

SCHEDULE D3

Regulation D7(2)

ADDITIONAL MEMBERSHIP IN CASES OF ILL-HEALTH

Relevant service and relevant membership period

1.—(1) For the purposes of this Schedule—

- (a) a member's relevant service is so much of his contributing service and non-contributing service as did not consist of years added to his service—
 - (i) under regulation 12 of the Benefits regulations or under that regulation as applied by or under any enactment, or
 - (ii) under a corresponding provision of a local Act scheme, and
- (b) a member's relevant membership period is the total of—
 - (i) any period of membership deriving from relevant service which became reckonable service by virtue of regulation D1 of the 1974 regulations, and
 - (ii) any subsequent period of membership (other than a period excluded by sub-paragraph (2)).

(2) The subsequent period of membership mentioned in sub-paragraph (1)(b)(ii) does not include an additional period purchased by a lump sum or additional contributions unless—

- (a) it was purchased on or after 17th September 1990 under regulation C7A of the 1986 regulations or under that regulation as continued in effect by Schedule C6, and
- (b) taking that period into account results in an increase in the additional period.

Calculation of additional membership period

2.—(1) Subject to paragraphs 3 and 4, the additional membership period is—

- (a) in a case where the length of the relevant membership period is less than 10 years, a period equal to the length of the relevant membership period; and
- (b) in any other case—
 - (i) the period by which the length of the relevant membership period falls short of 20 years, or
 - (ii) if longer $6^{243}/_{365}$ years.

(2) The additional membership period is not to exceed the period by which the member's period of membership would have been increased if he had continued in the employment which he has ceased to hold until—

- (a) he attained the age of 65 years, or
- (b) if earlier, the date when his period of membership amounted to 40 years.

Alternative additional periods

3.—(1) Subject to paragraph 4, where before entering the employment which he has ceased to hold the person had, on ceasing to hold a previous employment, became entitled to benefits—

- (a) under regulation D7(1) or regulation E2(1)(b)(i) of the 1986 regulations, or
- (b) under regulation 5(1)(a) of the Benefits regulations,

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the additional period in relation to a person shall be a period calculated as mentioned in paragraph 2, but—

- (i) on the assumption that his relevant membership period includes his relevant membership period (or, as the case may be, the period of his relevant service) in relation to the previous employment, and
 - (ii) with the deduction of the appropriate period.
- (2) In sub-paragraph (1)(ii) “the appropriate period” means—
- (a) in the case mentioned in sub-paragraph (1)(a), the additional period which became reckonable in relation to the previous employment by virtue of regulation D7(2) and this Schedule or, as the case may be, regulation E3(12) of the 1986 regulations, and
 - (b) in the case mentioned in sub-paragraph (1)(b)—
 - (i) if the person’s retirement pension in respect of the previous employment was calculated under regulation 5(3)(a) of the Benefits regulations, the period by which his relevant service fell short of 20 years, and
 - (ii) if that pension was calculated under regulation 5(3)(b) of those regulations, the period by which his relevant service would have been increased if he had continued in the previous employment until he attained the age of 65.

Part-timers

4.—(1) Where—

- (a) the whole of a member’s relevant membership period is in respect of part-time service, and
- (b) the reduction under section B15(1)(b) is by the same proportion in respect of the whole period,

the additional membership period shall be determined in accordance with paragraphs 1 to 3 by reference to the period which would be the relevant membership period if the reduction required by regulation B15(1)(b) were not made (“the unreduced period”), and then the period resulting from the application of those provisions shall be reduced as mentioned in that regulation.

(2) Where—

- (a) the whole of a member’s relevant membership period is in respect of part-time service, and
- (b) different proportionate reductions fall to be made under section B15(1)(b) in respect of different parts of the relevant membership period,

the additional membership period shall be determined in accordance with paragraphs 1 to 3 by reference to the period would be the relevant membership period if the reductions required by regulation B15(1)(b) were not made (“the unreduced period”), and then—

- (i) the period resulting from the application of those provisions shall be apportioned between the different parts mentioned in paragraph (b) in proportion to the respective lengths of the parts of the unreduced period attributable to each of them,
- (ii) each such apportioned part of the unreduced period shall be reduced as mentioned in that regulation, and
- (iii) those reduced periods shall be aggregated together.

(3) Subject to sub-paragraph (4), where part only of a member’s relevant membership period is in respect of part-time service, the additional membership period for the whole of his relevant membership period shall be determined in accordance with paragraphs 1 to 3 (and, in so far as the membership in respect of part-time service is concerned, by reference to the unreduced period), and

then the period resulting from the application of those provisions (“the aggregate unreduced period”) shall be reduced by multiplying it by the fraction of which—

- (a) the numerator is the member’s relevant membership period, determined, in so far as any membership in respect of part-time service is concerned, with the reduction required by regulation B15(1)(b) (and, where different proportionate reductions fall to be made under section B15(1)(b) in respect of different parts of the relevant membership period, determining the overall reduction as mentioned in sub-paragraph (2) above), and
- (b) the divisor is the aggregate unreduced period.

(4) Where—

- (a) apart from this sub-paragraph, sub-paragraph (3) would apply, and
- (b) the member’s relevant membership includes not less than 13 $\frac{121}{365}$ years in respect of whole-time service ending with his ceasing to hold the employment,

then sub-paragraph (3) shall not apply.

(5) Where a member is in part-time service and his contractual hours are determined as mentioned in paragraph (iii) of the definition of “contractual hours” in regulation B3(4), (non-cyclical fluctuation) then, for the purposes of this paragraph—

- (a) the lengths of the parts of the relevant membership period by reference to which different proportionate reductions fall to be made under regulation B15(1)(b) shall be determined by reference to the periods mentioned in that paragraph, and
- (b) the reduction under that regulation in respect of any such period shall be made by reference to the contractual hours over that period as determined under that paragraph.