

SCHEDULE 9

Regulation R3

Pension Entitlement

Members with service between 1st January 1972 and 19th July 1983

1.—(1) A person who was a participating Member on or after 1st January 1972 but has not been a participating Member at any time after 19th July 1983 shall be entitled to receive a pension under this paragraph as from the time when the following conditions are or were fulfilled in respect of him—

- (a) he is or was neither a Member of that House nor a candidate for election to it;
- (b) he is not or was not the holder of a qualifying office;
- (c) his aggregate period of reckonable service as a participant is not or was not less than four years; and
- (d) he has or had attained the age of sixty-five years.

(2) No pension shall be payable under this paragraph to a person who has been Prime Minister and First Lord of the Treasury or Speaker of the House of Commons or who is or has been Lord Chancellor.

(3) Subject to paragraph 1 of Schedule 11, to regulation G1 (Commutation) and, in the case of a person who has a guaranteed minimum pension, to regulation F7, the annual amount of the pension payable to a person under this paragraph shall be a sum equal to the aggregate of the following amounts—

- (a) an amount equal to one-sixtieth of the relevant terminal salary multiplied by the number of complete years comprised in his aggregate period of reckonable service as a participating Member, and
- (b) an amount bearing the same proportion to one-sixtieth of the relevant terminal salary as the number of days comprised in that period after the end of the last complete year comprised in it bears to three hundred and sixty-five.

(4) In this paragraph “the relevant terminal salary”—

- (a) in relation to a person who has been a Member of the House of Commons for a period of more than twelve months, or for two or more periods amounting in the aggregate to more than twelve months, means the amount of a Member’s pensionable salary for the last twelve months (whether continuous or discontinuous) during which that person was a Member of that House, and
- (b) in relation to a person who has been a Member of that House, but whose actual period of service as such a Member was less than twelve months, means an amount calculated by taking the aggregate amount of a Member’s pensionable salary for the period (whether continuous or discontinuous) for which he was such a Member and multiplying it by the appropriate figure;

and in paragraph (b) of this sub-paragraph “the appropriate figure” in relation to a person, means the figure (whether being a whole number or not) by which the number of days comprised in his period of service as a Member of the House of Commons must be multiplied in order to be equal to twelve months.

(5) In this Schedule “a Member’s pensionable salary” in relation to a resolution of the House of Commons relating to the remuneration of Members, means a Member’s ordinary salary, or, if the resolution provides for a Member’s ordinary salary to be regarded for pension purposes as being at a higher rate, a notional yearly salary at that higher rate.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Members whose service ended between 20th July 1983 and 31st July 1984

2.—(1) This paragraph applies to a person who—

- (a) was a participating Member on or after 20th July 1983; and
- (b) has not been a participating Member at any time after 30th July 1984; and
- (c) fulfils conditions (a) to (d) in sub-paragraph 1(1) of this Schedule.

(2) In relation to a person to whom this paragraph applies paragraph 1 of this Schedule shall have effect with the following modifications, that is to say—

- (a) For sub-paragraph (3) of paragraph 1 there shall be substituted the following sub-paragraphs—

“(3) Subject to sub-paragraph (3A) of this paragraph, to paragraph 2 of Schedule 10, to regulations G1 (commutation) and, in the case of a person who has a guaranteed minimum pension, to regulation F7, the annual amount of the pension payable to a person under this paragraph shall be a sum equal to the aggregate of the amounts produced, in relation to each year or part of a year comprised in his aggregate period of reckonable service as a participating Member, by multiplying the relevant terminal salary by the appropriate fraction.

(3A) The annual amount of the pension payable to a person under this paragraph shall not exceed the amount equal to two-thirds of the relevant terminal salary except to the extent that it is calculated by reference to so much (if any) of that person’s aggregate period of reckonable service as a participating Member as fell after he attained the age of sixty-five years; and the said annual amount shall not, in any event, exceed such maximum pension as may for the time being be imposed in relation to that person by regulation F5 and Schedule 2.”

- (b) After sub-paragraph (4) of paragraph 1 there shall be inserted the following sub-paragraphs—

“(4A) In sub-paragraph (3) of this paragraph “the appropriate fraction”, in relation to a year or part of a year comprised in a person’s aggregate period of reckonable service as a participating Member, means—

- (a) in the case of a year or part of a year ending before 20th July 1983, one-sixtieth or, as the case may be, the fraction which bears to one-sixtieth the same proportion as the number of days in that part of a year bears to three hundred and sixty-five; and
- (b) in the case of a year or part of a year beginning on or after 20th July 1983, one-fiftieth or, as the case may be, the fraction which bears to one-fiftieth the same proportion as the number of days in that part of a year bears to three hundred and sixty-five.

(4B) For the purposes of sub-paragraph (4A) of this paragraph where a year or part of a year comprised in a person’s aggregate period of reckonable service as a Member began before, but ended on or after, 20th July 1983—

- (a) so much of that year or part of a year as ended with 19th July 1983 shall be treated as a part of a year in relation to which paragraph (a) of that sub-paragraph applies; and
- (b) the remainder of that year or part of a year shall be treated as a part of a year in relation to which paragraph (b) of that sub-paragraph applies.”

Office holders whose service ended between 1st April 1972 and 1st August 1978

3.—(1) Subject to the next following sub-paragraph, this paragraph applies to a person who—

- (a) was a participating office holder on or after 1st January 1972; and
- (b) has not been a participating office holder at any time after 1st August 1978; and
- (c) fulfils conditions (a) to (d) in subparagraph 1(1) of this Schedule.

(2) No pension shall be payable under this paragraph to a person who is or has been Prime Minister and First Lord of the Treasury or Speaker of the House of Commons or Lord Chancellor.

(3) The same person may be entitled to a pension under paragraph 1 of this Schedule and to a pension under this paragraph, and the amounts of the two pensions shall be cumulative.

4.—(1) Subject to paragraph 4 of Schedule 10 and to regulation G1 (Commutation) and, in the case of a person who has a guaranteed minimum pension, to regulation F7, the provisions of this paragraph shall have effect for the purpose of calculating the annual amount of a pension payable to a person under paragraph 3 above.

(2) For each year of which the whole or any part was comprised in the pensioner's aggregate period of reckonable service as a participating office holder the following amounts shall be calculated—

- (a) an amount equal to the sums deducted under regulation D2 in respect of that year from the person's salary (within the meaning of that regulation), and
- (b) an amount equal to five per cent of the aggregate amount which (in accordance with such one or more resolutions of the House of Commons relating to the remuneration of Members as were in force during the whole or any part of that year) constituted a Member's ordinary salary in respect of that year;

and for each such year there shall be calculated the amount (in these Regulations referred to, in relation to any such year, as "the contribution factor" (for that year)) which is equal to the amount calculated under paragraph (a) divided by the amount calculated under paragraph (b) of this sub-paragraph.

(3) For each such year as is mentioned in sub-paragraph (2) of this paragraph a contribution credit shall be calculated by multiplying one-sixtieth of the relevant terminal salary by the amount of the contribution factor for that year; and, subject to the next following sub-paragraph and to regulation G1 the annual amount of the pension payable to the person under paragraph 3 shall be an amount equal to the aggregate of the contribution credits calculated under this sub-paragraph.

(4) In sub-paragraphs (2) and (3) of this paragraph "year" means a period of twelve months beginning with 1st April.

(5) In this paragraph "the relevant terminal salary":

- (a) if the person's actual period of reckonable service as a participating office holder was more than twelve months, means the amount of a Member's pensionable salary for the last twelve months (whether continuous or discontinuous) comprised in that aggregate period of reckonable service, and
- (b) if the person's actual period of reckonable service as a participating office holder was less than twelve months, means an amount calculated by taking the amount of a Member's pensionable salary for the period (whether continuous or discontinuous) which constituted the aggregate period of reckonable service as a participating office holder and multiplying it by the appropriate figure;

and in paragraph (b) of this sub-paragraph "the appropriate figure" means the figure (whether being a whole number or not) by which the number of days comprised in the person's aggregate period of reckonable service as a participating office holder must be multiplied in order to be equal to twelve months.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Office holders whose service ended between 2nd August 1978 and 19th July 1983

5.—(1) This paragraph applies to a person who:

- (a) was a participating office holder on or after 2nd August 1978; and
- (b) has not been a participating office holder at any time after 19th July 1983; and
- (c) fulfils conditions (a), (b) and (d) in sub-paragraph 1(1) of this Schedule.

(2) A person who satisfies the conditions in sub-paragraph (1) above shall be entitled to receive a pension under paragraph 3 of this Schedule calculated in accordance with the provisions of paragraph 4 provided that his aggregate period of reckonable service as a participant is not or was not less than three years.

Office holders whose service ended between 20th July 1983 and 31st July 1984

6.—(1) This paragraph applies to a person who:

- (a) was a participating office holder on or after 20th July 1983; and
- (b) has not been a participating office holder at any time after 30th July 1984; and
- (c) fulfils conditions (a) to (d) in paragraph 1(1) of this Schedule, subject to the modification that his aggregate period of reckonable service as a participant is not or was not less than three years.

(2) In relation to a person to whom this paragraph applies paragraphs 3 and 4 of this Schedule shall have effect with the following modifications—

- (a) for the reference to paragraph 4 of Schedule 10 in paragraph 4(1), there shall be substituted a reference to paragraph 5 of Schedule 10.
- (b) for paragraph 4(2)(b) (calculation of contribution factor by reference to five per cent of a Member's pensionable salary for particular years), there shall be substituted the following paragraph

“(b) an amount equal to the aggregate amount which fell to be deducted under regulation D1 from the payments of salary made in respect of that year to any person who was a Member of the House of Commons throughout that year”.

(3) In paragraph 4(3) (contribution credit calculated by reference to one-sixtieth of the relevant terminal salary):

- (a) for the words “one-sixtieth” there shall be substituted the words “the appropriate fraction”; and
- (b) for the words “the next following sub-paragraph” there shall be substituted the words “sub-paragraph (3B) of this paragraph and paragraph 5 of Schedule 9”.

(4) After paragraph 4(3) there shall be inserted the following sub-paragraphs:

“(3A) In sub-paragraph (3) of this paragraph “the appropriate fraction” means—

- (a) in relation to the year beginning with 1st April 1984 and subsequent years, one-fiftieth;
- (b) in relation to the year beginning with 1st April 1982 and previous years, one-sixtieth; and
- (c) in relation to the year beginning with 1st April 1983—
 - (i) in the case of a person who held a qualifying office at some time in the period beginning with 1st April 1983 and ending with 19th July 1983 but did not hold such an office at any time in the period beginning with 20th July and ending with 31st March 1984, one-sixtieth;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) in the case of a person who did not hold such an office at any time in the first of those periods but did hold such an office at some time in the second of those periods, one-fiftieth; and
- (iii) in the case of a person who held such an office at some time in each of those periods, nineteen-thousandths.

(3B) The annual amount of the pension payable to a person under paragraph 4 shall not exceed the amount equal to two-thirds of the product of—

- (a) the relevant terminal salary, and
- (b) the average of all the contribution factors calculated in relation to that person under sub-paragraph (2) of this paragraph,

except to the extent that the said annual amount is calculated by reference to any years beginning after that person attained the age of sixty-five years; and the said annual amount shall not, in any event, exceed such maximum pension as may for the time being be imposed in relation to that person by regulation F5 and Schedule 2.”