

SCHEDULE C6

PROVISIONS CONCERNING OUTSTANDING PAYMENTS DUE UNDER PREVIOUS REGULATIONS

Additional payments by certain members in respect of previous service

5. Without prejudice to the previous provisions of this Schedule—

- (a) the revocation of regulation C7 of the 1986 regulations (additional payments by certain members in respect of previous service) shall not affect its operation as respects anything which immediately before the commencement date remains to be done under that regulation, and payments made under that regulation are to be treated for the purposes of these regulations as if they consisted of contributions made under regulation C4 in respect of employment in relation to which the person was a member;
- (b) the periods in respect of which such payments are made by members may be counted by them as periods of membership in relation to the employment in respect of which they are made and, notwithstanding the revocation of regulation E25(3) to (5) of the 1986 regulations, that regulation shall apply as respects such membership resulting from payments made under regulation C7(2) (registration officers) on and after the commencement date as it applied to reckonable service resulting from earlier such payments.

6.—(1) Without prejudice to the previous provisions of this Schedule, a person who has made, or whose widow or widower has made, one or more payments under regulation C7A(14) or (16) of the 1986 regulations is entitled to count as a period of membership in whole-time service an additional period of an amount equal to the appropriate proportion of the additional period specified in the notice of election under regulation C7A(6).

(2) In sub-paragraph (1) the “appropriate proportion” means the proportion which the person’s contractual hours of employment as at the relevant date (within the meaning of paragraph 2 of Schedule 4A to the 1986 regulations) bears to the contractual hours of a comparable whole-time employment as at that date.

(3) The additional period shall be disregarded for the purposes of regulation K1(4)(b) of the 1986 regulations.

(4) The additional period shall be treated—

- (a) in the case of a person who is entitled to count service after 5th April 1988 as a period of membership under regulation B14, as membership after that date; and
- (b) in any other case, as membership before 6th April 1988.

(5) Where a person has become entitled under sub-paragraphs (1) to (4) to count an additional period as a period of membership in whole-time service by virtue of a lump sum payment having been made in accordance with regulations C7A(16) of the 1986 regulations—

- (a) the additional period shall be treated as having been able to be counted at the time when the person ceased to be a member; and
- (b) the person shall be entitled to receive, within one month after making the lump sum payment, a sum equal to the additional amount he would have received if any benefits already paid to him had been calculated by reference to the increased period of membership.

(6) Regulation C18 (notice to discontinue contributions) applies to payments under regulation C7A(14) as it applies to the payments there mentioned, and a person who so discontinues such payment shall be entitled to count under sub-paragraphs (1) to (4) as membership in whole-time

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service an additional period equal to the appropriate proportion of the length of the period of membership in whole-time service which he would have been entitled to count under that paragraph if payment had been completed.

(7) Where a person began to make payments under regulation C7A(14) but ceases to be a member before he has completed payment of the sum payable by him under regulation C7A(8)—

- (a) if he so ceases on his death or on ceasing to hold his employment by reason of permanent ill-health or infirmity of mind or body, he shall be treated as having completed payment of that sum;
- (b) except where paragraph (c) applies, if he so ceases for any other reason he shall be entitled to count under sub-paragraphs (1) to (4) as membership in whole-time service an additional period equal to the appropriate proportion of the period of membership in whole-time service which he would have been entitled so to count if payment had been completed; and
- (c) if he so ceases by reason of his ceasing to be employed by a LGPS employer and within one month after the date on which he so ceases he pays the appropriate administering authority a capital sum equal to the total of the instalments remaining unpaid, he shall then be treated as having completed payment.

(8) In sub-paragraphs (6) and (7) “appropriate proportion” means the proportion which the aggregate of the total amount paid by way of instalments under paragraph (14) of regulation C7A of the 1986 regulations and this paragraph and the amount paid or payable by the employing authority under paragraph (12) or, as the case may be, paragraph (13) of that employing authority under paragraph (12) or, as the case may be, paragraph (13) of that regulation and under this paragraph bears to the total sum payable by him and his employing authority under those provisions.