

SCHEDULE D2

Regulation D2(3).

RETIREMENT GRANTS

PART I

PRESERVATION OF RIGHT UNDER 1974 REGULATIONS
TO INCREASES IN STANDARDS RETIREMENT GRANTS

1.—(1) Where, but for the revocation of the 1974 regulations, regulation E3(4) of those regulations (preservation of certain rights under former regulations to increased retiring allowance) would have applied to a person on ceasing to hold a local government employment, the standard retirement grant is increased by the amount by which it would have been increased if that regulation had applied.

(2) For the purposes of sub-paragraph (1)—

- (a) an additional period which a person has become entitled to count as a period of membership by virtue of, or of payments commenced under, regulation D10 of the 1974 regulations shall be treated as a period of membership ending immediately before the date on which he first became a contributory employee or, if earlier, a local Act contributor; and
- (b) no account shall be taken of any period which a person has become entitled to count as a period of membership by virtue of regulation F6(1)(a) or (b) of the 1986 regulations (war service).

(3) In the case of a person to whom regulation E19 of the 1974 regulations applied but who made an election under paragraph (2) of that regulation, sub-paragraph (1) above applies as if—

- (a) he had at no time been entitled as mentioned in paragraph (1)(b) of that regulation; and
- (b) he had immediately before the time there mentioned been such a person as was mentioned in regulation 14(a) or (b) of the Benefits regulations.

PART II

REDUCION IN STANDARD RETIREMENT GRANT
ON ACCOUNT OF CONTINGENT SPOUSE'S PENSION

2. Subject to paragraph 5, where—

- (a) a person who is a married man has a period of membership before 1st April 1972; and
- (b) a widow's pension may become payable in respect of him under Part F,

the standard retirement grant (as increased in accordance with Part I of this Schedule, if appropriate) is reduced by two-eightieths of his pensionable remuneration, multiplied by the length in years of that period in membership.

3.—(1) Subject to paragraph 5, where—

- (a) a woman has a period of membership of which notice has been given under paragraph 1(1) of Schedule F1 and which is or is treated for the purposes of this paragraph as being—
 - (i) a period of membership before 1st April 1972, or
 - (ii) a period of membership after 31st March 1972 but before 6th April 1988; and
- (b) either—

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- (i) she is a married woman and a widower's pension may become payable under Part F in respect of that service, or
 - (ii) she is a widow or a woman whose marriage has been dissolved and the death or, as the case may be, the dissolution occurred after 5th April 1988,
- the standard retirement grant (as increased in accordance with Part I of this Schedule, if appropriate) is reduced—
- (I) by three one hundred and sixtieths of the pensionable remuneration, multiplied by the length in years of any such membership as is mentioned in paragraph (a)(i), and
 - (II) by one one hundred and sixtieth of the pensionable remuneration, multiplied by the length in years of any such membership as is mentioned in paragraph (a)(ii).
- (2) For the purposes of this paragraph—
- (a) a period of membership which a person is entitled to count under regulation K14 shall be treated as being a period of membership after 31st March 1972 but before 6th April 1988 if—
 - (i) the relevant transfer value was accepted before 6th April 1988, or
 - (ii) paragraph 17(1)(b) of Schedule M4 (transitional provisions in relation to Interchange Regulations), applies to the relevant transfer value; and
 - (b) a period of membership falling within sub-paragraph (3)—
 - (i) to the extent that when aggregated with a period of actual membership after 31st March 1972 but before 6th April 1988 it does not exceed 16 years and 5 days, shall be treated as a period of membership after 31st March 1972 but before 6th April 1988; and
 - (ii) otherwise shall be treated as a period of membership before 1st April 1972.
- (3) A period of membership falls within this sub-paragraph if—
- (a) it may be counted under regulation C9 or by virtue of regulation D4, D5 or D9 of the 1986 regulations and the necessary payment was made or commenced before 6th April 1988, and
 - (b) it may be counted by virtue of a resolution passed under regulation D7 of the 1986 regulations before that date; or
 - (c) it is treated as a period of membership before that date by virtue of paragraph 6(4) of Schedule C6 or regulation D13(3) of the 1986 regulations (as continued in effect by virtue of Schedule M4).
- 4.—(1) Subject to paragraph 5 and 6, where—
- (a) the person—
 - (i) is a widower;
 - (ii) is judicially separated from his wife; or
 - (iii) is a man whose marriage has been dissolved; and
 - (b) the death or, as the case may be, the separation or dissolution occurred after the relevant date,

the standard retirement grant (as increased in accordance with Part I of this Schedule, if appropriate) is reduced by two eightieths of his pensionable remuneration, multiplied by the length in years of any period of membership before 1st April 1972, or, if earlier, the date of the death, separation or dissolution.

- (2) In sub-paragraph (1)(b) “the relevant date” means—

- (a) 30th September 1950; or
- (b) if, but for the revocation of the 1974 regulations, sub-paragraph (ii) of regulation E3(6) of those regulations (certain cases where local Act provisions had applied before 1st April 1974) would have applied, the date that would have been the relevant date for the purposes of that sub-paragraph.

5. In calculating any reduction under paragraph 2, 3 or 4, no account shall be taken of any period of membership in respect of which payment under regulation C13 has been or is to be treated as having been completed.

6. No reduction is to be made under paragraph 4(1) where the person is a woman in relation to whom that paragraph applies as provided in paragraph 2(1) of Schedule F1—

- (a) who has not made any election under regulation E12(1)(b) or (2)(b) of the 1986 regulations; or
- (b) whose election has ceased to have effect under regulation E12(6) of those regulations.