

SCHEDULE C5

LIMITATIONS ON CONTRIBUTIONS AND BENEFITS

PART III

LIMITATIONS ON BENEFITS

Restrictions on “pensionable remuneration”: Class A members with transferred-in membership

6. Where regulation 5(2) of the Retirement Benefits Schemes (Continuation of Rights of Members of Approved Schemes) Regulations 1990(1) applies in relation to a member, for the purpose of calculating any benefit in respect of him under these regulations, paragraph 2(1) does not apply to so much of the benefit as is calculated by reference to membership which he is entitled to count by virtue of regulation K14.

Pensionable remuneration: retirement grants for Class B members

7. For the purpose of calculating the retirement grant of a Class B member, his pensionable remuneration shall not exceed £100,000 (or such other sum as may for the time being be specified by the Treasury for the purposes of section 590(3) of the Income and Corporation Taxes Act 1988 as that section continues to have effect as respects Class B members by virtue of paragraph 18(2) of Schedule 6 to the Finance Act 1989(2)).

Restrictions on membership period used for calculating amounts of benefits

- 8.—(1) For the purpose of calculating the amount of any benefit under Part D—
- (a) no account shall be taken of so much of the member’s total period of membership as—
 - (i) in the case of a Class A member, exceeds 40 years; and
 - (ii) in the case of a Class B member or a Class C member, is membership before he attains the age of 60 years and exceeds 40 years, and
 - (b) where an amount is recovered or retained under regulation L17 (recovery or retention where former member has misconduct obligation), membership shall be left out of account to the extent necessary to reduce the actuarial value referred to in regulation L17(2) by that amount.

(2) For the purposes of sub-paragraph (1)(a), a period which a person is entitled to count as a period of membership by virtue of regulation D7(2) (permanent ill-health) or F6(1)(a) or (b) of the 1986 regulations (war service) shall be treated as membership before attaining the age of 60 years.

(3) Where a retirement grant falls to be increased under paragraph 1(1) of Schedule D2 (preservation of right under 1974 regulations to increases in standard retirement grants), any membership to be left out of account by virtue of paragraph (1)(a) shall be taken from the end of the person’s period of membership.

(4) Where a retirement grant falls to be reduced under paragraph 2, 3(1) or 4(1) of Schedule D2 (reduction in standard retirement grant on account of contingent spouse’s pension), any period of membership to be left out of account by virtue of paragraph (1)(a) shall be taken from the beginning of the person’s period of membership.

(1) S.I. 1990/2101; a relevant amending instrument is S.I. 1993/3220.

(2) 1989 c. 26.

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

9. Where the aggregate length of—

- (a) the total period of membership in relation to the relevant employment (excluding any membership which is to be left out of account by virtue of paragraph 8(1)(a));
- (b) any earlier period which was taken into account in the calculation of a retirement pension, an annual pension under the former regulations, or a superannuation allowance under Part I of the Act of 1937, or in respect of which any pension was granted under a local Act scheme; and
- (c) any period by reference to which an additional benefit has been granted under regulation E13 of the 1986 regulations (discretionary additional benefits for certain female nursing staff) or under regulation 13 of the Benefits regulations,

exceeds—

- (i) in the case of a Class A member, 40 years, or
- (ii) in the case of a Class B or Class C member, 45 years,

then, for the purpose of calculating any benefit the period mentioned in paragraph (a) is reduced by a period equal to the excess.

Death grants

10.—(1) Subject to sub-paragraph (2), for the purpose of calculating the amount of a death grant under Part E no account shall be taken of so much of the member's total period of membership as—

- (a) in the case of a Class A member, exceeds 40 years; and
- (b) in the case of a Class B member or a Class C member, is membership before he attains the age of 60 years and exceeds 40 years.

(2) Where a death grant is reduced under regulation E5, any period of membership to be left out of account under sub-paragraph (1) is to be taken from the beginning of the period of membership.