

SCHEDULE 15

MODIFICATION IN SPECIAL CASES

Regulation G1

PART I

EMPLOYEES OF MAGISTRATES' COURTS COMMITTEES

1. Where—

- (a) a person is employed by two or more magistrates' courts committees, and
- (b) any of the employments is an employment for which he does not receive separate remuneration,

his remuneration for that employment is that part of his total remuneration which is paid by the body responsible for defraying the expenses of the employing committee, or, where the remuneration for more than one employment is paid by the same body, such part of his total remuneration for those employments as may be agreed between him and the body, or, in default of agreement, determined by the Secretary of State.

2. Without prejudice to regulation B6, a person who holds two or more clerkships under a magistrates' courts committee or is employed by a magistrates' courts committee to assist a justices' clerk or clerks in two or more clerkships shall be deemed for the purposes of these regulations (except regulation C1) to be in separate employments under separate scheduled bodies as respects any clerkships for which the remuneration is paid by different bodies.

3. Regulation C10 (statement of remuneration received otherwise than from employing authority) does not apply.

4. The body paying the person's remuneration are to be treated—

- (a) as his employing authority for the purposes of regulations C11 (deduction of contributions) and P8 (employer's additional contributions),
- (b) as employing him for the purposes of regulation P7 (employer's contributions), and
- (c) as the scheduled body concerned for the purposes of regulation P9 (employer's further payments).

5.—(1) A magistrates' courts committee are to report to the body paying the person's remuneration any decision made by them under—

- (a) regulation C12(9) (return of contributions in case of offence, etc., in connection with employment),
- (b) regulation D7 (increase of reckonable service at discretion of employing authority), or
- (c) regulation M1 (forfeiture of rights).

(2) Regulation N8 has effect as if the body receiving the report were a person mentioned in paragraph (3) of that regulation (service of notice of appeal) and paragraph (2) were omitted.

6. In the case of a person who—

- (a) was on 30th March 1939 subject to the Act of 1922 by virtue of a local Act or an order made by the Secretary of State under a local Act, or
- (b) was on 30th September 1954 a person to whom paragraph (h) of Part III of Schedule 2 to the Act of 1937 applied,

regulation C2 (employee's contributions) has effect with the substitution for "6% of 5%".

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7. Regulation B8 (age of compulsory retirement) has effect as if for the reference to the age of 65 years there were substituted a reference to the age of 70 years or any lesser age (not being less than 65 years) at which the justices' clerk completes 45 years' reckonable service.

8. Schedule 9 (additional reckonable service for ill-health) has effect with the substitution for "65 years", wherever occurring, of "70 years".
Regulation G2

PART II

CERTAIN EMPLOYEES OF THE COMMITTEE OF MAGISTRATES FOR THE INNER LONDON AREA

1. The Receiver for the Metropolitan Police District is to be treated—
 - (a) as the person's employing authority for the purposes of regulation C11 (deduction of contributions) and PS (employer's additional contributions),
 - (b) as employing him for the purposes of regulation P7 (employer's contributions), and
 - (c) as the scheduled body concerned for the purposes of regulation P9 (employer's further payments).
- 2.—(1) The committee of magistrates are to report to the Secretary of State any decision made by them under—
 - (a) regulation C12(9) (return of contributions in case of offence, etc, in connection with employment),
 - (b) regulation D7 (increase of reckonable service at discretion of employing authority), or
 - (c) regulation M1 (forfeiture of rights).(2) Such a decision has no effect until approved by the Secretary of State.
3. Regulation B8 (age of compulsory retirement) has effect as if for the reference to the age of 65 years there were substituted a reference to the age of 70 years or any lesser age (not being less than 65 years) at which the justices' clerk completes 45 years' reckonable service.
4. Schedule 9 (additional reckonable service for ill-health) has effect with the substitution for "65 years", wherever occurring, of "70 years".
Regulation G3

PART III

EMPLOYEES OF PROBATION COMMITTEES

1. For the purposes of the definition of "employee" in Schedule 1, a probation officer whose appointment is determinable within 3 months unless confirmed by the Secretary of State is not for that reason to be treated as being a person appointed to a post in a temporary capacity for a period of not more than 3 months.
2. In relation to a pensionable employee of the probation committee for the inner London area, the Receiver for the Metropolitan Police District is to be treated—
 - (a) as his employing authority for the purposes of regulations C10 (statement of remuneration received otherwise than from employing authority), C11 (deduction of contributions) and PS (employer's additional contributions),

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- (b) as employing him for the purposes of regulation P7 (employer's contributions), and
- (c) as the scheduled body concerned for the purposes of regulation P9 (employer's further payments).

3.—(1) The probation committee for the inner London area are to report to the Secretary of State any decision made by them under—

- (a) regulation C12(9) (return of contributions in case of offence, etc., in connection with employment),
- (b) regulation D7 (increase of reckonable service at discretion of employment authority), or
- (c) regulation M1 (forfeiture of rights).

(2) Such a decision has no effect until approved by the Secretary of State.

4.—(1) The probation committee for an area other than the inner London area are to report any decision made by them under regulation C12(9), D7 or M1 to the body responsible for defraying the expenses of the committee, or, where two or more bodies contribute to the defraying of those expenses, to each of those bodies.

(2) Regulation N8 has effect as if a body receiving such a report were a person mentioned in paragraph (3) of that regulation (service of notice of appeal) and paragraph (2) were omitted.

5.—(1) In the application of regulation E25 (calculation of part-time service) to part-time service as a probation officer, the proportionately reduced period is to be determined by making a separate calculation in respect of each year of part-time service.

(2) Subject to paragraph (3), in respect of any year of part-time service the period is

$$A \times \frac{B}{C}$$

, where—

A is one year,

B is the remuneration received by the probation officer in the year of part-time service, and

C is the mean of the annual salary scale applicable to probation officers in respect of that year.

(3) In relation to any year of part-time service before 1st April 1965, paragraph (2) applies as if C were the amount specified in column (2) or (3) of the Table below opposite the entry in column (1) which includes the date on which the year commenced.

TABLE

(1) Date on which year of part-time service commenced	(2) Men £	(3) Women £
1st July 1937 to 30th June 1944	330	290
1st July 1944 to 30th November 1946	375	330
1st December 1946 to 31st March 1954	485	420
1st April 1954 to 31st March 1965	620	555

(4) This paragraph applies with the necessary modifications to periods of part-time service of less than a year.
Regulation G4

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PART IV CORONERS

1. Regulation B8 (age of compulsory retirement) has effect as if for the reference to the age of 65 years there were substituted a reference to the age of 70 years or any lesser age (not being less than 65 years) at which the coroner completes 45 years' reckonable service.

2. Schedule 9 (additional reckonable service for ill-health) has effect with the substitution for "65 years", wherever occurring, of "70 years".
Regulation G5

PART V CERTAIN EMPLOYEES OF CITY OF LONDON EMPLOYING BODIES

1. In this Part, unless the context otherwise requires, "existing contributor", "former contributor", and "the local Act superannuation provisions" have the same meanings as in the Local Government Superannuation (City of London) Regulations 1977(1).

2. In relation to existing contributors and former contributors, these regulations have effect as if for any reference to an expression in column (1) of the Table below there were substituted a reference to the expression appearing opposite it in column (2).

TABLE

(1)	(2)
The Acts of 1937 to 1953, or the regulations made thereunder }	
The Acts of 1937 to 1953, or the regulations made thereunder, applying as amended or extended by the provisions of any local Act or scheme or together with any such provisions }	The local Act superannuation provisions
The appropriate superannuation fund within the meaning of the Act of 1937 }	
A superannuation fund maintained under Part I of the Act of 1937 }	The local Act superannuation fund
Contributory employee	Contributor to the local Act superannuation fund
Contributing service	Service reckonable for all the purposes of the local Act superannuation provisions at its full length
Non-contributing service	Service reckonable for the purpose of calculating the amount of a benefit under the local Act superannuation provisions at half its length
The former regulations	The local Act superannuation provisions
A provision in the former regulations	The corresponding or similar provision in the local Act superannuation provisions

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

3. In relation to an existing contributor or former contributor who was immediately before 1st March 1986 entitled by virtue of regulation 10 of the Local Government Superannuation (City of London) Regulations 1977 to make contributions at a lower rate, regulation C2 has effect, while he continues in the employment of the same City of London employing body, with the substitution for "6%" or "5%" of that lower rate.

4. In relation to existing contributors and former contributors these regulations have effect—
(a) with the substitution for regulation E19 of the following:

“Benefits of certain persons employed before 1st October 1977

E19.—(1) Subject to paragraph (3), in relation to a person who—

(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,

Part E has effect subject to the modifications set out in Parts I and III of Schedule 11.

(2) In relation to a person who—

(a) was prospectively entitled under the local Act superannuation provisions to benefits which did not include a lump sum retiring allowance, and

(b) did not make an election under regulation E19(2) of the 1974 regulations,

Part E has effect subject to the modifications set out in Parts II and III of Schedule 11.

(3) In relation to a person falling within paragraph (1)(a) and (b)—

(a) who—

(i) immediately before 1st October 1977 was not married, and

(ii) has first married on or after that date, and

(iii) from the day on which he first became a pensionable employee has continued without a break of 12 months or more to contribute to the superannuation fund maintained by the Common Council, and

(iv) at any time while, during the period of 3 months after first marrying, he is a pensionable employee under any City of London employing body, by notice in writing given to the Common Council elects to be treated as a person falling within paragraph (2)(a) and (b), or

(b) who made a similar election under regulation E19 of the 1974 regulations,

Part E has effect subject to the modifications set out in Parts II and III of Schedule 11.

(4) In this regulation “the local Act superannuation provisions” and “City of London employing body” have the same meanings as in the Local Government Superannuation (City of London) Regulations 1977.”; and

- (b) with the substitution for Schedule 11 of the following:

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“SCHEDULE 11

Regulation E19

MODIFICATIONS TO PART E WHERE NO
RIGHT TO RETIRING ALLOWANCE ETC.

PART I

1. In regulation E3(1), for the words “one eightieth” substitute “one sixtieth”.
2. For regulation E6(2) substitute:

“(2) Subject to paragraphs (3) and (4), the amount of a widow's long-term pension is the aggregate of—

 - (a) one four hundred and eightieth of her husband's pensionable remuneration multiplied by the length in years of his reckonable service before 1st April 1972, and
 - (b) one one hundred and sixtieth of his pensionable remuneration multiplied by the length in years of his reckonable service after 31st March 1972.”.
3. In regulation E8—
 - (a) in paragraph (1), delete the words "and then a children's long-term pension";
 - (b) delete paragraph (2); and
 - (c) in paragraph (4), delete the words “or paragraph (2)”.

PART II

4. For regulation E3(1) substitute:

“(1) Subject to paragraphs (12) to (16), and to regulation E29, the annual rate of a person's retirement pension is the aggregate of—

 - (a) one seventieth of his pensionable remuneration multiplied by the length in years of his reckonable service before 1st April 1972, and
 - (b) one sixtieth of his pensionable remuneration multiplied by the length in years of his reckonable service after 31st March 1972.”.
5. In regulation E6—
 - (a) for paragraph (2) substitute:

“(2) Subject to paragraphs (2A) to (4), the amount of a widow's long-term pension is the aggregate of—

 - (a) three tenths of the retirement pension to which her husband was or would have been entitled at the time of his death in respect of his reckonable service before 1st April 1972, and
 - (b) one four hundred and eightieth of his pensionable remuneration multiplied by the length in years of his reckonable service before 1st April 1972, and
 - (c) one one hundred and sixtieth of his pensionable remuneration multiplied by the length in years of his reckonable service after 31st March 1972.”; and
 - (b) after paragraph (2) insert:

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“(2A) Where—

(a) the widow's age at the date of her husband's death was less than his and she has no eligible child, or

(b) her age at the date of her husband's death was greater than his,

the amount calculated under paragraph (2)(a) is to be reduced or increased by an amount certified by an actuary to be just.”.

6. After regulation E8(3) insert:

“(4) Where a widow's long-term pension is payable under regulation E5, no children's long-term pension is payable until the day after the widow's death.”.

7. In regulation E9—

(a) for paragraphs (3) and (4) substitute:

“(3) Subject to paragraph (4), the amount of a children's 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 his reckonable service before 1st April 1972, and

(b) one four hundred and eightieth of his pensionable remuneration multiplied by the length in years of his reckonable service before 1st April 1972, and

(c) one one hundred and sixtieth of his pensionable remuneration multiplied by the length in years of his reckonable service after 31st March 1972.

(4) For the purposes of calculating the amount of a children's long-term pension under paragraph (3) 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 which is accordingly to be left out of account shall be taken from the beginning of the husband's reckonable service.”; and

(b) in paragraph (5), for the words from “then” to the end of the paragraph substitute “the annual rate of the pension is to be reduced by the amount of the excess

PART III

8. In regulation E2(1), delete the words “and a lump sum retiring allowance”.

9. In regulation E3, delete paragraphs (2) to (11).

10. For regulation E6(3) and (4) substitute:

“(3) Where regulation E5(1)(c) applies, for the purpose of calculating the amount of a widow's long-term pension under paragraph (2) her husband shall be treated as having on the date of his death become entitled to benefits under regulation E2(1)(b) (i) (permanent ill-health etc.) and to reckon an additional period as reckonable service accordingly.

(4) 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 which is accordingly to be left out of account shall be taken from the beginning of the husband's reckonable service.”.

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11. In regulation E11—

- (a) for paragraph (2) substitute:
 - “(2) Paragraph (1) applies in relation to any retirement pension except one to which a person became entitled by virtue of regulation E2(2).”;
- (b) in paragraphs (4)(b) and (5)(a), for the words “and paragraph (2)(b) apply” substitute “applies”;
- (c) in paragraph (5)(b), for the words “and paragraph (2)(a) apply” substitute “applies”;
- (d) in paragraph (5), for the words from “the greater of” to the end of the paragraph substitute “the greater of

$$(B \times C) - E \text{ and } \frac{C}{F} \times (A - E)$$

;

- (e) delete paragraphs (6), (7) and (9);
- (f) in paragraph (10), for the words “and paragraph (2)(b) apply” substitute “applies”;
- (g) in paragraph (12), delete the words “Subject to paragraph (13)”;
- (h) delete paragraph (13).

12. In regulation E17, delete paragraph (6)(a)(iii) and (v).”.

5. In relation to existing contributors these regulations have effect with the substitution for regulation H6 of the following:

“Persons transferred to the Common Council under section 18(4)(a) of the National Health Service Reorganisation Act 1973

H6.—(1) This paragraph applies to a person—

- (a) who was by or under an order made under section 18(4)(a) of the National Health Service Reorganisation Act 1973 transferred to the employment of the Common Council, and
- (b) who immediately before he was so transferred was in an employment in which he was an officer within the meaning of the Health Service regulations, and
- (c) who on the date on which he was so transferred became a contributor to the local Act superannuation fund in the employment to which he was so transferred, and
- (d) who became a pensionable employee in that employment on 1st October 1977, and
- (e) to whom paragraph (4) does not apply.

(2) A person to whom paragraph (1) applies is, subject to paragraph (3), entitled to reckon—

- (a) as reckonable service any service which for the purposes of the Health Service regulations he was entitled to reckon in relation to the employment mentioned in paragraph (1)(b), as, or as a period of, contributing service, and
- (b) as qualifying service any service which for the purposes of those regulations he was entitled to reckon in relation to that employment for the purpose of determining whether he was entitled to a benefit under those regulations, but for no other purpose.

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(3) For the purposes of paragraph (2) any period of part-time service shall be treated as though it was whole-time service for a proportionately reduced period and, except for the purposes referred to in regulation E26(3), any service which was reckonable under the Health Service regulations for all purposes (other than for the purpose of determining whether any benefit was payable) as a period of contributing service at half its length shall be counted at half its length.

(4) In relation to a person who gave notice under regulation 19(3) of the Local Government Superannuation (City of London) Regulations 1977 that he did not wish to avail himself of the benefits provided under the 1974 regulations, these regulations have effect as if they conferred on him rights corresponding with those which he would have enjoyed if he had remained subject to the provisions of the Health Service regulations, and continue so to apply so long as he is employed without a disqualifying break of service by the Common Council on duties reasonably comparable to those on which he was engaged immediately before he was transferred.

(5) Notwithstanding anything in paragraph (4), where that paragraph applies—

(a) regulation C12(11) has effect as if—

(i) sub-paragraph (a) were omitted, and

(ii) the reference in sub-paragraph (b) to reckonable service and qualifying service were a reference to service reckonable for the purpose of determining whether any benefit is payable,

(b) regulation D11 has effect as if—

(i) references to qualifying service included references to service reckonable for the purpose of determining whether any benefit is payable,

(ii) paragraph (2) were omitted,

(iii) in paragraph (3), the reference to regulation E2(1)(c) included a reference to regulation 8(1)(a)(iv) of the Health Service regulations, and

(iv) “retirement pension” included a pension payable by virtue of paragraph (4) of this regulation,

(c) regulation E15 has effect in lieu of regulation 39 of the Health Service regulations and as if—

(i) “retirement pension” included a pension payable by virtue of that paragraph, and

(ii) for the purpose of ascertaining the remuneration of a former employment, entitlement to such a pension were not an entitlement under these regulations or the 1974 regulations, and

(d) regulation M1 has effect in lieu of regulation 55 of the Health Service regulations.

(6) In this regulation “the local Act superannuation fund” has the same meaning as in the Local Government Superannuation (City of London) Regulations 1977.”.