

SCHEDULE

*Benefit limits*

PART II

*Retirement pensions*

7. The annual rate of a participator's retirement pension under these Regulations must not be such as to cause the participator's total retirement benefits to exceed the permitted amount.

8.—(1) If the participator becomes entitled to a pension under regulation E1 of the 1995 Regulations on his 60th birthday, the permitted amount is the

**greater of E and F,**

where—

E is 1/60th of the participator's final remuneration for each of up to 40 years of pensionable service, and

F is the lesser of G and H.

(2) In sub-paragraph (1)—

(a) G is—

(i) in relation to a participator who entered pensionable employment before 17 March 1987, the fraction of final remuneration ascertained by reference to the number of years of pensionable service at age 60, from the Table below;

TABLE

<i>Years of pensionable service at age 60</i>	<i>Fraction</i>
not more than 5	1/60th for each year
6	8/60ths
7	16/60ths
8	24/60ths
9	32/60ths
10 or more	40/60ths

and

(ii) in any other case, is 1/30th of the participator's final remuneration for each of up to 20 years of pensionable service; and

(b) H is 2/3rd of the participator's final remuneration less any retained benefits.

9. If the participator becomes entitled to a pension under regulation E1 of the 1995 Regulations on a date later than his 60th birthday, the permitted amount is—

(a) where the participator first entered pensionable employment before 1st June 1989, the **greater of J, K and, where applicable L,**

where—

J is an amount calculated in accordance with paragraph 8 as at the material date,

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K is an amount calculated in accordance with paragraph 8 as at the participator's 60th birthday increased, up to the date of his retirement, in proportion to any increase in the Index during that period, and

L is, in the case of a participator with more than 40 years of pensionable service, 1/60th of his final remuneration for each of up to a maximum of 45 years of pensionable service, excluding any years before the participator's 60th birthday in excess of 40, and

- (b) in any other case, is the lesser of the amounts calculated in accordance with paragraph 8(2)(a)(ii) and (2)(b).

**10.**—(1) If the participator becomes entitled to a pension under regulation E6 of the 1995 Regulations on or after his 60th birthday, the permitted amount is—

- (a) where the participator first entered pensionable employment before 1st June 1989, the greater of

$$(M + R) \text{ and } \left( \frac{N \times Q}{P} + R \right)$$

where—

M is 1/60th of the participator's final remuneration for each of up to 40 years of pensionable service,

N is the number of years on which M is calculated,

P is the number of years on which M would have been calculated if the participator had continued in pensionable employment up to his 60th birthday,

Q is the maximum amount calculated in accordance with paragraph 8 if the participator had continued in pensionable employment until age 60,

R is the appropriate increase; and

- (b) in any other case, the lesser of the amounts calculated in accordance with paragraph 8(2)(a)(ii) and (2)(b).

(2) For the purpose of sub-paragraph (1) the appropriate increase is an increase in the amount in question in proportion to any increase in the Index from the cessation of pensionable employment to the date of payment of retiring allowances.

**11.** Paragraphs 8 to 10 inclusive in their application to persons who are special class officers for the purposes of regulations R2 and R3 of the 1995 Regulations shall have effect subject to the modification that 55th birthday shall be substituted for 60th birthday and age 55 shall be substituted for age 60.

**12.** If the participator becomes entitled to a pension under regulation E2 of the 1995 Regulations (early retirement pension on grounds of ill health), the permitted amount is that fraction of the participator's final remuneration which, in accordance with paragraph 8 of this Schedule, he could have received had he remained in pensionable employment until his 60th birthday.

**13.** If the participator becomes entitled to a pension under regulation E3 (early retirement pension in respect of redundancy), E4 (early retirement pension with employer's consent) or E5 (early retirement pension with actuarial reduction) of the 1995 Regulations, the permitted amount is—

- (a) where the participator first entered pensionable employment before 1st June 1989, the greater of

$$M \text{ and } \left( \frac{N \times Q}{P} \right) \text{ and}$$

- (b) in any other case, S, where—

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M, N, P and Q have the same meaning as in paragraph 10, and  
S is the lesser of the amounts calculated in accordance with paragraph 8(2)(a)(ii) and (2)(b).