day he was entitled to reckon as non-contributing service for the purposes of the former regulations treated for the purposes of these regulations as service or a period which immediately before the appointed day or so ceasing he was entitled to reckon as contributing service for the purposes of the former regulations the following table shall be used in accordance with the provisions of this part of this schedule.

2. References in this part of this schedule to the age of an employee or the remuneration of an employee are references to his age at the time when the notice under regulation D6 or, as the case may be, D7 is given or to the annual remuneration on which he is paying contributions at that time:

Provided that if for the purposes of this paragraph account is required to be taken of any fees payable to an employee in respect of any service, the amount thereof shall be taken to be the annual average of the fees payable to him in respect of that service during the 5 years immediately preceding the giving of the notice referred to above or, if that service was of shorter duration, such shorter period.

3. The sum payable by an employee for each year of non-contributing service which he wishes to have treated as service or a period which immediately before the appointed day he was entitled to reckon as contributing service is a sum equal to that percentage of his remuneration which is specified in column (2) or (3) of the table mentioned above, whichever shall be appropriate, opposite his age specified in column (1), and so proportionately for any period of less than a year:

Provided that if at the time when the notice under regulation D6 or, as the case may be, D7 is given the employee is in whole-time employment, non-contributing service which was part-time shall be reckoned for the purposes of this paragraph as if it were whole-time service for a proportionately reduced period.

TABLE

| Age (1) | Percentage of remuneration payable per year of non-contributing service | |
|------------------------|---|---|
| | Officers (2) | Manual workers (3) |
| Under 26 | | 4·1 |
| 26 and under 27 | | 4·15 |
| 27 and under 28 | | 4·2 |
| 28 and under 29 | | 4·25 |
| 29 and under 30 | | 4·3 |
| 30 and under 31 | | 4·35 |
| 31 and under 32 | 6·5 | 4·45 |
| 32 and under 33 | | 4·55 |
| 33 and under 34 | | 4·65 |
| 34 and under 35 | | 4·75 |
| 35 and under 36 | | 4·85 |
| 36 and under 37 | | 4·95 |
| 37 and under 38 | | 5·05 |
| 38 and under 39 | 6·55 | 5·15 |
| 39 and under 40 | 6·6 | 5·25 |
| 40 and under 41 | 6·65 | 5·35 |
| 41 and under 42 | 6·7 | 5·5 |
| 42 and under 43 | 6·75 | 5·65 |
| 43 and under 44 | 6·85 | 5·8 |
| 44 and under 45 | 6·95 | 5·95 |
| 45 and under 46 | 7·05 | 6·1 |
| 46 and under 47 | 7·15 | 6·3 |
| 47 and under 48 | 7·25 | 6·5 |
| 48 and under 49 | 7·4 | 6·7 |
| 49 and under 50 | 7·55 | 6·9 |
| 50 and under 51 | 7·7 | 7·1 |
| 51 and under 52 | 7·85 | 7·35 |
| 52 and under 53 | 8·05 | 7·6 |
| 53 and under 54 | 8·25 | 7·85 |
| 54 and under 55 | 8·45 | 8·1 |
| 55 and under 56 | 8·7 | 8·4 |
| 56 and under 57 | 9·0 | 8·75 |
| 57 and under 58 | 9·35 | 9·15 |
| 58 and under 59 | 9·75 | 9·65 |
| 59 and under 60 | 10·25 | 10·25 |
| 60 and over | 10·25, less 0·25 for each completed year by which the employee's age exceeds 60. | 10·25, less 0·25 for each completed year by which the employee's age exceeds 60. |

PART II

Regulations D6 to D8

PROVISIONS APPLICABLE WHILE ANY SUM OUTSTANDING

1. While any sum payable under regulation D6 or D7 remains outstanding the provisions of this part of this schedule shall have effect.

2. Compound interest shall be payable as from the giving of the notice under the regulation applicable in the particular case upon the amount for the time being outstanding, and shall be calculated at the rate of 3 per cent. per annum with half-yearly rests.

3. If the pensionable employee becomes entitled to receive payment of or payments in respect of a benefit under these regulations or a benefit under these regulations becomes payable in respect of him and the amount of any such benefit is calculated by reference to the length of his reckonable service, the amount outstanding shall be recovered by deductions from any payments on account of any such benefit or otherwise.

4. If the employee becomes entitled to receive payment of or payments in respect of benefits under these regulations or any benefit under these regulations becomes payable in respect of him and no such benefit is calculated by reference to the length of his reckonable service, all liability in respect of the amount outstanding shall cease.

5. If the employee ceases to hold his employment without having become entitled to receive payment of or payments in respect of any benefit under these regulations, his liability in respect of any amount outstanding shall cease, save as provided in paragraphs 6 and 7.

6. If, while any sum remains outstanding under the regulation applicable in the particular case, the employee on ceasing to hold his employment under an employing authority becomes entitled to benefits under these regulations by virtue of regulation E2(1)(c), but is not entitled to receive payment of or payments in respect of those benefits and does not elect under sub-paragraph (b) of regulation C8(2) that that regulation should apply in his case, he may, by notice in writing given within 3 months of so ceasing to that authority, elect to pay in a lump sum to that authority the amount outstanding.

7.—(1) If, while any sum such as is mentioned in paragraph 6 remains outstanding, the employee ceases to hold his employment under an employing authority without having become entitled to receive payment of or payments in respect of any benefit under these regulations and, on ceasing to hold his employment, he has paid all such instalments as have then accrued due under his agreement with the employing authority and within 12 months after so ceasing, without having in the meantime elected under sub-paragraph (b) of regulation C8(2) that that regulation should apply in his case or having made such a claim for payment as is mentioned in regulation C8(5) he becomes a pensionable employee in the employment of any employing authority, then, subject to the succeeding provisions of this paragraph, he may pay the amount outstanding to the employing authority or, as the case may be, the employing authorities by whom he is employed in the like manner in which it would have been payable if he had not ceased to hold the employment.

(2) Where an employee is employed by two or more scheduled bodies he may pay to each such body which is an employing authority such proportion of the amount outstanding as bears to the whole thereof the same proportion as the annual remuneration of the employment under that body bears to the aggregate of the remuneration of all the employments.

(3) Any apportionment made under this paragraph shall take effect as if the employee had entered all the employments to which the apportionment relates on the date on which he entered the first of them, and any payments made by an employee under this paragraph before the apportionment shall be adjusted accordingly.

Regulations D10 and D13 SCHEDULE 4

LIMITATION ON PAYMENT BY WAY OF ADDITIONAL CONTRIBUTIONS

If the aggregate of any amount payable by a pensionable employee under regulation D10 or D13 and the amount payable by him by way of contributions under regulation C1 exceeds 15 per cent. of his remuneration he shall satisfy his liability in respect of the excess over 15 per cent. by payment in a lump sum of a sum calculated by the Government Actuary to represent the capital value of the excess.

SCHEDULE 5

Regulations D10 to D13

PROVISIONS APPLICABLE AS RESPECTS ADDITIONAL CONTRIBUTIONS WHILE
ANY AMOUNT REMAINS OUTSTANDING

1. While any amount payable under regulation D10 or D13 remains to be paid the provisions of this schedule shall have effect.

2. If the employee ceases to hold his employment on the ground that he is incapable of discharging efficiently the duties of the employment by reason of permanent ill-health or infirmity of mind or body or dies, he shall be, or shall be treated as having been immediately before his death, entitled to reckon as reckonable service the number of years or, as the case may be, the additional period for which immediately before so ceasing, or his death, he was paying by way of additional contributions under regulation D10 or, as the case may be, D13.

3. If the employee ceases to hold his employment, other than in the circumstances mentioned in paragraph 2, and the reckonable service and qualifying service he is entitled to reckon amounts in aggregate to not less than 5 years, then he shall be entitled, subject to paragraph 6, in respect of payments made by him on account of the debt to reckon such an additional period as is determined in accordance with the formula in paragraph 4 and his liability in respect of the balance of the debt shall cease.

4. The formula mentioned in paragraph 3 is—

$$\frac{P \times T}{I}$$

where—

P is the length of the period during which additional contributions have been paid under the appropriate regulation ;

T is the length of the additional period or, as the case may be, number of years for which the employee was paying by way of additional contributions ; and

I is the length of the period during which, if the employee had remained in the employment he ceases to hold as mentioned in paragraph 3, additional contributions would have been payable under the appropriate regulation.

5. If the employee ceases to hold his employment and the reckonable service and qualifying service he is entitled to reckon amount in aggregate to less than 5 years then, after the expiration of 12 months, he shall not be entitled to any rights in respect of payments made by him on account of the debt except a right to a return of the amount of such payments, and his liability in respect of the balance of the debt shall cease.

6. If the employee ceases to hold his employment under the employing authority in the circumstances mentioned in paragraph 3 and within 12 months after so ceasing, without having in the meantime elected under sub-paragraph (b) of regulation C8(2) that that regulation should apply in his case or having made such a claim for payment as is mentioned in regulation C8(5) becomes a pensionable employee in the employment of any employing authority and does not give such a notice as is mentioned in regulation E2(4)(e), then, subject to the succeeding provisions of this paragraph, if, within 3 months after the date on which he again becomes a pensionable employee, he pays to the employing authority or, as the case may be, the employing authorities by whom he is employed an amount equal to the additional contributions (if any) which would have been payable by him during the period between so ceasing to hold his employment and again becoming a pensionable employee, if during that period he had remained in his former employment, paragraph 3 shall cease to apply and his liability in respect of the balance of the debt shall continue.

Regulation D10

SCHEDULE 6

AMOUNT TO BE PAID FOR ADDED YEARS

1. The amount payable by a pensionable employee, by way of additional contributions, in respect of each year in respect of which consent was given under regulation D 10(2), shall be—

- (a) if the employee has not reached the age of 55 years at the time of the giving of that consent, an amount in respect of all service thereafter up to the age of 60 years equal to such percentage of his remuneration for the time being as is shown in column (2) of the following table opposite the age shown in column (1) which corresponds to his age at the time of the giving of the consent;
- (b) if he has reached the age of 55 years at the time of the giving of that consent, an amount in respect of all service thereafter up to such age, and equal to such percentage of his remuneration for the time being, as the Government Actuary may determine:

Provided that the employing authority may if they think fit reduce by not more than one third the percentage applicable in the case of the employee, and if they do so the reduction shall operate so long as he remains liable to make payments under this paragraph.

TABLE

| Age at date of giving consent (1) | Percentage of remuneration payable by the employee in respect of each year desired to be reckoned as reckonable service (2) |
|--|---|
| 25 and under 27 | 0·15 |
| 27 and under 28 | 0·16 |
| 28 and under 29 | 0·17 |
| 29 and under 30 | 0·18 |
| 30 and under 31 | 0·19 |
| 31 and under 32 | 0·20 |
| 32 and under 33 | 0·21 |
| 33 and under 34 | 0·22 |
| 34 and under 35 | 0·23 |
| 35 and under 36 | 0·24 |
| 36 and under 37 | 0·25 |
| 37 and under 38 | 0·26 |
| 38 and under 39 | 0·28 |
| 39 and under 40 | 0·30 |
| 40 and under 41 | 0·32 |
| 41 and under 42 | 0·34 |
| 42 and under 43 | 0·36 |
| 43 and under 44 | 0·38 |
| 44 and under 45 | 0·41 |
| 45 and under 46 | 0·44 |
| 46 and under 47 | 0·48 |
| 47 and under 48 | 0·53 |
| 48 and under 49 | 0·58 |
| 49 and under 50 | 0·64 |
| 50 and under 51 | 0·72 |
| 51 and under 52 | 0·81 |
| 52 and under 53 | 0·92 |
| 53 and under 54 | 1·07 |
| 54 and under 55 | 1·28 |

SCHEDULE 7 Regulations D12 to D14

MAXIMUM LENGTH OF ADDITIONAL PERIODS PURCHASED BY EMPLOYEE OR GRANTED AT DISCRETION OF EMPLOYING AUTHORITY

1.—(1) Subject to paragraph 2, the maximum length of any additional period which a pensionable employee wishes to be entitled under regulation D12 or D13 to reckon as reckonable service or the employing authority resolve under regulation D14 that a person should be entitled so to reckon shall not exceed such period as, together with the period of reckonable service he would be entitled to reckon if he remained in the employment in which he is a pensionable employee until attaining the age of 65 years, amounts to the number of years which, in column (2) of the following table, is specified opposite to the age specified in column (1) which the person had attained at the appropriate time.

TABLE

| <i>Age</i> (1) | <i>Number of years</i> (2) |
|------------------------|-------------------------------|
| Under 55 | 40 |
| 55 and under 56 | 32 |
| 56 and under 57 | 24 |
| 57 and under 58 | 16 |
| 58 and under 59 | 8 |

(2) In this paragraph the expression “appropriate time”—

(a) in relation to a person who is entitled to reckon as reckonable service—

(i) any such period as is mentioned in regulation D4 ; or

(ii) any period which was taken into account under section 12(6) of the Act of 1937, or section 7(3) of the Act of 1953, in reckoning his non-contributing service ; or

(iii) any period which was taken into account under any provision of a local Act scheme corresponding to either of those sections ; or

(iv) any period of service or employment he was entitled to reckon for the purposes of the former regulations by virtue of interchange rules (other than any of the interchange rules mentioned in paragraph (3)),

means the day on which he first became a contributory employee or, as the case may be, a pensionable employee after the end of the last of any such periods ; and

(b) in relation to any other person, means the day on which the earliest service or period which he is entitled to reckon as reckonable service actually began,

but, where after that day the person entered an employment (other than an employment in which he was a contributory employee or, as the case may be, a pensionable employee or an employment which he entered in such circumstances that a transfer value was payable in respect of him under interchange rules) and, on ceasing to hold that employment, became entitled to superannuation benefits, the expression means the day on which the earliest service or period which he is entitled to reckon as reckonable service actually began.

(3) The reference in paragraph (2) to the interchange rules mentioned in this paragraph are references to—

(a) the Superannuation (Local Government and National Health Service) Interchange (Scotland) Rules 1955(a) ;

- (b) the Superannuation (Civil Service and Local Government) Interchange Rules 1968(a);
- (c) the Superannuation (Teaching and Local Government) Interchange (Scotland) Rules 1971(b);
- (d) any earlier interchange rules which contained provisions corresponding to the provisions of any of the interchange rules mentioned above.

2.—(1) In the case of a person who, on the day on which the earliest service, employment or period which he is entitled to reckon as reckonable service in relation to the employment mentioned in paragraph 1(1) (other than any period he is entitled to reckon as reckonable service under regulation D4, or any period which was taken into account in pursuance of a determination under section 12(6) of the Act of 1937 or section 7(3) of the Act of 1953 in reckoning his non-contributing service or any period which was taken into account under any provision of a local Act scheme corresponding to either of those sections) actually began, whether or not it is so reckonable or counted under these regulations at its actual length, was entitled to or had received superannuation benefits (including a return of contributions and any benefit by way of a lump sum payment) in respect of any former trade, profession, vocation or office, the number of years specified in column (2) of the table in paragraph 1 applicable in his case shall be reduced to such extent as will ensure that—

- (a) the aggregate annual amount of—
 - (i) the actuarial value, expressed as an annuity payable to him, of such superannuation benefits;
 - (ii) the part of the retirement pension attributable to reckonable service before attaining the relevant age; and
 - (iii) the actuarial value, expressed as an annuity payable to him, of the part of the retiring allowance payable to him attributable to reckonable service before attaining the relevant age,
 shall not exceed two thirds of his pensionable remuneration; and
- (b) the aggregate amount of—
 - (i) the retiring allowance; and
 - (ii) any such superannuation benefit by way of lump sum payment,
 shall not exceed one hundred and twenty eightieths of his pensionable remuneration.

(2) The extent to which the number of years referred to in sub-paragraph (1) are to be reduced shall be certified by an actuary.

(3) For the purposes of sub-paragraph (1)—

- (a) it shall be assumed that the person will, until he attains the relevant age, continue to be employed in the same employment and on the same scale of remuneration as at the date of the election under the regulation applicable in the particular case or, as the case may be, the date of the passing of the resolution in respect of him under regulation D14; and
- (b) in calculating the reduction (if any) to be made there shall be disregarded any service or period which the person becomes, on or after the date of the election under the regulation applicable in the particular case or, as the case may be, the date of the passing of the resolution in respect of him under regulation D14, entitled to reckon as reckonable service.

(4) In this paragraph “relevant age”, in relation to a person, means the earliest age at which the person would have become entitled by virtue of regulation E2(1)(a) or (b)(ii) to a benefit under these regulations.

(5) A person who at the date of the passing of a resolution in respect of him under regulation D14 has not entered the employment mentioned in that regulation shall be treated for the purposes of this schedule as if he had entered that employment on that date and on the scale of remuneration at which the employment is then offered to him.

(a) S.I. 1968/72 (1968 I, p. 182).

(b) S.I. 1971/2025 (1971 III, p. 5800).

SCHEDULE 8

AMOUNT TO BE PAID FOR ADDITIONAL PERIOD

Regulation D12

PART I

LUMP SUM PAYMENT

1. The amount payable by a pensionable employee in respect of each year of the additional period which, in pursuance of regulation D12, he desires to reckon as reckonable service shall be determined in accordance with the formula in paragraph 2 and so proportionately for any period of less than a year.

2. The formula mentioned in paragraph 1 is—

$$\frac{T \times R \times F}{100}$$

100

where—

T is the number of complete years the employee desires to reckon as reckonable service ;

R is the remuneration of the employee at the time he made the election under regulation D12 ; and

F is the figure specified in column (2) or column (3) of the following table, whichever shall be appropriate, opposite to the age of the employee on his birthday next following the date on which he made that election specified in column (1).

TABLE

| Age (1) | Men (2) | Women (3) | Age (1) | Men (2) | Women (3) |
|------------|------------|--------------|------------|------------|--------------|
| 22 | 11·20 | 11·20 | 45 | 13·00 | 13·90 |
| 23 | 11·20 | 11·20 | 46 | 13·10 | 14·10 |
| 24 | 11·30 | 11·30 | 47 | 13·20 | 14·20 |
| | | | 48 | 13·40 | 14·40 |
| 25 | 11·40 | 11·40 | 49 | 13·50 | 14·50 |
| 26 | 11·50 | 11·50 | | | |
| 27 | 11·60 | 11·60 | 50 | 13·70 | 14·70 |
| 28 | 11·60 | 11·70 | 51 | 13·80 | 14·90 |
| 29 | 11·70 | 11·70 | 52 | 14·00 | 15·00 |
| | | | 53 | 14·20 | 15·20 |
| 30 | 11·80 | 11·80 | 54 | 14·50 | 15·50 |
| 31 | 11·90 | 12·00 | | | |
| 32 | 11·90 | 12·10 | 55 | 14·80 | 15·70 |
| 33 | 12·00 | 12·20 | 56 | 15·10 | 16·00 |
| 34 | 12·10 | 12·40 | 57 | 15·50 | 16·30 |
| | | | 58 | 15·90 | 16·60 |
| 35 | 12·20 | 12·50 | 59 | 16·30 | 17·10 |
| 36 | 12·30 | 12·60 | | | |
| 37 | 12·40 | 12·70 | | | |
| 38 | 12·40 | 12·90 | | | |
| 39 | 12·50 | 13·00 | | | |
| | | | | | |
| 40 | 12·60 | 13·20 | | | |
| 41 | 12·70 | 13·30 | | | |
| 42 | 12·80 | 13·40 | | | |
| 43 | 12·80 | 13·60 | | | |
| 44 | 12·90 | 13·70 | | | |

Regulation D13.

PART II

PERIODICAL PAYMENTS

3. The amount payable by a pensionable employee, by way of additional contributions, in respect of each year of the additional period which, in pursuance of regulation D13, he desires to reckon as reckonable service shall be determined in accordance with the formula in paragraph 4 and so proportionately for any period of less than a year.

4.—(1) The formula mentioned in paragraph 3 is—

$$\frac{T \times R \times F}{100}$$

where—

T is the number of complete years the employee desires to reckon as reckonable service ;

R is the remuneration for the time being of the employee ; and

F is the figure specified, opposite to the age of the employee on his birthday next following the date on which he made an election under regulation D13, in the relevant column of table I or II below appropriate to his pensionable age as defined in sub-paragraph (2).

TABLE I

MALES

| Figure to be used by reference to the under-mentioned pensionable age | | | | | | | | | |
|---|--|--------|------|----------------------|-----------------|-----------------|-----------------|-----------------|------|
| Age on birthday next following election | Employees to whom on retirement regulation E3(2) would apply | Others | | | | | | | |
| | | 65 | 60 | over 60 and under 61 | 61 and under 62 | 62 and under 63 | 63 and under 64 | 64 and under 65 | 65 |
| 22 ... | | | 0.40 | | | | | | |
| 23 ... | | | 0.41 | | | | | | |
| 24 ... | | | 0.42 | | | | | | |
| 25 ... | | | 0.43 | | | | | | |
| 26 ... | | | 0.44 | | | | | | |
| 27 ... | | | 0.46 | | | | | | |
| 28 ... | | | 0.48 | | | | | | |
| 29 ... | | | 0.49 | | | | | | |
| 30 ... | | | 0.51 | | | | | | |
| 31 ... | | | 0.53 | | | | | | |
| 32 ... | | | 0.56 | | | | | | |
| 33 ... | | | 0.58 | | | | | | |
| 34 ... | | | 0.61 | | | | | | |
| 35 ... | | | 0.64 | | | | | | |
| 36 ... | | | 0.67 | 0.66 | | | | | |
| 37 ... | | | 0.71 | 0.70 | 0.66 | | | | |
| 38 ... | | | 0.74 | 0.73 | 0.69 | 0.65 | | | |
| 39 ... | | | 0.79 | 0.78 | 0.73 | 0.69 | 0.65 | | |
| 40 ... | | | 0.83 | 0.82 | 0.77 | 0.73 | 0.69 | 0.65 | |
| 41 ... | | | 0.88 | 0.87 | 0.82 | 0.77 | 0.73 | 0.69 | 0.66 |
| 42 ... | | | 0.94 | 0.93 | 0.87 | 0.82 | 0.77 | 0.73 | 0.70 |
| 43 ... | | | 1.01 | 0.99 | 0.93 | 0.87 | 0.81 | 0.77 | 0.74 |
| 44 ... | | | 1.08 | 1.07 | 0.99 | 0.92 | 0.87 | 0.82 | 0.78 |
| 45 ... | | | 1.17 | 1.15 | 1.06 | 0.99 | 0.92 | 0.87 | 0.83 |
| 46 ... | 0.89 | | 1.26 | 1.24 | 1.15 | 1.06 | 0.99 | 0.92 | 0.88 |
| 47 ... | 0.95 | | 1.38 | 1.36 | 1.24 | 1.14 | 1.06 | 0.99 | 0.94 |
| 48 ... | 1.01 | | 1.50 | 1.48 | 1.35 | 1.24 | 1.14 | 1.06 | 1.00 |
| 49 ... | 1.09 | | 1.66 | 1.63 | 1.48 | 1.35 | 1.24 | 1.14 | 1.08 |
| 50 ... | 1.17 | | 1.84 | 1.82 | 1.63 | 1.47 | 1.34 | 1.24 | 1.16 |
| 51 ... | 1.27 | | 2.07 | 2.04 | 1.81 | 1.62 | 1.47 | 1.34 | 1.25 |
| 52 ... | 1.38 | | 2.34 | 2.31 | 2.02 | 1.80 | 1.62 | 1.47 | 1.36 |
| 53 ... | 1.50 | | 2.70 | 2.66 | 2.30 | 2.01 | 1.79 | 1.61 | 1.49 |
| 54 ... | 1.65 | | 3.17 | 3.12 | 2.64 | 2.28 | 2.00 | 1.78 | 1.63 |
| 55 ... | 1.83 | | 3.84 | 3.77 | 3.10 | 2.62 | 2.27 | 2.00 | 1.81 |
| 56 ... | 2.04 | | 4.83 | 4.75 | 3.74 | 3.08 | 2.61 | 2.26 | 2.02 |
| 57 ... | 2.31 | | 6.47 | 6.36 | 4.70 | 3.71 | 3.06 | 2.59 | 2.28 |
| 58 ... | 2.65 | | — | — | 6.29 | 4.66 | 3.68 | 3.04 | 2.62 |
| 59 ... | 3.11 | | — | — | — | 6.23 | 4.62 | 3.66 | 3.07 |

TABLE II

FEMALES

| | | Figure to be used by reference to the under-mentioned pensionable age | | | | | | | |
|---|--|---|------|----------------------|-----------------|-----------------|-----------------|-----------------|------|
| Age on birthday next following election | Employees to whom on retirement regulation E3(2) would apply | Others | | | | | | | |
| | | 65 | 60 | over 60 and under 61 | 61 and under 62 | 62 and under 63 | 63 and under 64 | 64 and under 65 | 65 |
| 22 ... | | | 0.39 | | | | | | |
| 23 ... | | | 0.40 | | | | | | |
| 24 ... | | | 0.42 | | | | | | |
| 25 ... | | | 0.43 | | | | | | |
| 26 ... | | | 0.45 | | | | | | |
| 27 ... | | | 0.46 | | | | | | |
| 28 ... | | | 0.48 | | | | | | |
| 29 ... | | | 0.50 | | | | | | |
| 30 ... | | | 0.52 | | | | | | |
| 31 ... | | | 0.54 | | | | | | |
| 32 ... | | | 0.57 | | | | | | |
| 33 ... | | | 0.59 | | | | | | |
| 34 ... | | | 0.62 | | | | | | |
| 35 ... | | | 0.65 | | | | | | |
| 36 ... | | | 0.69 | 0.68 | | | | | |
| 37 ... | | | 0.72 | 0.71 | 0.67 | | | | |
| 38 ... | | | 0.76 | 0.75 | 0.70 | 0.66 | | | |
| 39 ... | | | 0.81 | 0.80 | 0.74 | 0.69 | 0.65 | | |
| 40 ... | | | 0.86 | 0.84 | 0.78 | 0.73 | 0.69 | | |
| 41 ... | | | 0.91 | 0.89 | 0.83 | 0.78 | 0.73 | 0.68 | 0.65 |
| 42 ... | | | 0.97 | 0.95 | 0.88 | 0.82 | 0.77 | 0.72 | 0.69 |
| 43 ... | | | 1.04 | 1.02 | 0.94 | 0.87 | 0.81 | 0.76 | 0.73 |
| 44 ... | | | 1.11 | 1.09 | 1.01 | 0.93 | 0.86 | 0.81 | 0.77 |
| 45 ... | | | 1.20 | 1.18 | 1.08 | 1.00 | 0.92 | 0.86 | 0.82 |
| 46 ... | 0.93 | | 1.30 | 1.27 | 1.16 | 1.07 | 0.99 | 0.92 | 0.87 |
| 47 ... | 0.99 | | 1.41 | 1.38 | 1.26 | 1.15 | 1.06 | 0.98 | 0.93 |
| 48 ... | 1.06 | | 1.54 | 1.51 | 1.37 | 1.24 | 1.14 | 1.05 | 0.99 |
| 49 ... | 1.14 | | 1.70 | 1.67 | 1.50 | 1.35 | 1.23 | 1.14 | 1.07 |
| 50 ... | 1.23 | | 1.89 | 1.85 | 1.65 | 1.48 | 1.34 | 1.23 | 1.15 |
| 51 ... | 1.33 | | 2.12 | 2.08 | 1.83 | 1.63 | 1.47 | 1.34 | 1.24 |
| 52 ... | 1.44 | | 2.40 | 2.36 | 2.05 | 1.81 | 1.62 | 1.46 | 1.35 |
| 53 ... | 1.58 | | 2.77 | 2.72 | 2.33 | 2.03 | 1.79 | 1.61 | 1.48 |
| 54 ... | 1.73 | | 3.26 | 3.20 | 2.68 | 2.30 | 2.01 | 1.78 | 1.63 |
| 55 ... | 1.92 | | 3.94 | 3.86 | 3.15 | 2.65 | 2.28 | 1.99 | 1.80 |
| 56 ... | 2.15 | | 4.95 | 4.86 | 3.81 | 3.11 | 2.62 | 2.26 | 2.01 |
| 57 ... | 2.43 | | 6.64 | 6.51 | 4.78 | 3.75 | 3.07 | 2.59 | 2.28 |
| 58 ... | 2.79 | | — | — | 6.40 | 4.71 | 3.70 | 3.04 | 2.62 |
| 59 ... | 3.27 | | — | — | — | 6.30 | 4.64 | 3.66 | 3.06 |

(2) In this paragraph "pensionable age" means the earliest age at which, if the employee were to remain a pensionable employee without any break of service, he would become entitled by virtue of regulation E2(1)(a) or (b)(ii), if he then ceased to be employed, to a retirement pension.

SCHEDULE 9 Regulations E3(7) and E11(4)

INCREASE OF RECKONABLE SERVICE ON ACCOUNT OF ILL-HEALTH OR
DEATH IN SERVICE

1. In this schedule—

“relevant reckonable service”, in relation to any person, means the person’s reckonable service, other than—

- (a) any years or any additional period reckonable as reckonable service under regulation D10, D12 or D13;
- (b) any years added to the person’s service under regulation 12 of the Benefits regulations or under that regulation as applied by or under any enactment and reckonable as reckonable service by virtue of regulation D1;
- (c) any years added to the person’s service under any provision of a local Act scheme corresponding to that regulation or that regulation as applied by or under any enactment and reckonable as reckonable service by virtue of regulation D1; and
- (d) any additional period by which the person’s reckonable service was increased by virtue of paragraph 2; and

“relevant service”, in relation to any person, means the person’s contributing service and non-contributing service, other than—

- (a) any years added to the person’s service under regulation 12 of the Benefits regulations or under that regulation as applied by or under any enactment; and
- (b) any years added to the person’s service under any provision of a local Act scheme corresponding to that regulation or that regulation as applied by or under any enactment; and
- (c) any period by which his relevant service is under paragraph 3 deemed to have been increased under regulation 5(3) of the Benefits regulations.

2. Subject to paragraphs 3 and 4, the additional period a pensionable employee is to be treated under regulation E3(7) as being entitled to reckon as reckonable service for the purpose of calculating the amount of any benefit under regulation E3 shall be the period specified in column (2) of the following table opposite to the length in years of his relevant reckonable service specified in column (1) but not exceeding the period by which his reckonable service would have been increased if he had remained in the employment in which he was a pensionable employee until attaining the age of 65 years or completing 40 years’ reckonable service, whichever would have first occurred.

TABLE

| Period of reckonable service (1) | Additional period (2) |
|---|---|
| Not exceeding 10 years | A period equal to his relevant reckonable service |
| Exceeding 10 years but not exceeding $13 \frac{1}{3} \frac{2}{5}$ years | The period by which his relevant reckonable service is less than 20 years |
| Exceeding $13 \frac{1}{3} \frac{2}{5}$ years | $6 \frac{2}{3} \frac{4}{5}$ years |

3.—(1) Subject to paragraph 4, where a person, on ceasing to hold an employment (hereafter in this paragraph referred to as the “first employment”), became entitled to benefits under these regulations by virtue of regulation

E2(1)(b)(i), or under the corresponding provision of the former regulations, entered after he became so entitled further employment with a scheduled body and was in that employment a pensionable employee and, on ceasing to hold that further employment, becomes entitled to benefits under these regulations by virtue of regulation E2(1)(b)(i), the additional period (if any) he is, on so ceasing, to be treated under regulation E3(7) as being entitled to reckon as reckonable service for the purpose of calculating the amount of a benefit under regulation E3 shall be the additional period which he would have been entitled under paragraph 2 to reckon as reckonable service if his relevant reckonable service in relation to that further employment had included his relevant reckonable service or, as the case may be, his relevant service in relation to the first employment, reduced by the period (if any) by which his relevant reckonable service or, as the case may be, his relevant service in relation to the first employment was increased by virtue of paragraph 2 or, as the case may be, is deemed to have been increased under regulation 5(3) of the Benefits regulations.

(2) For the purposes of this paragraph, where a person is in respect of the first employment entitled to an annual pension under the former regulations calculated under regulation 5(3) of the Benefits regulations by reference to a minimum fraction of remuneration, his relevant service shall be deemed to have been increased by a period equal to the difference between the period of his relevant service and 20 years and where a person is in respect of the first employment entitled to an annual pension under the former regulations increased under the said regulation 5(3) by reference to the continuation of his employment, his relevant service shall be deemed to have been increased by a period equal to the period by which his relevant service would have been increased if he had remained in the first employment until attaining the age of 65 years.

4.—(1) Where a person—

(a) either—

(i) was a contributory employee immediately before the appointed day and became a pensionable employee on that day ; or

(ii) was a contributory employee under a scheduled body, ceased to be employed by that body before the appointed day and on or after that day, but within 12 months of so ceasing, becomes a pensionable employee ; and

(b) was in relation to the employment in which he was a pensionable employee entitled to reckon not less than 10 years' reckonable service,

and a notice for the purpose is given in accordance with sub-paragraph (2), paragraphs 2 and 3 shall not apply and the additional period he is to be treated as being entitled to reckon as reckonable service for the purpose of calculating the amount of any benefit under regulation E3 shall be the period by which his reckonable service would have been increased if he had remained in the employment in which he was a pensionable employee until attaining the age of 65 years or such period as together with his reckonable service would entitle him to reckon 20 years' reckonable service, whichever is the less.

(2) A notice for the purposes of this paragraph shall be made in writing to the appropriate administering authority—

(a) within one month after the day on which, on ceasing to hold an employment in which the person is a pensionable employee, the employee first becomes entitled to benefits under these regulations by virtue of regulation E2(1)(b)(i) ; or

(b) if the employee dies in an employment in which the person is a pensionable employee and a notice has not been previously given under sub-paragraph (a), within one month after the day of that person's death,

or such longer period as that authority may in the particular case allow, and may be given—

(i) in the case of such a person as is mentioned in sub-paragraph (a), by that person ;

ALLOCATION OF PART OF RETIREMENT PENSION

1. A person shall not surrender—

- (a) more than one third of the retirement pension to which he would otherwise be entitled ;
- (b) any such part as would make the amount of the retirement pension payable to him, or which would be payable to him if he were to retire from his employment immediately after the surrender is allowed, less than the amount of the pension which might become payable under this schedule to the person in whose favour the allocation is made (in this schedule referred to as “ the beneficiary ”) ;
- (c) a smaller part than would secure for the beneficiary a pension of £39 per annum ;
- (d) any part which is not an exact number of pounds ;
- (e) in the case of a person in the calculation of whose retirement pension account is taken (or would be taken if he were to retire from his employment immediately after the surrender) of service which he was entitled to reckon under section 15 of the Act of 1937, a larger part than one third of the retirement pension, after deduction therefrom of any annual sum which by virtue of regulation E14 will be required to be deducted from the amount receivable in any year in respect of the retirement pension.

2. The amount of pension payable in return for each one pound of a retirement pension surrendered by a person shall be the amount, based on the age and sex of that person and the age and sex of the beneficiary, shown in the tables in force at the date on which the surrender is allowed.

3. Upon a person's becoming eligible to notify his wish to surrender part of his retirement pension the appropriate administering authority shall send him a notice stating that provision has been made by these regulations for the surrender of part of a retirement pension to a spouse or dependant and informing the person to whom the notice is addressed that he may on application to the authority obtain further information on the subject.

4. Where a person wishes to make a surrender he may—

- (a) in the case of a pensionable employee who on ceasing to hold his employment becomes entitled to a retirement pension (in this schedule referred to as “ a retiring employee ”) not more than 2 months before or within one month after the date on which he ceases to be employed ; and
- (b) in the case of a pensionable employee who would, if he were to retire from his employment, become entitled to a retirement pension (in this schedule referred to as “ a continuing employee ”), within 2 months before or at any time after becoming a continuing employee and while he is still employed,

notify his desire to surrender a part of that retirement pension by completing a copy of the form specified at the end of this schedule, or a form to the like effect, and sending it to the appropriate administering authority :

Provided that where the appropriate administering authority are satisfied that it has not been reasonably practicable for a retiring employee to notify his desire to surrender a part of a retirement pension within the time limit imposed by subparagraph (a), owing to circumstances beyond his control, they may at their discretion extend that limit to a date not more than 6 months after the date on which he ceases to be employed.

5. On receipt by the appropriate administering authority of a notification given by a person under paragraph 4 that authority shall—

- (a) forthwith arrange for the person to be examined by a registered medical practitioner nominated by them and for a report to be given to them by the practitioner stating whether, in his opinion, the person is in good health,

regard being had to his age ; and if the opinion stated in such report is that the person is not in good health, the appropriate administering authority shall notify him accordingly and offer him an opportunity of a further examination by some other registered medical practitioner nominated by them with a view to that practitioner reporting to them on the state of the person's health ;

(b) require the person to furnish at his own expense—

- (i) a certificate of his birth, except where the date of birth has been duly recorded by the authority and is not disputed ;
- (ii) in respect of a beneficiary who is the person's spouse a birth certificate and a marriage certificate ;
- (iii) in respect of a beneficiary who is a dependant a birth certificate and such evidence as may be appropriate to prove dependency.

and any other information or evidence which the authority consider necessary :

Provided that if for any reason a birth or marriage certificate cannot be supplied the authority may accept such other evidence of birth or marriage as they think fit in order to determine the age or the question of marriage of the person concerned, as the case may be.

6. Any fee payable to a practitioner in respect of an examination and report under paragraph 5 shall be paid by the person examined at the time of the examination.

7.—(1) Subject to the provisions of this schedule, unless the appropriate administering authority are of opinion, on consideration of a report obtained by them under paragraph 5, that the person to whom the report relates is not in good health or they are of opinion that the evidence produced in regard to marriage or dependency is not satisfactory, they shall allow the surrender of such part of the retirement pension as is specified in the person's notification and as is in conformity with this schedule and shall grant to the beneficiary named in the notification a pension, payable in the event of the beneficiary's surviving the person and to be calculated in accordance with the provisions of paragraph 2 :

Provided that a decision by an appropriate administering authority to allow a surrender by a retiring employee shall not be made before the date on which he ceases to be employed and a decision by an appropriate administering authority to allow a surrender by a continuing employee shall not be made before the date on which he becomes such an employee.

(2) Notwithstanding anything in sub-paragraph (1), the appropriate administering authority shall, if they are dissatisfied with the evidence of marriage, but are nevertheless satisfied on the evidence already before them or after making such further enquiries as they think necessary that a person named as spouse in the notification given under paragraph 4 is a dependant of the person who gave the notification, treat the notification as if the person named therein as spouse had been named as a dependant of the person giving the notification.

(3) As soon as is reasonably practicable after coming to a decision in regard to a notification given by a person, the appropriate administering authority shall notify him that they have allowed a surrender in favour of the person named in his notification or that they have decided not to allow a surrender of any part of the retirement pension, as the case may be, and if the appropriate administering authority have allowed a surrender they shall also furnish him with a statement as to the amount of the pension to which the beneficiary may become entitled after his death and, if the person who gave the notification under paragraph 4 is a retiring employee, with a statement as to the amount of the reduced retirement pension to which he is entitled.

(4) A notification of a decision not to allow a surrender shall state the grounds for the decision.

(5) A notification sent to an employee in pursuance of sub-paragraph (3) shall, if it has been posted in a prepaid envelope addressed to the employee by the appropriate administering authority, be deemed to have been received by the employee at the time at which a letter would be delivered in the ordinary course of post.

8. A person who has given a notification of his desire to surrender a part of his retirement pension under paragraph 4 may cancel or amend the notification by a notice in writing addressed to the appropriate administering authority and posted in a prepaid envelope to or left at the principal office of the authority at any time before he has received notification from the authority that his surrender has been allowed.

9.—(1) A notification given by a person under paragraph 4 shall become null and void if—

- (a) the beneficiary dies before the person receives notification from the appropriate administering authority that his surrender has been allowed ; or
- (b) the person dies at any time before midnight on the day on which the appropriate administering authority decide to allow the surrender.

(2) Subject as aforesaid a surrender allowed in pursuance of a notification given by a person shall have effect as from the date on which the person ceases to hold his employment.

FORM OF NOTIFICATION OF SURRENDER

LOCAL GOVERNMENT SUPERANNUATION (SCOTLAND) REGULATIONS
(Regulation E 4 and Schedule 11)

SURRENDER OF RETIREMENT PENSION

To(1)
.....

Name of employing authority or former employing authority.....
.....

Particulars relating to person desiring to make the surrender. { (a) Name in full.....
(b) Date of birth.....
(c) Address (private).....
.....

Particulars relating to beneficiary. { (a) Name in full.....
(b) Date of birth.....
(c) Address (private).....
(d) Sex.....
(e) Relationship of beneficiary to person desiring to make the surrender.....
(f) If the beneficiary is spouse of person desiring to make the surrender, date of marriage.....

A.(2) In pursuance of paragraph 4(a) of Schedule 11 to the above-mentioned regulations I hereby notify my desire to surrender in favour of the above-named beneficiary the under-mentioned part of the retirement pension to which, on 19 I/became/expect to become(3)/entitled to receive payments in respect thereof.

B.(2) In pursuance of paragraph 4(b) of Schedule 11 to the above-mentioned regulations I hereby notify my desire to surrender in favour of the above-named beneficiary the under-mentioned part of the retirement pension to which, if I were to retire [immediately] [on 19],(3) I would become entitled.

(1) Amount of retirement pension to be surrendered(4) £ p
(2) Amount of retirement pension expected after deduction of amount surrendered(5)
(3) Pension to beneficiary expected in return for amount surrendered(6)

Signature.....

Date.....

(1) Insert name of local authority administering the superannuation fund.
(2) Delete paragraph A or B, whichever does not apply.
(3) Delete the word or words which do not apply.
(4) This must be an exact number of pounds.
(5) This must not be less than the pension payable under the above-mentioned regulations to the beneficiary.
(6) This must not be less than £39.

Regulation E19

SCHEDULE 12

MODIFICATIONS TO PART E IN ITS APPLICATION TO PERSONS WITH NO ENTITLEMENT UNDER THE FORMER REGULATIONS TO A RETIRING ALLOWANCE AND WIDOW'S PENSION OR TO A WIDOW'S PENSION**PART I**

1. In regulation E2(1), the words "and a lump sum retiring allowance" shall be omitted.
2. In regulation E3—
 - (a) in paragraph (1), for the words "one eightieth" there shall be substituted the words "one sixtieth"; and
 - (b) paragraphs (2) to (6) shall be omitted.
3. In regulation E11—
 - (a) in paragraph (1)(b), the words "and retiring allowance" and, in paragraph (1)(c), the words "and retiring allowance" and the words "or payment of that allowance" shall be omitted;
 - (b) in paragraph (5), for the expression "paragraph (1)(b)(i)" there shall be substituted the expression "paragraph (1)(b)"; and
 - (c) paragraph (6) shall be omitted.

PART II

1. In regulation E3, paragraphs (4) to (6) shall be omitted.
2. In regulation E11—
 - (a) paragraph (5) shall be omitted; and
 - (b) in paragraph (6), for the words "paragraph (1)(b)(ii)" there shall be substituted the words "paragraph (1)(b)".

PART III

1. In regulation E3—
 - (a) in paragraph (10), for the words "Subject to paragraphs (11) to (13)," there shall be substituted the words "Subject to paragraph (11),"; and
 - (b) paragraphs (12) and (13) shall be omitted.
2. In regulation E6, for paragraphs (2) and (3) there shall be substituted the following—

"(2) Subject to paragraph (3), the amount of a widow's long-term pension shall be the aggregate of—

 - (a) the amount ascertained by multiplying one four hundred and eightieth of the pensionable remuneration of the husband of the widow by the length in years of his reckonable service before 1st April 1972; and
 - (b) the amount ascertained by multiplying one one hundred and sixtieth of the pensionable remuneration of the husband of the widow by the length in years of his reckonable service after 31st March 1972.

(3) For the purpose of calculating the amount of a widow's long-term pension under paragraph (2) no account shall be taken of reckonable service before attaining the age of 60 years beyond a total of 40 years and any reckonable service to be disregarded by virtue of this paragraph shall be taken from the beginning of the period of the reckonable service."
3. In regulation E8—
 - (a) in paragraph (1)—
 - (i) sub-paragraph (c) shall be omitted;
 - (ii) for sub-paragraphs (i) and (ii) there shall be substituted the words "a children's short-term pension in respect of the period of 3 months after the day of his death";

- (iii) in proviso (a), the word “and” shall be omitted ; and
 (iv) proviso (b) shall be omitted ; and
 (b) in paragraph (2)—
 (i) the words “and a children’s long-term pension” shall be omitted ;
 and
 (ii) in the proviso, the words from “or, as” to “pension” shall be omitted.
4. In regulation E11—
 (a) in paragraph (1)(b), the words from “and either” to the end shall be omitted ;
 (b) in paragraph (2)(a)—
 (i) for the words “or(b)(ii)” there shall be substituted the words “or (b)” ; and
 (ii) for the words “paragraph (1)(b)(ii)” there shall be substituted the words “paragraph (1)(b)” ;
 (c) paragraphs (2)(b), (3) and (8) shall be omitted ; and
 (d) in paragraph (7), the words “Subject to paragraph (8),” shall be omitted.
5. In regulation E12, the words “a married male employee” shall be omitted.

SCHEDULE 13

Regulation F6

FLAT-RATE REDUCTION OF VOLUNTARY PAYMENTS

TABLE I

PAYMENTS IN RESPECT OF ADDED YEARS

| Age at date of giving consent (1) | Men (2) | Women (3) |
|--------------------------------------|------------|--------------|
| 25 and under 26 | p. 6 | p. 9 |
| 26 and under 27 | 6 | 10 |
| 27 and under 28 | 7 | 10 |
| 28 and under 29 | 7 | 11 |
| 29 and under 30 | 8 | 13 |
| 30 and under 31 | 8 | 13 |
| 31 and under 32 | 8 | 15 |
| 32 and under 33 | 9 | 15 |
| 33 and under 34 | 9 | 17 |
| 34 and under 35 | 10 | 18 |
| 35 and under 36 | 10 | 19 |
| 36 and under 37 | 11 | 20 |
| 37 and under 38 | 12 | 22 |
| 38 and under 39 | 13 | 24 |
| 39 and under 40 | 13 | 25 |
| 40 and under 41 | 14 | 27 |
| 41 and under 42 | 15 | 30 |
| 42 and under 43 | 16 | 32 |
| 43 and under 44 | 17 | 35 |
| 44 and under 45 | 19 | 37 |
| 45 and under 46 | 21 | 41 |
| 46 and under 47 | 23 | 45 |
| 47 and under 48 | 25 | 50 |
| 48 and under 49 | 28 | 55 |
| 49 and under 50 | 32 | 61 |
| 50 and under 51 | 35 | 68 |
| 51 and under 52 | 40 | 78 |
| 52 and under 53 | 47 | 90 |
| 53 and under 54 | 55 | 105 |
| 54 and under 55 | 66 | 126 |

TABLE II
ADDITIONAL CONTRIBUTORY PAYMENTS

| Age at date of giving notice (1) | Men (2) | Women (3) |
|-------------------------------------|------------|--------------|
| | £ p. | £ p. |
| Under 20 | 2·00 | 1·00 |
| 20 and under 21 | 2·05 | 1·10 |
| 21 and under 22 | 2·15 | 1·20 |
| 22 and under 23 | 2·25 | 1·35 |
| 23 and under 24 | 2·30 | 1·50 |
| 24 and under 25 | 2·40 | 1·65 |
| 25 and under 26 | 2·50 | 1·85 |
| 26 and under 27 | 2·60 | 2·10 |
| 27 and under 28 | 2·70 | 2·40 |
| 28 and under 29 | 2·80 | 2·75 |
| 29 and under 30 | 2·90 | 3·10 |
| 30 and under 31 | 3·00 | 3·45 |
| 31 and under 32 | 3·10 | 3·85 |
| 32 and under 33 | 3·20 | 4·25 |
| 33 and under 34 | 3·30 | 4·60 |
| 34 and under 35 | 3·45 | 5·00 |
| 35 and under 36 | 3·55 | 5·40 |
| 36 and under 37 | 3·65 | 5·75 |
| 37 and under 38 | 3·75 | 6·15 |
| 38 and under 39 | 3·85 | 6·55 |
| 39 and under 40 | 4·00 | 6·90 |
| 40 and under 41 | 4·10 | 7·25 |
| 41 and under 42 | 4·20 | 7·65 |
| 42 and under 43 | 4·35 | 8·00 |
| 43 and under 44 | 4·50 | 8·35 |
| 44 and under 45 | 4·65 | 8·65 |
| 45 and under 46 | 4·80 | 8·95 |
| 46 and under 47 | 4·95 | 9·25 |
| 47 and under 48 | 5·10 | 9·55 |
| 48 and under 49 | 5·25 | 9·85 |
| 49 and under 50 | 5·45 | 10·20 |
| 50 and under 51 | 5·65 | 10·65 |
| 51 and under 52 | 5·85 | 10·90 |
| 52 and under 53 | 6·05 | 11·25 |
| 53 and under 54 | 6·25 | 11·60 |
| 54 and under 55 | 6·50 | 12·00 |
| 55 and under 56 | 6·75 | 12·40 |
| 56 and under 57 | 7·00 | 12·80 |
| 57 and under 58 | 7·30 | 13·25 |
| 58 and under 59 | 7·60 | 13·70 |
| 59 and under 60 | 7·90 | 14·15 |
| 60 and under 61 | 8·20 | — |
| 61 and under 62 | 8·55 | — |
| 62 and under 63 | 8·95 | — |
| 63 and under 64 | 9·40 | — |
| 64 and under 65 | 9·85 | — |

SCHEDULE 14

Regulation J3

APPORTIONMENT OF SUPERANNUATION FUNDS

1. In this schedule—

“the fund” means the superannuation fund maintained under Part I of the Act of 1937 or under a local Act scheme by an administering authority as that fund existed at 31st March 1974 and any reference to its assets at a subsequent date means the assets at 31st March 1974 and any other assets purchased by the realisation of any of the assets held at that date or any monies resulting therefrom and any further assets purchased from the income accruing to such assets and any such income remaining uninvested at that subsequent date; and

references to “transferred employees” shall be construed as references to persons referred to in regulation J3(1) and (2).

2. The actuary shall certify the share of the fund (in this schedule referred to as “the apportioned share”) referable to the Secretary of State in consequence of the transfer to him of superannuation liabilities in respect of transferred employees.

3. The apportioned share shall be—

(a) an amount which is the same proportion of the amount of the basic apportionable assets of the fund as the part of the accrued actuarial liabilities of the fund determined by the actuary to relate to the transferred employees (other than such of those employees as are mentioned in sub-paragraph (b)) is of the accrued actuarial liabilities of the fund; and

(b) an amount equal to the aggregate amount of the contributions made to the fund under section 6(1) or (2) of the Act of 1937 by or in respect of such of the transferred employees as became contributors to the fund in consequence of the amendments effected to the Act of 1937 by regulations 4(1)(a) and 11 of the Miscellaneous Provisions regulations, together with interest thereon calculated at such rate as is determined by the Government Actuary,

less an amount equal to such proportion of the amount determined by the actuary under paragraph 5(b) as is determined by the actuary to be referable to the Secretary of State.

4. The amount of the basic apportionable assets of the fund shall be the amount by which the aggregate amount of the apportionable assets of the fund at 31st March 1974 exceeds the aggregate of the liabilities of the fund specified in paragraph 6.

5. The apportionable assets of the fund at 31st March 1974 shall be—

(a) any cash, securities, loans or other assets held in the fund at 31st March 1974;

(b) an amount determined by the actuary as representing the capital value at that date of any future payments to the fund in pursuance of an actuary's certificate given, or a scheme made, under section 18 of the Act of 1937;

(c) any sums due to the fund from sundry debtors at 31st March 1974,

less any sums due from the fund to sundry creditors at that date.

6. The liabilities of the fund referred to in paragraph 4 shall be—

(a) an amount equal to the aggregate amount of the contributions made to the fund under section 6(1) and (2) of the Act of 1937 by or in respect of persons who became contributors thereto in consequence of the amendments effected to the Act of 1937 by regulations 4(1)(a) and 11 of the Miscellaneous

Provisions regulations, together with interest thereon calculated at such rate as is determined by the Government Actuary ;

- (b) an amount determined by the actuary as representing as at 31st March 1974 the part of the apportionable assets of the fund at 31st March 1974 referable to the then existing and prospective liabilities of the fund in respect of persons who on that date were entitled to benefits and the prospective liabilities of the fund in respect of any widow or any dependant of any such person.

7. The accrued actuarial liabilities referred to in paragraph 3(a) are the liabilities of the fund in respect of any service, employment or period before 1st April 1974 which would have been taken into account under the former regulations, or under a local Act scheme, for the purpose of calculating the amount of any benefit which may have become payable thereunder if the Miscellaneous Provisions regulations had not been made and the former regulations and the local Act schemes had not been revoked by these regulations to or in respect of persons who immediately before the appointed day were contributory employees or local Act contributors, other than such persons as are referred to in paragraph 6.

8.—(1) The administering authority shall furnish the actuary with such information as is necessary to enable him to calculate the apportioned share and shall keep such accounts as will enable the assets of the fund to be distinguished at a subsequent date.

(2) A copy of the report required by regulation J3(3) containing the certificates referred to in paragraph 2 shall be sent to the Secretary of State.

9. The administering authority shall transfer in cash to the Secretary of State—

(a) where the date on which the certificate is given under paragraph 2 is not more than 6 months after 15th May 1974, the apportionment fraction of the apportionable assets of the fund at 15th May 1974, together with interest thereon calculated at such rate as the administering authority and the Secretary of State may agree or in default of agreement, as is determined by the Government Actuary ;

(b) where the date on which the certificate is given under paragraph 2 is more than 6 months after 15th May 1974, the apportionment fraction of the apportionable assets of the fund at the date on which the transfer is effected (in this schedule referred to as “ the date of transfer ”).

10. The apportionment fraction referred to in paragraph 9 shall be a fraction of which—

(a) the numerator is the amount of the apportioned share of the fund ; and

(b) the denominator is the amount of the apportionable assets of the fund at 31st March 1974 (other than the amount mentioned in paragraph 5(b)).

11. The apportionable assets of the fund at 15th May 1974 or at the date of transfer shall be—

(a) any cash, securities, loans or other assets held in the fund at that date ; and

(b) any sums due to the fund from sundry debtors at that date,

less any sums which were due from the fund to sundry creditors at that date.

12.—(1) The apportionable assets of the fund at 31st March 1974 which consist of Stock Exchange securities shall be valued by reference to their market value at that date, and the remainder of the apportionable assets of the fund at that date shall be valued by the actuary as at that date.

(2) The apportionable assets of the fund at 15th May 1974 or at the date of transfer which consist of Stock Exchange securities shall be valued by reference to their market value at that date, and the remainder of the apportionable assets of the fund at that date shall be valued by the actuary as at that date.

SCHEDULE 15

Regulation G2

MODIFICATIONS TO THE REGULATIONS IN THEIR APPLICATION TO EMPLOYEES OF
THE SCOTTISH SPECIAL HOUSING ASSOCIATION

1. Regulation B2(1)(d) shall have effect as if it required a resolution to be agreed by not less than two thirds of the members of the Association present and voting and approved by the Secretary of State in place of the statutory resolution referred to therein and as if that regulation provided that no person should be admitted as a pensionable employee unless he has been examined and passed as capable of discharging efficiently the duties of his employment by a medical practitioner selected by the Association for the purpose.
2. Regulation B6(1) shall have effect as if the words from "or, in lieu" to the end were omitted.
3. Regulations C(8)(3) and D9 shall have effect as if they provided that any direction or resolution required by these regulations shall not have effect unless it has been approved by the Secretary of State.
4. For the purposes of Part D service rendered to the Association before 16th May 1945 shall not be construed as qualifying or reckonable service.
5. Any proposal by the Association to exercise powers under section 18 of the Local Government Superannuation Act 1953 shall be subject to the approval of the Secretary of State.
6. Arrangements for actuarial valuations of, and reports on, the assets and liabilities of the fund administered by the Association and arrangements for making good any deficiency or for disposal of a disposable surplus disclosed by a valuation and report shall be made by the Secretary of State.

SCHEDULE 16

Regulation M1

AMENDMENTS

PART I

ENACTMENTS

1. In section 36(13) of the Fire Services Act 1947(a) for the words from "For the purposes" to "Act, 1937" there shall be substituted "For the purposes of the Local Government Superannuation (Scotland) Regulations 1974" and for the words "contributory employees" there shall be substituted the words "pensionable employees".
2. In section 1 of the Act of 1953, so far as it applies to Scotland—
 - (a) in subsection (2), for the words from "contributory" to the end of the subsection there shall be substituted the words "pensionable employees";
 - (b) in subsection (3), in paragraph (c) for the words "contributory employees" there shall be substituted the words "pensionable employees" and in paragraph (d) for the words "contributory employee" there shall be substituted the words "pensionable employee";
 - (c) at the end of the section there shall be added the following subsection—

“(7) In this section “appropriate administering authority”, “appropriate superannuation fund”, “employing authority” and “pensionable employee” have the same meanings as in the Local Government Superannuation (Scotland) Regulations 1974.”.
3. In section 18 of the Act of 1953, so far as it applies to Scotland and has effect as provisions of regulations under section 7 of the Act of 1972—
 - (a) in subsection (1), for the words "local authority" there shall be substituted the words "scheduled body" and for the words "contributory employee or local Act contributor" there shall be substituted the words "pensionable employee";
 - (b) in subsection (2), for the word "authority", wherever occurring, there shall be substituted the word "body"; and

(a) 1947 c. 41.

(c) at the end of the section there shall be added the following subsection—
 “(5) In this section “employee”, “scheduled body” and “pensionable employee” have the same meanings as in the Local Government Superannuation (Scotland) Regulations 1974”.

4. In section 19(7) of the Police (Scotland) Act 1967(a) for the words from “For the purposes” to “Act 1937” there shall be substituted “For the purposes of the Local Government Superannuation (Scotland) Regulations 1974” and for the words “contributory employees” there shall be substituted the words “pensionable employees”.

PART II

INSTRUMENTS

1. In regulation 7 of the Benefits regulations—

(a) for the words “contributory employee”, wherever occurring, there shall be substituted the words “pensionable employee”;

(b) in paragraph (1), for the words “average remuneration” there shall be substituted the words “pensionable remuneration”;

(c) in paragraph (2), for the words beginning “(not” to “being applies)” there shall be substituted the words “(not being such a person as is described in proviso (a)(ii) to regulation E5(1) or in regulation E5(2)(b) or (c) of the Local Government Superannuation (Scotland) Regulations 1974)”;

(d) at the end of the regulation there shall be added the following subparagraph—

“ (6) In this regulation “appropriate superannuation fund”, “employing authority”, “pensionable employee” and “pensionable remuneration” have the same meanings as in the Local Government Superannuation (Scotland) Regulations 1974.”.

Regulations A4 and M2

SCHEDULE 17

REVOCATIONS AND REPEALS

PART I

ENACTMENTS HAVING EFFECT AS REGULATIONS UNDER SECTION 7 OR 8(2) OF THE ACT OF 1972

| Chapter (1) | Enactments or provisions thereof revoked (2) |
|-------------------|--|
| 1937 c. 69 | The Local Government Superannuation (Scotland) Act 1937, except sections 1(3) and (4), 13, 18, 23, 24, 25(3), 30, 31(6), 34(1), 36 and 37 and Schedule 2. |
| 1939 c. 94 | Sections 3 to 9 of the Local Government Staff (War Service) Act 1939. |
| 1946 c. 77 | Section 3 of the Association of County Councils (Scotland) Act 1946. |
| 1948 c. 33 | Sections 6 and 7 of the Superannuation (Miscellaneous Provisions) Act 1948 and the definitions in section 17(1) of that Act of “contributory employee”, “local Act scheme”, “local Act contributor” and “local authority”. |
| 1951 c. 66 | Section 14(2) and (3) of the Rivers (Prevention of Pollution) (Scotland) Act 1951. |
| 1953 c. 25 | The Local Government Superannuation Act 1953, except sections 1(2), (3)(c) and (d)(4)(c), (5) and (7), 18, 21, 27 and 29. |

(a) 1967 c. 77.

PART II

OTHER ENACTMENTS

| Chapter (1) | Enactments or provisions thereof repealed (2) |
|---------------------------|---|
| 2 Edw. 7 c. cclxi | Section 34 of the Glasgow Corporation Order in the schedule to the Glasgow Corporation (Water and General) Order Confirmation Act 1902. |
| 4 & 5 Geo. 6. c. 3 | Section 2 of the Local Elections and Register of Electors (Temporary Provisions) Act 1940, so far as it applies to Scotland. |
| 7 & 8 Geo. 6. c. 2 | Section 2 of the Local Elections and Register of Electors (Temporary Provisions) Act 1943, so far as it applies to Scotland. |
| 8 & 9 Geo. 6. c. 5 | Section 34 of the Representation of the People Act 1945, so far as it applies to Scotland. |
| 1969 c.x | Section 2 of the Glasgow Corporation Order in the schedule to the Glasgow Corporation (Superannuation Etc.) Order Confirmation Act 1969. |
| 1971 c.i | Section 3 of the Glasgow Corporation Order in the schedule to the Glasgow Corporation (Finance Etc.) Order Confirmation Act 1971. |
| 1965 c. 49 | In section 7(6) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 the words from "or to" to "Act 1937". |
| 1967 c.v | Part XXXIV of the Edinburgh Corporation Order in the schedule to the Edinburgh Corporation Order Confirmation Act 1967. |
| 1969 c. 27 | In section 2(4) of the Vehicle and Driving Licences Act 1969 the words from "and in section 6(5)" to the end of the first paragraph and the words "or either of the said sections 6(5) or such a scheme" and "or a reduction of remuneration occurred". |

PART III

INSTRUMENTS HAVING EFFECT AS REGULATIONS UNDER
SECTION 7 OR 8(2) OF THE ACT OF 1972

| References (1) | Instruments or provisions thereof revoked (2) |
|--|---|
| S.R. & O. 1939/374 (Rev. XVII, p. 901) | The Local Government Superannuation (Sur in lieu of Transfer Value) (Scotland) Regulations 1939. |
| S.I. 1949/616 (1949 I, p. 3055) | The Local Government Superannuation (Break of Service) (Scotland) Regulations 1949. |
| S.I. 1954/888 (1954 II, p. 1709) | The Local Government Superannuation (Surrender of Superannuation Allowance) (Scotland) Rules 1954. |
| S.I. 1954/1059 (1954 II, p. 1632) | The Local Government Superannuation (Benefits) (Scotland) Regulations 1954, except regulations 1 and 7. |
| S.I. 1954/1241 (1954 II, p. 1680) | The Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations 1954. |
| S.I. 1954/1242 (1954 II, p. 1673) | The Local Government Superannuation (Limitation on Service) (Scotland) Regulation 1954. |
| S.I. 1954/1243 (1954 II, p. 1583) | The Local Government Superannuation (Administration) (Scotland) Regulations 1954 |
| S.I. 1954/1259 (1954 II, p. 1719) | The Local Government (Teachers) (Scotland) Regulations 1954. |
| S.I. 1954/1261 (1954 II, p. 1692) | The Local Government Superannuation (Reduction and Adjustment of Superannuation Allowance) (Scotland) Regulations 1954. |
| S.I. 1955/1226 (1955 II, p. 1831) | The Local Government Superannuation (Benefits) (Scotland) Amendment Regulation 1955, except regulations 1 and 3. |
| S.I. 1955/1411 | The Glasgow Corporation Superannuation Scheme Approval Instrument 1955, together with the scheme approved thereby. |
| S.I. 1955/1518 | The Edinburgh Corporation Superannuation Modification Scheme Approval Instrument 1955, together with the scheme approved thereby. |
| S.I. 1958/1328 (1958 II, p. 1814) | The Local Government Superannuation (Benefits) (New Towns Staffs) (Scotland) Regulations 1958. |
| S.I. 1970/1307 (1970 III, p. 4337) | The National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations 1970, except regulations 1 and 34 and Schedule 7. |

PART IV

OTHER INSTRUMENTS

| References (1) | Instruments or provisions thereof revoked (2) |
|---------------------------------|---|
| S.I. 1973/503 (1973 I, p. 1596) | The Local Government Superannuation (Miscellaneous Provisions) (Scotland) Regulations 1973. |

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, with a small number of exceptions, supersede the provisions of the enactments and instruments constituting the Scottish local government superannuation scheme, namely, (i) the provisions of the enactments which, although repealed by the Superannuation Act 1972 ("the Act of 1972"), had effect, together with the provisions of any instrument made under any such enactment, by virtue of paragraph 5(1) of Schedule 7 to that Act as regulations made under section 7 of that Act and (ii) the Local Government Superannuation (Miscellaneous Provisions) (Scotland) Regulations 1973. The principal of the exceptions referred to above are provisions relating to the granting of gratuities and the payment of injury allowances.

Although considerable drafting changes have been made from the existing provisions, in general the regulations reproduce the effect of those provisions (Parts A to H and L). There are, however, a number of changes and improvements, including—

- (1) Contributions to a superannuation fund will continue to be made by all employees in the scheme until completion of 45 years' service reckonable for the purpose of calculating the amount of benefits (instead of being discontinued on the attainment, before such completion, of a certain age) (Regulation C1).
- (2) Benefits are no longer exclusively to be calculated by reference to the remuneration in the final year of pensionable employment; a number of variations are permitted (Regulation E1).
- (3) Employees who leave their employment after 5 years' service reckonable for the purpose of determining entitlement to benefits but before qualifying for immediate benefits or who have no right to a return of contributions may have their accrued benefits deferred until the age at which they would normally qualify for immediate benefits, or earlier in certain cases, e.g., by reason of incapacity or on compassionate grounds (Regulation E2(1)(c) and (4)); those employees who have a right to a return of contributions may have their contributions returned instead if they prefer.
- (4) The introduction of children's pensions where the father was an employee (Regulations E8 to E10).

- (5) Short-term pensions are provided for the widows and the children of deceased male employees or former male employees (other than those former male employees who were at death entitled to, but not in receipt of, a pension); long-term pensions are provided on the cessation of payment of short-term pensions for the widows and the children of male employees who die in employment with 5 years' service reckonable for the purpose of determining entitlement to benefits, or of former male employees who were at the time of death in receipt of pension and long-term pensions, payable as from a man's death, are also provided for the widows and children of men who were at death entitled to but not in receipt of, a pension (Regulations E5 to E10).
- (6) Where a female employee, having a husband who is incapacitated, or children but no husband, gives a notice for the purpose, the same benefit will be payable to her, her husband and children as are payable to male employee and his family (Regulation E12).

Under the power in section 12 of the Act of 1972, the provisions of Part D (service) and E (benefits), and other provisions in the regulations incidental to those parts, are (with certain exceptions and modifications) applied to employees who retired or died in employment after 30th March 1972 and before 16th May 1974; provision is made for opting out if a person is thereby placed in a worse position (Part K).

In addition the Regulations—

- (a) supersede the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations 1970 (Part F);
- (b) revoke (in Part M) the Edinburgh and Glasgow local Act schemes and (in Part B) provide for the closure of the local Act superannuation funds and the superannuation funds maintained under the former regulations and for the transfer of the assets etc. of these funds to the superannuation funds to be established under these regulations;
- (c) make provision for the apportionment of the former superannuation funds consequential on the statutory reorganisation taking effect on 1st April 1974 as a result of the National Health Service (Scotland) Act 1972 (Regulation J3);
- (d) provide for the preservation of rights and liabilities of persons who immediately before the appointed day were entitled to participate in the benefits of a local Act scheme (Regulation J5).

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