

SCHEDULE M3

Regulation M3.

MODIFICATIONS APPLYING TO CERTAIN CITY OF LONDON EMPLOYEES

PART I

MODIFICATION APPLYING TO ALL RELEVANT EMPLOYEES
SUBSTITUTED PARAGRAPH 6 OF SCHEDULE M1

1. For paragraph 6 of Schedule M1 substitute—

*“Persons transferred to Common Council under section 18(4)
(a) of the National Health Service Reorganisation Act 1973*

6.—(1) This sub-paragraph applies to a person—

- (a) who was by or under an order made under section 18(4)(a) of the National Health Service Reorganisation Act 1973⁽¹⁾ transferred to the employment of the Common Council,
- (b) who immediately before he was so transferred was in an employment in which he was an officer (within the meaning of the Health Service regulations),
- (c) who on the date on which he was so transferred became a contributor to the local Act superannuation fund in the employment to which he was so transferred,
- (d) who became a member in that employment on 1st October 1977, and
- (e) to whom sub-paragraph (4) does not apply.

(2) A person to whom sub-paragraph (1) applies is, subject to sub-paragraph (3), entitled to count—

- (a) as, or as a period of, membership any service which for the purposes of the Health Service regulations he was entitled to count in relation to the employment mentioned in sub-paragraph (1)(b), as, or as a period of, contributing service, and
- (b) as a period to which Part II of Schedule B6 applies any service which for the purposes of those regulations he was entitled to count in relation to that employment for the purpose of determining whether he was entitled to a benefit under those regulations, but for no other purpose.

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

- (a) any period of part-time service shall be treated as though it was whole-time service for a proportionately reduced period, and
- (b) except for the purposes of—
 - (i) determining whether a person is entitled to, or to payment of, a benefit, or
 - (ii) ascertaining, where notice was given under Schedule 2 to the Benefits regulations or regulation D6 or D7 of the 1974 regulations, the maximum length of any additional period to which regulation C9 applies,

any service which was reckonable under the Health Service regulations for all purposes (other than for the purpose of determining whether any benefit was payable) as a period of contributing service at half its length shall be counted at half its length.

(1) 1973 c. 32.

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- (4) Subject to sub-paragraph (5), in relation to a person who gave notice under regulation 19(3) of the Local Government Superannuation (City of London) Regulations 1977(2) that he did not wish to avail himself of the benefits provided under the 1974 regulations, these regulations—
- (a) have effect as if they conferred on him rights corresponding with those which he would have enjoyed if he had remained subject to the provisions of the Health Service regulations, and
 - (b) continue so to have effect so long as he is employed without a disqualifying break of service by the Common Council on duties reasonably comparable to those on which he was engaged immediately before he was transferred.
- (5) Notwithstanding anything in sub-paragraph (4), where that sub-paragraph applies—
- (a) paragraph 8 of Schedule B6 has effect as if—
 - (i) references to a period to which Part II of that Schedule applies included references to periods of service which count for the purpose of determining whether any benefit is payable,
 - (ii) in sub-paragraph (2), the reference to regulation E2(1)(c) of the 1986 regulations included a reference to regulation 8(1)(a)(iv) of the Health Service regulations, and
 - (iii) “retirement pension” included a pension payable by virtue of sub-paragraph (4),
 - (b) Part I of Schedule D5 has effect in lieu of regulation 39 of the Health Service regulations and as if—
 - (i) “retirement pension” included a pension payable by virtue of sub-paragraph (4), and
 - (ii) for the purpose of ascertaining the remuneration of a former employment, entitlement to such a pension were not an entitlement under these regulations, the 1986 regulations or the 1974 regulations, and
 - (c) regulation H4 has the effect in lieu of regulation 55 of the Health Service regulations.
- (6) In this paragraph “the local Act superannuation fund” has the same meaning as in the Local Government Superannuation (City of London) Regulations 1977.”

PART II

MODIFICATIONS APPLYING TO BOTH EXISTING AND FORMER CONTRIBUTORS

2. For any reference to one of the following expressions substitute a reference to the expression appearing opposite it.

The Acts of 1937 to 1953, or the regulations made under them.

The local Act superannuation provisions.

The Acts of 1937 to 1953, or regulations made under them, applying as amended or extended

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by the provisions of any local Act or scheme or together with any such provisions.

The appropriate superannuation fund within the meaning of the Act of 1937. The local Act superannuation fund.

A superannuation fund maintained under Part I of the Act of 1937.

Contributory employee. Contributor to the local Act superannuation fund.

Contributing service. Service reckonable for all the purposes of the local Act superannuation provisions at its full length.

Non-contributing service. Service reckonable for the purpose of calculating the amount of a benefit under the local Act superannuation provisions at half its length.

The former regulations. The local Act superannuation provisions.

A provision in the former regulations. The corresponding or similar provision in the local Act superannuation provisions.

3. In relation to an existing contributor or former contributor who immediately before the commencement date was entitled by virtue of paragraph 3 of Part V of Schedule 15 to the 1986 regulations to make contributions at a lower rate, regulation C4 has effect, while he continues in the employment of the same City of London employing body, with the substitution for “five per cent.” or “six per cent.” of that lower rate.

4. For regulation H8 substitute—

“Benefits of certain persons employed before 1st October 1977

H8.—(1) Subject to paragraph (3), in relation to a person who—

(a) was prospectively entitled under the local Act superannuation provisions to benefits which did not include a lump sum retiring allowance and a pension payable to his widow, and

(b) did not make an election under regulation E19(2) of the 1974 regulations,

these regulations have effect subject to the modifications set out in Parts I and III of Schedule H1.

(2) In relation to a person who—

(a) was prospectively entitled under the local Act superannuation provisions to benefits which did not include a lump sum retiring allowance, and

(b) did not make an election under regulation E19(2) of the 1974 regulations,

these regulations have effect subject to the modifications set out in Parts II and III of Schedule H1.

(3) In relation to a person falling within paragraph (1)(a) and (b) who—

(a) fulfils the following conditions, namely—

(i) he first married on or after 1st October 1977,

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- (ii) he has continued to contribute to the pension fund maintained by the Common Council from the day on which he first became a member and without a break of 12 months or more, and
 - (iii) at a time when he is a member and within three months after first marrying he elects by notice in writing to the Common Council to be treated as a person falling within paragraph (2)(a) and (b); or
- (b) made a similar election to that mentioned in paragraph (a)(iii) under regulation E19(2) of the 1974 regulations,

these regulations have effect subject to the modifications set out in Parts II and III of Schedule H1.

(4) In this regulation “the local Act superannuation provisions” and “City of London employing body” have the same meanings as in the Local Government Superannuation (City of London) Regulations 1977.”.

PART III

SUBSTITUTED SCHEDULE H1

“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 (1)(b), (2) and (3).
2. 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 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.”.
3. 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.”.

4. 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.”.

5. Omit regulations G3, G5 and G6 and in regulation G7(1) paragraph (b) and the word “or” immediately preceding it.

PART II

WHERE NO RIGHT TO WIDOW'S PENSION

6. In regulation D2—

- (a) in paragraph (1)(a), for the words from “equal to” onwards substitute “equal to the aggregate of—”
 - (i) one seventieth of his pensionable remuneration, multiplied by the length in years of his period of membership before 1st April 1972, and
 - (ii) one sixtieth of his pensionable remuneration, multiplied by the length in years of the period of his membership after 31st March 1972

; and

- (b) omit paragraphs (1)(b), (2) and (3).

7. 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 the long-term pension is” substitute

“the aggregate of—

- (a) (subject to paragraph (2A)) three tenths of the retirement pension to which her husband was or would have been entitled at the time of his death in respect of the period of his membership before 1st April 1972,

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- (b) 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
 - (c) 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.”; and
 - (c) after paragraph (2) insert—
 - “(2A) Where—
 - (a) the widow’s age at the date of her husband’s death is greater than his, or
 - (b) her age was less and she has no eligible child,
- the amount calculated under paragraph (2)(a) is to be increased or reduced by an amount certified by an actuary to be just.”.
8. 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) (subject to paragraph (2A)) three tenths of the retirement pension to which her husband was or would have been entitled at the time of his death in respect of the period of his membership before 1st April 1972,
 - (b) 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
 - (c) 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”; and
 - (c) after paragraph (2) insert—
 - “(2A) Where—
 - (a) the widow’s age at the date of her husband’s death was greater than his, or
 - (b) her age was less and she has no eligible child,
- the amount calculated under paragraph (2)(a) is to be increased or reduced by an amount certified by an actuary to be just.”.
9. 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) (subject to paragraph (2A)) three tenths of the retirement pension to which her husband was or would have been entitled at the time of his death in respect of the period of his membership before 1st April 1972,
 - (b) 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

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- (c) 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.”; and

(c) after paragraph (2) insert—

“(2A) Where—

- (a) the widow’s age at the date of her husband’s death was greater than his, or
- (b) her age was less and she has no eligible child,

the amount calculated under paragraph (2)(a) is to be increased or reduced by an amount certified by an actuary to be just.”.

10. In regulation G3 for paragraph (2) substitute—

“(2) Subject to paragraph (5) and regulations G9 and G10, the annual amount of a children’s long-term pension is the appropriate fraction of the aggregate of—

- (a) three tenths of the retirement pension to which the deceased was or would have been entitled at the time of his death in respect of the period of his membership before 1st April 1972,
- (b) one four hundred and eightieth of his pensionable remuneration, multiplied by the length in years of his period of membership before 1st April 1972, and
- (c) one one hundred and sixtieth of his pensionable remuneration, multiplied by the length in years of his period of membership after 31st March 1972.”.

11. In regulation G3 for paragraph (5) substitute—

“(5) For the purposes of calculating the amount of a children’s long-term pension under paragraph (2), no account shall be taken of any period 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 member’s period of membership.”.

12. In regulation G5 for paragraph (2) substitute—

“(2) Subject to paragraph (4) and regulations G9 and G10, the annual amount of a children’s long-term pension is the appropriate fraction (within the meaning of regulation G3(3)) of the aggregate of—

- (a) three tenths of the retirement pension to which the deceased was or would have been entitled at the time of his death in respect of the period of his membership before 1st April 1972,
- (b) one four hundred and eightieth of his pensionable remuneration, multiplied by the length in years of his period of membership 1st April 1972, and
- (c) one one hundred and sixtieth of his pensionable remuneration, multiplied by the length in years of his period of membership after 31st March 1972.”.

13. In regulation G5 for paragraph (4) substitute—

“(4) For the purposes of calculating the amount of a children’s long-term pension under paragraph (2), no account shall be taken of any period 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 member’s period of membership.”.

14. In regulation G6 for paragraphs (2) and (3) substitute—

“(2) Subject to paragraph (3) and regulations G9 and G10, the annual amount of a children’s long-term pension is the appropriate fraction (within the meaning of regulation G3(3)) of the aggregate of—

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- (a) three tenths of the retirement pension to which the deceased was or would have been entitled at the time of his death in respect of the period of his membership before 1st April 1972,
 - (b) one four hundred and eightieth of his pensionable remuneration, multiplied by the length in years of his period of membership before 1st April 1972, and
 - (c) one one hundred and sixtieth of his pensionable remuneration multiplied by the length in years of his period of membership after 31st March 1972.
- (3) For the purposes of calculating the amount of children’s long-term pension under paragraph (2), no account shall be taken of any period 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 member’s period of membership.”.

15. Before regulation G8 insert—

“Limitation on entitlement to children’s long-term pension

G7A. Where a widow’s long-term pension is payable under Part F, no children’s long-term pension is payable until the day after the widow’s death.”.

16. In regulation G10(1), for the words from “then” to the end of the regulation substitute “the annual rate of the pension is to be reduced by the amount of the excess”.

PART III

WHERE NO RIGHT TO RETIREMENT GRANT OR WIDOW'S PENSION

17. In regulation D2 omit paragraphs (1)(b), (2) and (3).

18. In regulations D5, D6(1) and D7(1) omit paragraph (ii), in regulation D9(1) omit paragraph (b), and in all those regulations omit the word “and” immediately preceding the omitted paragraph and for the words “which are” substitute “which is”.

19. In regulation D11(1) omit the words “and a standard retirement grant”.

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

21. 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 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,

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reduced by the total of—

- (i) any retirement grant paid to him, and
- (ii) any payments which were or would, apart from any reduction under Schedule D5 (re-employed pensioners) 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 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."

22. Omit regulation E5.

23. In regulation F2—

- (a) in paragraph (1) for "spouse" and "spouses", wherever they occur, substitute respectively "widow" and "widows";
- (b) in paragraph (23) omit—
 - (i) in paragraph (a) the words from "if" to "years", and
 - (ii) paragraph (b) and the word "and" immediately preceding it; and
- (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".

24. In Part III of Schedule D5 (re-employed pensioners: separate benefits) omit paragraph 18(3) (a)(iii) and (v)."