

SCHEDULE H1

Regulation H8.

MODIFICATIONS AS RESPECTS CERTAIN PRE APRIL 1974 EMPLOYEES

PART I

WHERE NO RIGHT TO RETIREMENT GRANT

1. In regulation D2—
 - (a) in paragraph (1)(a), for the words “one eightieth” substitute “one sixtieth”, and
 - (b) omit paragraphs (2) and (3).
2. In regulations D5, D6(1) and D7(1)—
 - (a) omit paragraph (ii),
 - (b) in both those regulations omit the word “and” immediately preceding the omitted paragraph, and
 - (c) for the words “which are” substitute “which is”.
3. In regulation D9(1) omit paragraph (b) and the word “and” immediately preceding it, and for the words “which are” substitute “which is”.
4. In regulation D11(1) omit the words “and a standard retirement grant”.
5. In regulation E3—
 - (a) in paragraph (1)(a) after “pension” insert “(other than a pension under regulation D19)”; and
 - (b) in paragraph (2) for the words from “reduced” onwards substitute “reduced—
 - (a) by the total of any payments made to him in respect of retirement pension, or
 - (b) where the pension was reduced under Schedule D5 (re-employed pensioners) or had been surrendered in part under regulation D14, by the amount which would have been paid in respect of the pension but for the reduction or surrender.”.
6. Omit Schedule D2.
7. In Part III of Schedule D5 (re-employed pensioners: separate benefits) omit paragraph 18(3)(a)(iii) and (iv).

PART II

WHERE NO RIGHT TO WIDOW'S PENSION

8. In regulation E3(2) omit the words from “reduced” onwards.
9. Omit Schedule D2.

PART III

WHERE NO RIGHT TO RETIREMENT GRANT OR WIDOW'S PENSION

10. In regulations E1(2) and E2(2) omit the words from “less” onwards.

Status: This is the original version (as it was originally made).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

11. For regulations E3 and E4 substitute—

“Death of a pensioner.

E3.—(1) If at the time of his death a person—

- (a) was entitled to receive payments in respect of a retirement pension, or
- (b) would have been so entitled but for the operation of Schedule D5 (re-employed pensioners),

his personal representatives are entitled to receive a death grant.

(2) Where the deceased became entitled to the retirement pension otherwise than by virtue of becoming entitled to preserved benefits under regulation D9 or D11, the amount of the death grant is the greater of—

- (a) the deceased’s pensionable remuneration, and
- (b) three eightieths of his pensionable remuneration, multiplied by the length in years of the period of membership taken into account in calculating his retirement pension,

reduced by the total of—

- (i) any retirement grant paid to him,
- (ii) any payments which were or would, apart from any reduction under Schedule D5 (re-employed pensioners), or regulation H2 (national insurance modification) or partial surrender under regulation D14, have been made to him in respect of retirement pension.

(3) Where the deceased became entitled to the retirement pension by virtue of becoming entitled to preserved benefits under regulation D9 or D11, the amount of the death grant is the greater of—

- (a) the amount mentioned in paragraph (2)(b) less the total of the sums mentioned in paragraph (2)(i) and (ii), and
- (b) such proportion of the deceased’s pensionable remuneration (less the total of those sums) as the length in years of the period of membership taken into account in calculating his retirement pension bears to the length in years of the period of membership he would have had at his NRD.”

12. Omit regulation E5.

13. In regulation F2—

- (a) in paragraph (1) for “spouse” and “spouses”, wherever they occur, substitute respectively “widow” and “widows”;
- (b) in paragraph (2) for the words following “the annual rate of long-term pension is” substitute

“the aggregate of—

- (a) one four hundred and eightieth of her husband’s pensionable remuneration, multiplied by the length in years of his period of membership before 1st April 1972, and
- (b) one one hundred and sixtieth of his pensionable remuneration, multiplied by the length in years of the period of his membership after 31st March 1972.”

- (c) For paragraph (3) substitute—

“(3) For the purpose of calculating the rate of the pension under paragraph (2), no account shall be taken of membership before attaining the age of 60 years beyond a total

of 40 years, and any period of membership which is accordingly to be left out of account shall be taken from the beginning of the husband's period of membership.”.

14. In regulation F3—

- (a) in paragraph (1) for “spouse” and “spouses”, wherever they occur, substitute respectively “widow” and “widows”;
- (b) for paragraph (2) substitute—

“(2) The annual rate of the long-term pension to which a widow is entitled under paragraph (1) is the aggregate of—

- (a) one four hundred and eightieth of her husband's pensionable remuneration, multiplied by the length in years of his period of membership before 1st April 1972, and
- (b) one one hundred and sixtieth of his pensionable remuneration, multiplied by the length in years of the period of his membership after 31st March 1972.

(3) For the purpose of calculating the rate of the pension under paragraph (2), no account shall be taken of membership before attaining the age of 60 years beyond a total of 40 years, and any period of membership which is accordingly to be left out of account shall be taken from the beginning of the husband's period of membership.”.

15. In regulation F5—

- (a) in paragraph (1) for “spouse” and “spouses”, wherever they occur, substitute respectively “widow” and “widows”;
- (b) in paragraph (2) for the words following “the annual rate of the long-term pension is” substitute

“the aggregate of—

- (a) one four hundred and eightieth of her husband's pensionable remuneration, multiplied by the length in years of his period of membership before 1st April 1972, and
- (b) one one hundred and sixtieth of his pensionable remuneration, multiplied by the length in years of the period of his membership after 31st March 1972.”.

- (c) for paragraph (3) substitute—

“(3) For the purpose of calculating the rate of the pension under paragraph (2), no account shall be taken of membership before attaining the age of 60 years beyond a total of 40 years, and any period of membership which is accordingly to be left out of account shall be taken from the beginning of the husband's period of membership.”.

16. Omit regulations F6(2) and F8(2) and (3).

17. Omit regulations G3, G5 and G6.

18. In regulation G7(1)(a) omit “(or pension under regulation D19)”.