

SCHEDULES

SCHEDULE 6

Regulation 137.

CERTAIN CITY OF LONDON EMPLOYEES AND FORMER CONTRIBUTORS

PART I

CITY OF LONDON EMPLOYEES

1. For any member who is an existing contributor (as defined in the Local Government Superannuation (City of London) Regulations 1977(1)) regulation 141 applies with these modifications—

- (a) omit paragraphs (1) to (3), and
- (b) in paragraph (4) for the words “regulation J17(3)(e) of the 1974 regulations”, “those regulations” and “Scheme employer” substitute the words “regulation 19(3) of the Local Government Superannuation (City of London) Regulations 1977”, “the 1974 regulations” and “City of London employing body” respectively.

2.—(1) For any member who is an existing contributor or a former contributor (as so defined) regulation 141 applies with these modifications.

(2) References to old statutory provisions must be taken as references to the local Act superannuation provisions or, as the case may be, to the particular corresponding provision of the local Act superannuation provisions.

(3) The old statutory provisions are—

- (a) the Acts of 1937 to 1953, or the regulations made under them (including those provisions applying as amended or extended by any local Act or scheme or together with any such provisions) or
- (b) the former regulations or a provision in the former regulations.

(4) References to old funds must be taken as references to the local Act superannuation fund (as defined in the Local Government Superannuation (City of London) Regulations 1977(2)).

(5) References to contributory employees must be taken as references to contributors to that fund.

(6) If immediately before the commencement date the member was entitled by virtue of paragraph 3 of Schedule M3 to the 1995 regulations to make contributions at a lower rate, regulation 12 has effect, while he continues in the employment of the same City of London employing body, as if he were a member with lower rate rights whose standard contribution rate was that lower rate.

(7) If immediately before the commencement date he—

- (a) was prospectively entitled under the local Act superannuation provisions to benefits which did not include a lump sum retiring allowance and a pension payable to his widow, and
- (b) did not make an election under regulation E19(2) of the 1974 regulations,

(1) [S.I. 1977/1341](#).

(2) [S.I. 1977/1341](#).

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these Regulations apply with the modifications set out in paragraphs 3 and 5.

- (8) But if a person within paragraph (7)—
 - (a) first married on or after 1st October 1977,
 - (b) has continued to contribute to the pension fund maintained by the Common Council from the day on which he first became a member and without a break of 12 months or more, and
 - (c) at a time when he is a member and within three months after first marrying elects by notice in writing to the Common Council to be treated as a person falling within paragraph (7),

these Regulations apply with the modifications set out in paragraphs 4 and 5.

- (9) These Regulations also apply with the modifications set out in paragraphs 4 and 5—
 - (a) if a person within paragraph (7) who does not fall within paragraph (8)(a) and (b) made a similar election to that mentioned in paragraph (8)(c) under regulation E19(2) of the 1974 regulations; or
 - (b) if a person who does not fall within paragraph (7)—
 - (i) was prospectively entitled under the local Act superannuation provisions to benefits which did not include a lump sum retiring allowance, and
 - (ii) did not make an election under regulation E19(2) of the 1974 regulations.

3.—(1) In regulation 20(2) for “80” substitute “60”.

(2) In regulation 41—

- (a) for “spouse” and “spouse’s” wherever they occur, substitute “widow” and “widow’s” respectively;
- (b) for paragraph (4) to (6) substitute—

“(4) The long-term pension is the aggregate of—

- (a) one four hundred and eightieth of the deceased’s pay multiplied by the length in years of his period of membership before 1st April 1972, and
- (b) one one hundred and sixtieth of his pay, multiplied by the length in years of the period of his membership after 31st March 1972.”.

(3) Omit regulations 45(7) and (8), 46, 54 and 57.

4.—(1) In regulation 20 for paragraph (2) substitute—

“(2) Unless another multiplier is indicated, the appropriate multiplier for a pension is the aggregate of—

- (a) the appropriate fraction of A, and
- (b) the appropriate fraction of B,

where—

the appropriate fraction mentioned in paragraph (a) is—

$$\frac{\text{the member's period of membership before 1st April 1972}}{\text{his total membership}}$$

the appropriate fraction mentioned in paragraph (b) is—

$$\frac{\text{the member's period of membership after 31st March 1972}}{\text{his total membership}}$$

A is

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the member's period of membership before 1st April 1972
70

B is

the member's period of membership after 31st March 1972
60

”

(2) In regulation 41—

- (a) for “spouse” and “spouse’s” wherever they occur, substitute “widow” and “widow’s” respectively;
- (b) for paragraph (4) to (6) substitute—

“(4) The long-term pension is the aggregate of—

- (a) three tenths of the retirement pension to which the deceased was or would have been entitled at the time of his death in respect of the period of his membership before 1st April 1972 (but see paragraph (5)),
- (b) one four hundred and eightieth of the deceased’s pay, multiplied by his period of membership before 1st April 1972, and
- (c) one one hundred and sixtieth of the deceased’s pay, multiplied by his period of membership after 31st March 1972.

(5) Where—

- (a) the widow’s age at the date of the deceased’s death is greater than his, or
- (b) her age is less and she has no eligible child,

the amount calculated under paragraph (4)(a) is to be increased or reduced by an amount certified by an actuary appointed by the appropriate administering authority to be appropriate.”

(3) In regulation 45—

- (a) after paragraph (3) insert—

“(3A) Where a widow’s long-term pension is payable under regulation 41, no children’s long-term pension is payable until the day after the widow’s death.”; and

- (b) for paragraphs (5) to (7) substitute—

“(5) The pension is the appropriate fraction of the aggregate of—

- (a) three tenths of the retirement pension to which the deceased was or would have been entitled at the time of his death in respect of his membership before 1st April 1972,
- (b) one four hundred and eightieth of his pay, multiplied by the length in years of his period of membership before 1st April 1972, and
- (c) one one hundred and sixtieth of his pay, multiplied by the length in years of his period of membership after 31st March 1972.

(6) For paragraph (5) no account shall be taken of any period of membership before attaining the age of 60 years beyond a total of 40 years; and any period of membership which is accordingly to be left out of account shall be taken from the beginning of the member's period of membership.”

(4) In regulation 46(10), for the words from “training rate” onwards substitute the words “the pension is reduced by the excess”.

(5) Omit regulations 54 and 57.

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- 5.—(1) In regulations 25(1), 26(1) and 31(3) omit the words “and retirement grant”.
- (2) In regulations 25(2), 26(2) and 27(2) for the words “and grant are” substitute the word “is”.
- (3) In regulations 27(1), and 31(4), (5) and (7) omit the words “and grant”.
- (4) In regulation 28(1) omit the words “or grant”.
- (5) In regulation 29—
- (a) in paragraph (2) omit the words “and retirement grant, each”, and
 - (b) omit paragraphs (6) and (7).
- (6) In regulation 38 for paragraph (5) substitute—
- “(5) The amount of a pensioner member's death grant is the greater of his pay or his pay multiplied by—
- $$3 \times \frac{\text{his pension membership period}}{80}$$
- (but see paragraphs (5A) and (5B)).
- (5A) The amount mentioned in paragraph (5) must be reduced—
- (a) by any retirement grant paid to him, and
 - (b) by any payments which were made to him in respect of retirement pension (or would have been so made apart from regulation 29, 33 or 110).
- (5B) If the pensioner member became entitled to his pension under regulation 31—
- (a) paragraphs (5) and (5A) do not apply, and
 - (b) the amount of his death grant is the greater of amount A or amount B.
- (5C) Amount A is his pay multiplied by—
- $$3 \times \frac{\text{his pension membership period}}{80},$$
- less the reduction mentioned in paragraph (5A).
- (5D) Amount B is the amount of his pay (less that reduction), multiplied by—
- $$\frac{\text{his pension membership period}}{\text{the total membership he would have had at NRD}}$$
- (5E) A pensioner member's pension membership period is the period of membership taken into account in calculating the multiplier for his retirement pension.”.
- (7) After paragraph (4) of regulation 41 insert—
- “(4A) For paragraph (4) no account shall be taken of any period of membership before attaining the age of 60 years beyond a total of 40 years; and any period of membership which is accordingly to be left out of account shall be taken from the beginning of the member's period of membership.”.
- (8) Omit regulations 54 and 57.

PART II

FORMER COMMON COUNCIL LOCAL ACT SCHEME MEMBERS (DISCRETIONARY RIGHTS)

6.—(1) For any active member who—

- (a) immediately before 1st October 1977 was a contributor to the superannuation fund maintained by the Common Council under their local Act scheme,
- (b) became a member on that date and has remained an active member since that date, and
- (c) has been employed by a City of London employing body since that date without a disqualifying break of service,

these regulations apply with these modifications.

(2) After regulation 28(2) insert—

“(2A) But if, in any case where the enhanced membership period would otherwise be less—

- (a) the employing authority consider it appropriate to do so, and
- (b) if they are not the Common Council, that Council consent,

the employing authority may resolve that the enhanced membership period should be increased to any period not exceeding the member's total membership plus 10 years.”.

(3) In regulation 52(2) at the end of paragraph (d) add the words “or, if the employing authority consider it appropriate to do so and resolve accordingly, any longer period not exceeding 10 years”.

PART III

FORMER CONTRIBUTORS

7.—(1) This paragraph applies to a person—

- (a) who immediately before 1st April 1974 was a contributory employee to whom the Acts of 1937 to 1953 and the regulations made under them applied either as modified or extended by, or together with, any local Act or scheme,
- (b) who on that date became a pensionable employee under a scheduled body (within the meaning of the 1986 regulations), and
- (c) to whom immediately before the commencement date paragraph 6 of Schedule M2 to the 1995 regulations applied.

(2) Where any relevant provision of the former scheme of a person to whom this paragraph applies would have been more beneficial than the corresponding provision of these Regulations, these Regulations have effect, for the appropriate period, as if the relevant provision had applied.

(3) For sub-paragraph (2) the person's former scheme is the provisions which applied as mentioned in sub-paragraph (1)(a).

(4) For sub-paragraph (2) a provision of a former scheme is a relevant provision if it was similar to one of the provisions of these Regulations specified in sub-paragraph (5).

(5) They are—

- (a) regulation 6(3) (latest joining date);
- (b) regulation 12 (member's contributions);
- (c) regulation 13(2)(a) (exclusion from pay of non-contractual overtime);

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- (d) regulations 21 to 23 (pay);
 - (e) regulation 25(3) to (5) (normal retirement age and NRD);
 - (f) regulation 110 (application of abatement policy in individual cases); and
 - (g) if the person made no election under regulation E19 of the 1974 regulations, regulation 33 (surrenders).
- (6) Where the person—
- (a) having voluntarily resigned from his employment during the appropriate period, becomes entitled to receive a payment under regulation 87 (rights to return of contributions), and
 - (b) if his former scheme had still applied to him, would have been entitled to interest on the contributions,

he is entitled to receive out of the appropriate fund interest on so much of the amount of that payment as is equal to the contributions paid by him in respect of service before 1st April 1972 to any pension fund under Part I of the Act of 1937 or a local Act scheme.

(7) Interest under sub-paragraph (6) is to be calculated, to the date the person left employment, at the same rate and with the same rests as if payable under his former scheme.

- (8) For this paragraph the appropriate period is—
- (a) the period of application specified in the relevant provision of the person's former scheme, or
 - (b) if none is specified, the period during which he continues in the employment of the body mentioned in sub-paragraph (1)(b).