
GUERNSEY STATUTORY INSTRUMENT

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The Teachers' Superannuation (Guernsey)
Regulations, 2001

Made 11th June, 2001

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THE STATES EDUCATION COUNCIL, in exercise of the powers conferred upon it by sections 1 and 3 of the Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974 (a), hereby orders:-

PART I
PRELIMINARY

Citation, commencement and extent.

1.(1) These Regulations may be cited as the Teachers' Superannuation (Guernsey) Regulations, 2001, and shall be deemed to have come into operation on the 3rd February, 1998 but the following provisions shall have effect from 1st September 1997-

regulation 8

regulation 9(2)

regulation 21 insofar as it relates to contributions payable under regulation 9(2)

regulation 56

regulation 65 insofar as it relates to contributions payable under regulation 9(2)

regulation 69

regulation 71

(2) These Regulations shall have effect in the Islands of Guernsey, Herm and Alderney.

Interpretation.

2.(1) Schedule 1 to these Regulations contains a glossary of expressions: and in these Regulations, unless the context otherwise requires, any expression for which there is an entry in the first column of that Schedule has the meaning given against it in the second column or is to be construed in accordance with the directions given against it in that column.

(2) The Interpretation (Guernsey) Law, 1948(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of a Guernsey enactment.

(3) In these Regulations, unless the context otherwise requires-

- (a) any reference to an enactment is a reference to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment; and "enactment" includes any provision having effect under or by virtue of an enactment;
- (b) any reference to a regulation, part or schedule not otherwise identified is a reference to a regulation or part of, or a schedule to, these Regulations; and any reference to a section, paragraph or sub-paragraph not otherwise identified is a reference to a section of the part, a paragraph of the regulation or a sub-paragraph of the paragraph in which the reference occurs;
- (c) any reference to the purchase of added years is, in relation to previous provisions, to be construed as including a reference to the payment of contributions by a person in respect of a period during which he was not in pensionable employment; and

(a) Ordres en Conseil Vol XXIV, p. 265.

(b) Ordres en Conseil Vol XIII, p. 355.

- (d) any reference to contributions and benefits payable in respect of a person is to be construed as including a reference to contributions paid by him and benefits paid to him.

(4) Where these Regulations require anything to be done within a specified period after or from a specified day or event, the period begins immediately after the specified day or, as the case may be, the day on which the specified event occurs.

(5) For the purposes of these Regulations a person's pensionable employment ends with the last day of the employment or, as the case may be, the last day on which the employment was pensionable.

PART II
PENSIONABLE EMPLOYMENT

Full-time employment.

3.(1) Subject to regulation 6 (employment not pensionable), a person is in pensionable employment while he is in full-time employment-

- (a) as a teacher employed by, or in a school or establishment of further education maintained by, the States; or
- (b) as a teacher in a school in respect of which grants are made by the States to the person responsible for its management or its governing body as the case may be; or
- (c) subject to paragraph (3), as an organiser or supervisor employed by the States at the Education Department, where such person was formerly a teacher within paragraph (a) or (b) hereof or in comparable British service;
- (d) subject to paragraph (3), as an organiser employed as a youth and community worker by a body to whom grants are made by the States in the exercise of their functions under section 23 or 43 of the Education (Guernsey) Law, 1970(c).

(2) Subject to paragraph (3), a person may be treated as in pensionable employment where he is in the full-time employment of the States otherwise than as a teacher, organiser or supervisor and where he was formerly in comparable British service.

(3) Full-time employment in a capacity described in paragraphs (1)(c) and (d) and (2) is not pensionable unless the person has elected that it is to be so by giving written notice to the Council within three months after the start of the employment and such election is made with the consent of the employer.

Part-time employment.

4.(1) Subject to paragraph (2) and regulation 6 (employment not pensionable), a person who has at any time made an election for the purposes of this regulation is in pensionable employment while he is a part-time employee who is employed in a capacity described in regulation 3(1) or (2).

(2) A person is not in pensionable employment by virtue of paragraph (1) while he is entitled to be paid a teacher's pension.

(c) Ordres en Conseil Vol. XXII, p. 318.

(3) An election for the purposes of this regulation-

- (a) may be made at any time by giving written notice to the Council, and
- (b) unless the Council specifies an earlier date, has effect from the first day of the month following that in which the Council notifies the person making it of its acceptance or such earlier date as may be approved, and
- (c) shall be irrevocable.

Employment in accepted school.

5. (1) A person employed in an accepted school is not in pensionable employment if he has any financial interest in the establishment other than a right to a salary.

(2) Subject to paragraph (6), an establishment is an accepted school if-

- (a) immediately before 3rd February, 1998 it was an accepted school for the purposes of the 1994 Regulations,
- (b) the Council has accepted it for the purposes of this regulation.

(3) An establishment may only be accepted with the approval of the Council.

(4) An establishment may only be accepted if its governing body has made a written application to the Council.

(5) No establishment need be accepted, but if an establishment is accepted its acceptance takes effect as from a date to be agreed between the Council and the governing body, which must be-

- (a) the first day of a month later than that in which the application was made, or
- (b) if the establishment was constituted by an amalgamation, either the first day of such a month or the date of the amalgamation.

(6) An establishment which has become an accepted school ceases to be one from the date specified in a written notice given to its governing body by the Council.

(7) Notice for the purpose of paragraph (6) may be given if the governing body-

- (a) has made a written application to the Council for the establishment to cease to be an accepted school, or
- (b) has failed to pay or remit contributions to the Council, or
- (c) has failed to comply with regulation 73 (records and information) or any other provision of these Regulations relating to pensionable employment.

(8) Paragraphs (4) to (7) apply to an establishment which had previously ceased to be an accepted school as they apply to an establishment which has not previously been an accepted school.

(9) In this regulation "governing body" includes any person by whom teachers are employed.

Employment not pensionable.

6.(1) A person is not in pensionable employment unless he is-

- (a) at least 18 years old and under 70, and
- (b) entitled to be paid his salary in full, or on sick leave and entitled to be paid not less than half his salary, or on maternity leave and entitled to be paid any contractual remuneration.

(2) A person is not in pensionable employment while he is in an employment which immediately before 3rd February, 1998 by virtue of regulation 6(2) of the 1994 Regulations (exclusion from pensionable employment) was not pensionable employment.

(3) A person is not in pensionable employment-

- (a) if he was ordinarily resident outside the British Islands before becoming employed, if and for so long as the Council is satisfied both that the employment will be for less than 2 years and that, when it is completed, he will cease to be resident within the British Islands;
- (b) if, having entered the employment for the first time after attaining the age of 58 without having previously been employed in comparable British service in respect of which the Council received a transfer value under interchange provisions, he so elects by notice in writing to the Council within three months of his becoming so employed.

PART III

TEACHERS' CONTRIBUTIONS

Salary on which contributions are payable.

7.(1) Subject to paragraphs (2) to (4) and regulation 8, a person's contributable salary is the total of-

- (a) the amounts payable by his employer in respect of his pensionable employment -
 - (i) by way of salary, and
 - (ii) in satisfaction of any liability arising out of sickness or maternity, and
- (b) if the employer has satisfied the Council that it is expedient for residential accommodation to be provided free in connection with the employment, the money value as an allowance in kind of -
 - (i) the accommodation provided, and
 - (ii) any heat, lighting or water provided free in connection with it.

(2) If the money value of any accommodation provided as mentioned in paragraph (1)(b) provided free exceeds one sixth of the aggregate of the amounts mentioned in paragraph (1)(a), the excess is not part of the person's contributable salary.

(3) A person's contributable salary does not include-

- (a) any allowance in kind not falling within paragraph (1) (b),
- (b) any payment in respect of bonus,
- (c) any payment in respect of overtime, or
- (d) any payment by way of travelling or expense allowance.

(4) For the purposes of paragraph (3) above-

- (a) a payment by way of bonus shall not include any payment calculated by reference to the performance of the person in question or the performance of the institution where he is employed,
- (b) a payment by way of bonus shall not include any payment made to the person in question where such a payment is made as part of a pay settlement which applies to all persons, or to all persons of a particular class or description, employed at the institution,
- (c) if at any time a payment is made to a person which is not part of his contributable salary, then any subsequent payment of the same nature is a payment by way of a bonus (whether or not it is described as such), and
- (d) if at any time a payment is made to a person which is part of his contributable salary, then any subsequent payment of the same nature is not a payment by way of a bonus (whether or not it is described as such).

Salary on which contributions are payable-election.

8. (1) A person who-

- (a) continues in pensionable employment but whose contributable salary is reduced, otherwise than by reason of sick leave or maternity leave, and who satisfies the conditions in paragraph (2), or
- (b) leaves pensionable employment with one employer ("employer A") and-
 - (i) takes up employment again with employer A, or
 - (ii) takes up employment with another employer ("employer B")at a lower contributable salary who satisfies the conditions in paragraph (3)

may make an election that his salary is to be treated as having continued at the rate specified in paragraph (4).

(2) The conditions referred to in paragraph (1) (a) are-

- (a) that on the date when the contributable salary was reduced the person had attained the age of 50,
- (b) that on the date when the contributable salary was reduced he had been in pensionable employment for at least five years, and

(c) that the responsibility of his post after the reduction in contributable salary is lower than the responsibility of any of the posts which he had held during the period of five years immediately preceding the date of the reduction in contributable salary.

(3) The conditions referred to in paragraph (1) (b) are-

(a) that on the date of leaving pensionable employment with employer A the person had attained the age of 50,

(b) that on the date of leaving pensionable employment with employer A he had been in pensionable employment for at least 5 years,

(c) that the responsibility of his post with employer A or, as the case may be, his post with employer B is lower than the responsibility of any of the posts which he had held during the period of five years immediately preceding the date on which he left employment with employer A as described in paragraph (1)

(d) that employer A (if not the Council) notifies the Council that he has provided satisfactory service during the period of 5 years referred to in sub-paragraph (c) or, where he has been employed by employer A for less than 5 years, during the period when he was employed by employer A, and

(e) that no more than one year has elapsed between leaving pensionable employment with employer A as described in paragraph (1) and taking up pensionable employment again with employer A or, as the case may be, taking up pensionable employment with employer B.

(4) The rate of salary referred to in paragraph (1) is-

(a) where the person falls within paragraph (1) (a) and is employed full-time after the reduction, the rate applicable immediately before the reduction, and

(b) where the person falls within paragraph (1) (b) and is re-employed full-time with employer A, or employed full-time with employer B, the rate applicable immediately before he left employment with employer A as described in paragraph (1)

(c) where the person falls within paragraph (1) (a) and is employed part-time after the reduction, the rate which would have been applicable immediately before the reduction if he had been employed for the same number of hours or, for the same proportion of the year, term, month or week, as the case may be, as he is employed immediately after the reduction, and

(d) where the person falls within paragraph (1) (b) and is employed part-time at the start of his re-employment with employer A, or his employment with employer B, the rate which would have been applicable immediately he left his employment with employer A as described in paragraph (1) if he had been employed for the same number of hours or, for the same proportion of the year, term, month or week, as the case may be, as he is employed at the start of his re-employment with employer A or, as the case may be, his employment with employer B,

increased, in each case, on each increase day by

$$\frac{(RI - RE)}{RE}$$

where-

RI is the retail prices index for the quarter in which the increase day occurs, and

RE is the retail prices index for the quarter in which the election was made.

(5) For the purposes of paragraph (4) the increase day is the first day of the month in each year following the month in which-

(a) the salary was reduced, in a case where the person falls within paragraph (1) (a), or

(b) the person left his employment with employer A as described in paragraph (1) in a case where the person falls within paragraph (1) (b),

and the first increase day is that falling in the year after the year in which the salary was reduced or the person left his employment with employer A, as the case may be.

(6) An election for the purposes of paragraph (1)

(a) must be made by giving written notice to the Council before the date which is 3 months after-

(i) the reduction in salary, in a case where the person falls within paragraph (1) (a), or

(ii) taking up employment again with employer A or, as the case may be, taking up employment with employer B, in a case where the person falls within paragraph (1) (b),

or before 3rd May 1998 whichever date is later.

(b) has effect from-

(i) the day after the last day on which the person's salary was payable at the rate applicable immediately before the reduction, in a case where the person falls within paragraph (1) (a), or

(ii) the day on which the person takes up employment again with employer A or, as the case may be, takes up employment with employer B, in a case where the person falls within paragraph (1) (b), and

(c) subject to paragraph (7), continues to have effect until the person ceases to be in pensionable employment unless he-

(i) elects to pay additional contributions under regulations 12 (additional contributions for a current period) or 13 (additional contributions for a current period: service in a reserve force), or

(ii) takes up pensionable employment with another employer ("employer C") within six months of ceasing to be in pensionable employment.

(7) An election for the purposes of paragraph (1) may be cancelled by giving written notice to the Council at any time.

(8) Notice of cancellation-

(a) has effect from the first day of the month following that in which it was received, and

(b) is irrevocable.

(9) If while an election made for the purposes of paragraph (1) has effect, there is any further reduction during a period of sick leave or maternity leave, the rate of salary specified in paragraph (4) is, during that period, to be treated as having been reduced in the same proportion as the actual rate.

(10) In paragraph (1) (a) and (b) the reference to contributable salary is, in the case of a person in part-time employment, a reference to the salary which would have been the person's contributable salary if the person had been in full-time employment.

(11) In this regulation "the retail prices index" means the States of Guernsey Retail Prices Index published quarterly by the Economics & Statistics Unit of the States of Guernsey Advisory & Finance Committee

Ordinary contributions.

9.(1) Subject to paragraph (2), a person who is in pensionable employment is to pay contributions of 6 per cent of his contributable salary for the time being.

(2) A person who has made an election under regulation 8(1) (Salary on which contributions are payable-election) shall, in addition to the contributions referred to in paragraph (1), pay contributions of the required percentage of the difference between the person's actual contributable salary and the contributable salary at the rate referred to in regulation 8(4) to the extent that such contributions are not paid by any employer referred to in regulation 69 (employers' contributions-employees' elections under regulation 8) under an election mentioned in that regulation.

(3) No contributions are to be paid by anyone to whom regulation 57(2) (a) (restriction of reckonable service to 45 years) has become applicable.

Additional contributions for past period.

10.(1) This regulation applies to a person who-

(a) is in pensionable employment, and

(b) first became employed in pensionable employment, or has been credited with reckonable service on the acceptance of a transfer value in respect of comparable British service that began, before he attained the age of 55, and

(c) has not become entitled to payment of retirement benefits under regulation 29(2) or (3) (Entitlement to payment of retirement benefits).

(2) Subject to paragraphs (4) to (7) and (9), a person to whom this regulation applies may elect to pay additional contributions in accordance with-

(a) Part I of Schedule 3 ("Method A"), or

(b) Part II of Schedule 3 ("Method B"),

in order to become entitled to count an additional period ("the past period") as reckonable service.

(3) Subject to paragraphs (4) to (6), (8) and (9), the employer of a person to whom this regulation applies may elect to pay additional contributions in respect of the person in accordance with Part II of Schedule 3.

(4) The past period must not exceed the maximum calculated in accordance with Schedule 2, and-

(a) must have begun after the person attained the age of 20,

(b) must have ended-

(i) before the person attained the age of 60,

(ii) before the date of the election, and

(iii) if the person has become entitled to payment of retirement benefits by virtue of regulation 29(5) (redundancy, etc.) or 29(6) (self-funded early retirement), before the relevant termination of employment,

(c) must be one during which he was not in full-time pensionable employment, unless-

(i) contributions in respect of the period have been repaid after 31st May 1973, or

(ii) the right to count reckonable service in respect of it has been extinguished by payment of a transfer value,

(d) if payment is to be made by Method A, must satisfy paragraph 2 of Schedule 3; and

(e) unless payment is to be made by Method B and notice of the election is given no earlier than the date of applying for payment of retirement benefits must be a period of not less than 30 days.

(5) Where payment is to be made by Method A, the period during which additional contributions are to be paid ("the contribution period") must satisfy paragraph 2 of Schedule 3.

(6) An election under this regulation may be made at any time.

(7) An election under paragraph (2) must be made by giving written notice to the Council, which-

(a) is to specify the past period,

(b) is to specify the method by which payment is to be made,

(c) where payment is to be made by Method A, is to specify the length of the contribution period, and

(d) where payment is to be made by Method A, is to contain a declaration that the person has no reason to believe that his health may prevent him from continuing in pensionable employment until payment has been completed.

(8) An election under paragraph (3) must be made by giving written notice to the Council which-

- (a) is to specify the person in respect of whom it is made, and
- (b) is to specify the past period.

(9) An election under this regulation has effect only if the Council notifies the person making it in writing that it has been accepted.

(10) Where the Council has notified the person in writing that his election under this regulation has been accepted, the person may at any time revoke the election by giving written notice to the Council but, in the case of such election being so revoked, any additional contributions paid up to that time are not to be refunded.

(11) A revocation of an election under this regulation has effect only if the Council notifies the person in writing that it has been accepted.

Additional contributions for past period by family pensioner.

11.(1) This regulation applies where a person dies in circumstances where-

- (a) had he ceased to be in pensionable employment on the day when he died, would have become entitled under regulation 29 to payment of retirement benefits, and
- (b) another person ("the pensioner") is entitled under regulation 51 (Entitlement to long-term family benefits) to a long-term pension in respect of him.

(2) Where this regulation applies the pensioner, or in the case of a child a person acting on his behalf, may by giving written notice to the Council within 3 months after the death, make any election which, on the hypothesis stated in paragraph (1) (a), the deceased person could have made under regulation 10 (Additional contributions for past period).

(3) Subject to paragraph (4), an election under this regulation has effect as if it had been made under regulation 10 by the deceased person.

(4) The additional contributions are payable by the pensioner except to the extent that they are, with the consent of any person entitled to it, met out of a terminal sum,

Additional contributions for current period.

12.(1) Subject to paragraphs (11) to (14), this Regulation applies, to a person who-

- (a) before attaining the age of 60 has ceased to be in pensionable employment, and
- (b) was not then incapacitated, and
- (c) did not then become entitled to payment of retirement benefits, and
- (d) has not become a member of another occupational pension scheme.

(2) Subject to paragraphs (3), (4) and (10), a person to whom this Regulation applies may elect to pay additional contributions in order to become entitled to count as reckonable service a period ("the period") beginning on the day after the cessation of the pensionable employment or, where paragraph (4) (a) applies, on the day after the last day of the earlier period.

(3) The period-

- (a) must end before his 60th birthday, and
- (b) must not in any case exceed the maximum calculated in accordance with Schedule 2, and
- (c) if he has become employed as a teacher or supervisor in a school or educational service outside the British Islands, must not exceed 6 years, and
- (d) in any other case, must not exceed 3 years.

(4) If the person has paid additional contributions under this regulation for an earlier period and-

- (a) he has not since the end of that period been in pensionable employment, or
- (b) he has since been in pensionable employment but for less than 12 months,

the earlier period is to be deducted from the maximum allowed by paragraph (3) (b).

(5) If before the end of the period the person-

- (a) becomes entitled to payment of retirement benefits,
- (b) becomes a member of another occupational pension scheme, or
- (c) dies,

the period is to be treated as having ended on the day on which the relevant event occurred; and if before the end of the period he fails to pay an additional contribution, or a late payment is not accepted under paragraph (9), it is to be treated as having ended on the day up to which contributions have been paid.

(6) An additional contribution is payable for each financial year and is a percentage of the Notional Salary for so much of the period as falls within that year: Provided that contributions payable under this regulation shall be equal to and not exceed the amount of the contributions which would have been payable in respect of those years under the corresponding provision of the Teachers' Pension Regulations for teachers in public employment in England and Wales for the time being in force.

(7) For the purposes of paragraph (6) -

- (a) the notional salary is an amount which in the opinion of the Council, the person's contributable salary would have been if pensionable employment had not ceased and the person had continued to be employed in the same post and on the same terms taking into account, where appropriate any election under regulation 8 (1) (Salary on which contributions are payable-election); and
- (b) So much of the contributions paid by a person under this regulation as are equal to the contributions which would have been payable by him if he had continued to be employed in pensionable employment shall be treated as having been paid by way of teachers' contributions and the remainder shall be treated as having been paid by way of employer's contributions.

(8) The contribution for a financial year is to be paid direct to the Council-

- (a) where the period has not ended during the financial year, within 3 weeks after the end of the financial year, and
- (b) in any other case, within 6 weeks after the end of the period or the date of a written notification by the Council that payment is due, whichever is the later.

(9) A late payment of a contribution may for special reasons be accepted by the Council; but if it is accepted the person is to pay interest on the amount of the contribution at 4 per cent per annum, compounded with yearly rests, from the due date of payment to the date of payment.

(10) An election under this regulation must be made by giving written notice to the Council, which must specify the period and must be given-

- (a) if paragraph (3)(c) applies, within 6 months, and
- (b) in any other case, within 3 months,

after the cessation of his pensionable employment or, if later, the end of a previous period for which he has paid additional contributions under this regulation.

(11) For the purposes only of this regulation a person remains in pensionable employment while he is absent from duty during and in consequence of a trade dispute.

(12) Paragraph (11) applies-

- (a) even if the person was not participating in or financing or otherwise directly interested in the trade dispute, and
- (b) even if his employer was not a party to the trade dispute.

(13) In this regulation "trade dispute" has the meaning given in section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992.

Additional contributions for current period: service in a reserve force

13.(1) This regulation applies to a person who has ceased to be in pensionable employment by virtue of being called out or recalled for permanent service in Her Majesty's armed forces in pursuance of a call-out notice or call-out order or a recall order made under the provisions of the Reserve Forces Act 1996 provided that-

- (a) the person does not apply for payment of any retirement benefits to which he would otherwise be entitled on ceasing to be in such employment and
- (b) he does not accrue any reckonable service in the Armed Forces Pension Scheme or become a member of any other occupational pension scheme during his period of permanent service.

(2) Subject to paragraphs (10) and (11), a person to whom this regulation applies may elect to pay additional contributions in order to become entitled to count as reckonable service a period ("the period") beginning on the day after the cessation of the pensionable employment and ending with the date on which he is released from permanent service or discharged.

(3) An additional contribution is payable for each financial year and is-

(a) 6% of the notional salary for so much of the period as falls within that year; and

(b) where an election under regulation 8 (1) (Salary on which contributions are payable-election), an amount equivalent to any contributions which would have been paid under regulation 9 (2) (Ordinary contributions), for so much of the period as falls within that financial year taking the reference in that regulation to the person's actual contributable salary as a reference to the notional salary disregarding the election under regulation 8 (1).

(4) The notional salary is the salary that would have been payable if pensionable employment had not ceased and the person had continued to be employed in the same post and on the same terms taking into account, where appropriate, any election under regulation 8 (1) (Salary on which contributions are payable-election).

(5) Subject to paragraphs (7) and (8), an election under this regulation must be made by giving written notice to the Council and must be given at any time between the cessation of pensionable employment and 6 months after the return to pensionable employment after the end of the period.

(6) An election has effect only if any contribution under this regulation is paid by the person to the Council within three months of the date of a written notification by the Council that payment is due to him; and provided that the person pays all contributions and payments payable by him in respect of the period in accordance with an election or elections made by him under regulation 10 (Additional contributions for past period), (taken with Schedule 3), regulation 14 (Additional contributions for family benefits), (taken with Schedule 4) and regulation 19 (Return of repaid contributions).

(7) Where an election is made before the end of the period it must specify the day on which the period begins; and where an election is made after the end of the period it must specify the period.

(8) Subject to paragraph (9), where the person dies during his service in a reserve force without having made an election under this regulation, he shall be deemed to have made such an election so that the period beginning on the day after the cessation of the pensionable employment and ending with the date of his death shall count as reckonable service.

(9) Any contributions due under this regulation at the date of such death shall be deducted from any benefits payable under these Regulations.

(10) Notwithstanding that a person to whom this regulation applies has not made an election under this regulation, he shall be entitled to count the period as reckonable service where during the period his service pay, when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, is less than the remuneration he would have received if he had during the period continued in the pensionable employment in which he was employed immediately before being called into service in a reserve force.

(11) For the purposes of paragraph (10), "service pay" means pay for performing service in a reserve force, and includes marriage, family and other similar allowances.

Additional contributions for family benefits.

14.(1) Parts I and III of Schedule 4 have effect for enabling men and unmarried women to pay additional contributions ("family benefit contributions") in order to secure, or to increase, family benefits in respect of reckonable service before April 1972.

(2) Parts II and III of Schedule 4 have effect for enabling married women to pay family benefit contributions in respect of reckonable service before 6th April 1988.

Entitlement to repayment of balance of contributions.

15.(1) Subject to paragraphs (3) and (4), this Regulation applies where a person has ceased to be in pensionable employment and-

- (a) he is not qualified for retirement benefits, and
- (b) no transfer value has since been paid or become payable in respect of him, and
- (c) he did not re-enter pensionable employment within one month after ceasing to be in pensionable employment, and
- (d) he has not elected to pay additional contributions under regulation 12 (Additional contributions for current period) or 13 (Additional contributions for current period: service in a reserve force), for any period which includes the period beginning when he ceased to be in pensionable employment and ending one month later.

(2) This regulation does not apply if-

- (a) the person ceased to be in pensionable employment before 6th April 1980, and
- (b) the salary on which contributions were payable by him under previous provisions in any year had exceeded £5,000.

(3) For the purposes of paragraph (1) a woman who ceased to be in pensionable employment wholly or partly because of pregnancy or confinement is to be treated-

- (a) as having remained in such employment while she enjoyed the right to return to work, and
- (b) if she has exercised that right, as not having ceased to be in pensionable employment.

(4) Subject to regulation 18 (application for repayment), where this regulation applies the person is entitled to be repaid the balance of his contributions, calculated in accordance with regulation 16 (Calculation of contributions to be repaid).

(5) The entitlement takes effect one month after the person ceased to be in pensionable employment or on his 70th birthday if earlier.

Calculation of contributions to be repaid.

16.(1) The balance of contributions referred to in regulation 15 (4) (Entitlement to repayment of balance of contributions), is to be calculated as at the date of the calculation, or the person's 70th birthday if earlier ("the calculation date").

(2) The balance is (A-B)-C where-

A is the total of the amounts specified in paragraph (3)

B is the amount of any previous repayment of contributions, and

C is the amount of the tax chargeable on (A-B) under section 153 of the Income Tax (Guernsey) Law, 1975(d).

(3) The amounts are those of-

- (a) all contributions paid, up to the date of receipt of the application for repayment, under regulations 9, 10, 12, 13 and 14, except-
 - (i) any treated for the purposes of regulation 68 as employer's contributions, and
 - (ii) any paid in respect of a period of employment for which a short service incapacity grant under regulation 41 has been received,
- (b) contributions paid in respect of any comparable British service in respect of which the person is entitled to count reckonable service by virtue of the acceptance of a transfer value,
- (c) if the person was entitled to count any reckonable service by virtue of the acceptance of a transfer value in respect of an employment that was not comparable British service, either-
 - (i) any payment by way of repayment of contributions, and interest, that he would otherwise have been entitled to receive under the rules of the superannuation scheme to which he was subject in the employment, or
 - (ii) if that scheme made no provision for the repayment of contributions, the contributions he paid under it in respect of the employment, and
- (d) interest to the calculation date, at 3 per cent per annum, compounded with yearly rests-
 - (i) on the contributions mentioned in sub-paragraphs (a) and (b), from the first day of the financial year following that in which they were paid, and
 - (ii) where sub-paragraph (c) applies, from the first day of the financial year following that in which the transfer value was paid.

Repayment of certain contributions paid for family benefits.

17.(1) This paragraph applies where a member who has made no election under paragraph 3 of Schedule 4-

- (a) becomes entitled under regulation 15 (Entitlement to repayment of balance of contributions) to the repayment of the balance of his contributions, or
- (b) becomes entitled to payment of retirement benefits, unless on his death family benefits would become payable.

(2) Subject to regulation 18 (Application for repayment), where paragraph (1) applies the member is entitled to be repaid an amount calculated in accordance with paragraphs (3) to (5).

(3) Where no family benefit would have been payable if the member had died before 1st April 1972, the amount includes the whole of his normal contributions and any additional contributions.

(4) Where paragraph (3) does not apply, the amount includes-

- (a) half the normal contributions paid in respect of any period during which family benefits would have been payable in the event of his death, and
- (b) the whole of the normal contributions paid in respect of any other period, and
- (c) the whole of any additional contributions.

(5) The remainder of the amount consists of interest at 3 per cent per annum, compounded with yearly rests, from the first day of the financial year following that in which the contributions were paid to-

- (a) the date of the calculation, or
- (b) the member's 70th birthday, or
- (c) the date of his death,

whichever is the earliest.

(6) There is to be deducted from the amount the tax chargeable on it under section 153 of the Income Tax (Guernsey) Law, 1975(e).

(7) Subject to regulation 18 (Application for repayment), where a member who has made no election under paragraph 3 of Schedule 4 dies and he was entitled under regulation 15 (Entitlement to repayment of balance of contributions) to be repaid the balance of his contributions or-

- (a) a death grant is payable under regulation 45 (Death Grant), and
- (b) no family benefit other than a children's pension is payable,

his personal representatives are entitled to be paid an amount calculated in accordance with paragraphs (3) to (5) but with the interest component calculated to the date of his death.

Application for repayment.

18.(1) An amount to which a person is entitled under regulation 15 (Entitlement to repayment of balance of contributions) or 17 (Repayment of certain contributions paid for family benefits) is to be paid to him only if the Council receives a written application for payment and paragraph (2), if applicable, is complied with.

(2) If the Council notifies him in writing that it so requires, the applicant is to provide any relevant information specified by the Council that is in his possession or that he can reasonably be expected to obtain.

Return of repaid contributions.

19.(1) A person to whom contributions were paid before June 1973-

(a) who is in pensionable employment, or

(b) who is in comparable British service and in respect of whom no transfer value has been paid since the end of his last pensionable employment,

may at any time, by giving written notice to the Council, elect to return the contributions, with interest, to it.

(2) The return of contributions-

(a) may in any case, and

(b) if the amount of the contributions, together with the interest payable, does not exceed £500, must

be made by a single payment which must be made within ten weeks of the giving of notice under paragraph (1).

(3) Except where paragraph (2) (b) applies, the person may elect to make the return of contributions-

(a) if he is in full-time pensionable employment, by instalments under paragraph (5), or

(b) if he is in part-time pensionable employment or in comparable British service, by instalments under paragraph (7).

(4) Interest is payable at the rate of 3.5 per cent per annum from the date on which the contributions were repaid to the date on which their return is completed, and-

(a) where the return is made by a single payment, is payable on the full amount of the contributions and is compounded with yearly rests, and

(b) where the return is made by instalments, is payable on the balance for the time being outstanding and is compounded with yearly rests on 31st March.

(5) Instalments payable under this paragraph are of equal amounts and are, subject to paragraph (6), payable by deduction from the person's salary for a number of whole years, not exceeding 5 and ending before his 61st birthday, to be specified in the notice of the election.

(6) Where the total of-

(a) the instalments payable by a person under paragraph (5) in any year, and

(b) the other amounts to be deducted in that year under regulation 21 (Deduction, payment and recovery of contributions),

would otherwise exceed 15 per cent of his contributable salary for that year, the instalments are payable for the smallest number of whole years that will secure that total does not exceed 15 per cent of his annual contributable salary.

(7) Instalments payable under this paragraph are, subject to paragraph (8), payable -

(a) at equal intervals, of not more than six months, and

(b) for a period,

determined by the Council after consulting the person making the election.

(8) Instalments are of equal amounts unless in any year the payment of an instalment of an amount equal to that paid in previous years would exceed the limit specified in paragraph (9) and in that event the instalments (and the corresponding period over which they are payable) shall be recalculated so that they do not exceed that limit.

(9) The annual amount of instalments paid under paragraph (7) is to be such that $A + B$ does not exceed 15 per cent of the annual rate of the person's contributable salary in the year where-

A is the annual amount of the instalments; and

B is the annual amount of other contributions paid under Part III (except any treated for the purposes of regulation 68 as employer's contributions) or towards the provision of a pension otherwise than under these Regulations.

(10) For the purposes of this regulation, a person is to be treated as being in pensionable employment if he is paying additional contributions under regulation 12 (Additional contributions for current period) or regulation 13 (Additional contributions for current period-service in a reserve force) and such a person may, except where paragraph (2)(b) applies, elect to make the return by instalments under paragraph (7).

Uncompleted return by instalments of repaid contributions.

20.(1) This regulation applies where instalments are payable by a person under regulation 19(5) or (7).

(2) If before all the instalments have been paid-

(a) the person becomes entitled to payment of retirement benefits, or

(b) a death grant becomes payable in respect of him,

the balance outstanding, discounted for early payment, is to be deducted from the appropriate terminal sum and the return of the contributions is to be treated as having been completed.

(3) This paragraph applies where the instalments are payable under regulation 19(5) (Return of repaid contributions) and before they have all been paid, the person-

(a) ceases to be in full-time pensionable employment, and

(b) does not become entitled to payment of retirement benefits, and

(c) continues in part-time pensionable employment or in comparable British service.

(4) Where paragraph (3) applies-

- (a) the person may by giving written notice to the Council elect to pay the balance outstanding by instalments under regulation 19(7), and
- (b) if he does not so elect, he is to make a single payment of the balance outstanding, discounted for early payment.

(5) This paragraph applies where before all the instalments have been paid-

- (a) the person ceases to be in pensionable employment or in comparable British service, and
- (b) neither paragraph (2) nor paragraph (3) applies.

(6) Where paragraph (5) applies -

- (a) the person may, if he elects to pay additional contributions for a current period under regulation 12 (Additional contributions for current period) or regulation 13 (Additional contributions for current period-service in a reserve force), by giving written notice to the Council elect to pay the balance outstanding by instalments under regulation 19(7) (but payable at the same times as the additional contributions), and
- (b) if he does not so elect, he is to make a single payment of the balance outstanding, discounted for early payment.

(7) Where paragraph (3) or (5) applies and the person has not within 3 months after the end of the relevant employment -

- (a) made a payment under paragraph (4) (b) or (6) (b), or
- (b) made any election he could have made under paragraph (4) (a) or (6) (a),

the amount of the instalments already paid is to be repaid to him.

(8) Where-

- (a) a person who has elected as mentioned in regulation 19(3) (b) is in part-time pensionable employment or in comparable British service and an instalment has not been paid by the due date, or
- (b) a person has made an election under paragraph (4) (a) and an instalment has not been paid by the due date, or
- (c) a person has made an election under paragraph (6) (a) and an instalment is not paid by 21st January in the financial year following that in which it fell due,

then unless within 3 months he makes a single payment of the balance outstanding, discounted for early payment, the amount of the instalments already paid is to be repaid to him.

Deduction, payment and recovery of contributions.

21. (1) The employer of a person in pensionable employment is to deduct from his salary each month-

- (a) the contributions payable under regulation 9(1) (Ordinary Contributions) and any contributions payable under regulation 9(2),

- (b) any additional contributions payable in accordance with Part I of Schedule 3 as a result of an election under regulation 10 (Additional contributions for past period),
- (c) any additional contributions payable by virtue of regulation 14 (Additional contributions for family benefits), and
- (d) any instalments payable under regulation 19(5) (Return of repaid contributions),

and any amount not so deducted in any month is to be deducted from the employee's salary no later than 31st January next following the end of the financial year in which it ought to have been deducted.

(2) If and so far as deductions are not made under paragraph (1), any sum remaining due is to be paid by the person to the Council on receipt of a written demand specifying the sum.

(3) If the sum is not paid within 6 weeks after the date of the demand, interest is payable on it at 4 per cent per annum, compounded with yearly rests, from the expiry of the 6 weeks to the date of payment.

(4) Without prejudice to any other means of recovery, any sum due to the Council under paragraph (2) or (3) may be recovered by deducting it from any benefits payable under Part V.

(5) Amounts due from a person under this Part which are not deductible under paragraph (1) are to be paid by him to the Council.

(6) If any amount to which paragraph (5) applies, except one due under regulation 12 (Additional contributions for current period), 13 (Additional contributions for current period: service in a reserve force), 19 (Return of repaid contributions) or 20 (Uncompleted return by instalments of repaid contributions), is not paid within 6 months after the end of the period to which it relates, but remains payable, interest is payable on it at 4 per cent per annum, compounded with yearly rests, from the expiry of the 6 months to the date of payment.

PART IV RECKONABLE SERVICE

Reckonable service generally.

22.(1) Subject to regulation 23 (Exclusion from reckonable service), a person is entitled to count as reckonable service-

- (a) subject to paragraph (2), any period spent by him in pensionable employment,
- (b) any period counting as reckonable service by virtue of regulations 24 (Past period for which additional contributions have been paid, 25 (Current period for which additional contributions have been paid) or regulation 63(7) (acceptance of transfer value),
- (c) any period which does not count by virtue of sub-paragraph (a) or (b) but which immediately before 1st November 1988 counted as reckonable service under regulation 4(1) of the 1978 Regulations,

(d) any period which immediately before 1st November 1988, under regulations 7 and 69(1) (a) of the 1978 Regulations (war service), was capable of counting as reckonable service for the purpose of calculating benefits under Part III of those Regulations and,

(e) any period of specified country service.

(2) Where during a financial year a person has spent one or more periods in part-time pensionable employment each such period counts as

$$365 \times \frac{A}{B}$$

days of reckonable service, where-

A is the person's contributable salary for the period, and

B is what his contributable salary for the whole of the financial year would have been if the employment had been full-time and had continued throughout the year.

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

(a) a period of part-time employment ends, and another such period begins, when any change occurs in the rate of the person's contributable salary,

(b) no account is to be taken of any reduction in contributable salary during a period of sick leave or during a period of maternity leave when the person is entitled to be paid not less than half her salary,

(c) if a half or any greater fraction of a day results it is to be taken as one day, and any smaller fraction resulting is to be left out, and

(d) if the calculation would result in more than 365 days counting as reckonable service in respect of the financial year, the excess does not so count.

(4) In calculating the length of reckonable service-

(a) no account shall be taken of a leap year day (29th February) except as provided in sub-paragraph (b) below; but

(b) where total reckonable service which includes part of a year ends in a leap year on or after the leap year day that day shall be included in the number of days of reckonable service.

Exclusion from reckonable service.

23. The following do not count as reckonable service:

(a) any contributions refund period, and

(b) any period in respect of which a transfer value has been paid under regulation 60 (Payment of transfer values).

Past period for which additional contributions have been paid.

24. (1) A person-

(a) who has paid additional contributions for a past period in accordance with Part II of Schedule 3, or

(b) in respect of whom payment of additional contributions for a past period in accordance with Part II of Schedule 3 has been made,

is entitled to count the past period as reckonable service.

(2) A person who has paid additional contributions for a past period in accordance with Part I of Schedule 3 is entitled to count as reckonable service a period calculated in accordance with Schedule 5.

Current period for which additional contributions have been paid.

25.(1) A person who has paid additional contributions for a current period in accordance with regulation 12 (Additional contributions for current period), is entitled-

- (a) if he was in full-time pensionable employment immediately before the start of the period, to count as reckonable service the period in respect of which they were paid, or
- (b) if he was then in part-time pensionable employment, to count as reckonable service the proportion of the period that would have counted under regulation 22 (Reckonable service generally), if he had continued in that employment.

(2) A person who has paid additional contributions for a current period in accordance with regulation 13 (Additional contributions for current period: service in a reserve force), is entitled to count as reckonable service the period specified in regulation 13(2)

PART V
BENEFITS

Guaranteed minimum pensions in certain cases.

26.(1) This Regulation applies where a person has been credited by virtue of interchange provisions with a period of service in respect of which he had a guaranteed minimum and in respect of which a contributions equivalent premium has not been paid.

(2) Where this regulation applies it overrides anything in these Regulations that is inconsistent with it, except regulations 38 (abatment on re-employment) and 43 (Deferment etc. of benefits).

(3) Where this regulation applies and the person has a guaranteed minimum-

- (a) unless on the cessation of the pensionable employment he is entitled to a retirement pension at a higher rate, he is from the date on which he attains state pensionable age entitled to a pension at a weekly rate equal to his guaranteed minimum,
- (b) if he attains state pensionable age while in pensionable employment, continues in the same employment for a further period of 5 years and does not then cease to hold it, he is (unless he consents to a postponement of the entitlement) entitled from the end of that period to so much of his retirement pension as equals his guaranteed minimum,

(c) in the case of a man who dies at any time and leaves a widow, unless she is entitled to a widow's pension at a higher rate she is, during any such period as is mentioned in section 17 (5) of The United Kingdom Pension Schemes Act 1993, entitled to a pension at a weekly rate equal to half his guaranteed minimum, and

(d) in the case of a woman who dies at any time leaving a widower who is not entitled to a widower's pension at a higher rate, in circumstances prescribed under section 17(6) of The United Kingdom Pension Schemes Act 1993, the widower is entitled to a pension payable for the period so prescribed.

(4) The weekly rate of a widower's pension payable under paragraph (3) (d) is half of that part of the deceased's guaranteed minimum which is attributable to earnings factors for the tax year 1988-89 and ending with the tax year 1996-97.

(5) In paragraph (4) "earnings factors" means the earnings factors referred to in section 14(2) of The United Kingdom Pension Schemes Act 1993 and "tax year" means a period of 12 months beginning with 6th April.

(6) This regulation shall not apply in any case where the Council has purchased an annuity or insurance policy approved by or on behalf of the Secretary of State securing the payment to the person at and after state pensionable age of a pension at a weekly rate equal to the weekly rate of his guaranteed minimum pension and in such a case the person shall be treated for the purposes of these regulations as never having been so entitled.

Nature of retirement benefits.

27. Retirement benefits consist of-

- (a) a retirement pension, and
- (b) a retirement lump sum,

calculated in accordance with this Part.

Qualification for retirement benefits.

28.(1) A person is qualified for retirement benefits if-

- (a) immediately before 6th April 1988 he would, but for his age, have been entitled under regulation 50 of the 1978 Regulations to payment of an annual allowance and an additional allowance by way of a lump sum payment
- (b) immediately before 3rd February 1988 regulation 30(5) of the 1994 Regulations applied to him and he was qualified for retirement benefits under regulation 30 of those Regulations, or
- (c) an appropriate qualifying period has been completed.

(2) An appropriate qualifying period-

- (a) comprises every period of a kind described in paragraph (8), together with any period referred to in paragraph (4) (b), where that subparagraph applies, but excluding any contributions refund period, and
- (b) may be discontinuous.

(3) If the person-

(a) was in pensionable employment, or paying contributions for a current period under regulation 29 of the 1978 Regulations on 6th April 1988, or

(b) entered pensionable employment after 6th April 1988 without having been in such employment before that date,

any qualifying period of 2 years is an appropriate one.

(4) If paragraph (3) does not apply, but the person was in pensionable employment before 6th April 1988 and subsequently entered pensionable employment again after that date, any qualifying period of-

(a) two years beginning on or after 6th April 1988; or

(b) such period beginning on or after 6th April 1988 as will, when taken with every period of a kind described in paragraph (7) of regulation 30 of the 1994 Regulations before 6th April 1988, amount to 5 years

whichever is the shorter, is an appropriate one.

(5) For the purposes of paragraph (4) any period of the kind described in paragraph (8) (d) (transfer value accepted) is to be treated for the purposes of this paragraph as having begun after 5th April 1988.

(6) Notwithstanding that an appropriate qualifying period has not been completed, a person is qualified for retirement benefits, subject to paragraph (7), if he has a guaranteed minimum in relation to benefits under these Regulations pursuant to regulation 26 (Guaranteed minimum pensions in certain cases).

(7) If a contributions equivalent premium is paid by the Council, paragraph (6) is to be treated as not having applied.

(8) The periods referred to in paragraph (2) are-

(a) a period of pensionable employment;

(b) a period counting as reckonable service by virtue of regulation 24 (which applies where additional contributions have been paid for a past period) or regulation 25 (which applies where additional contributions have been paid for a current period);

(c) a period counting as admitted service or specified country service;

(d) a period of service or employment in respect of which a transfer value has been received.

Entitlement to payment of retirement benefits.

29.(1) Subject to regulation 58(2) (application for payment), a person qualified for retirement benefits becomes entitled to payment of them in any of the Cases described in this Regulation.

(2) In Case A the person-

- (a) has attained the age of 60,
- (b) has ceased to be in pensionable employment, and
- (c) is not within Case B, D or E.

(3) In Case B the person-

- (a) has attained the age of 60,
- (b) has ceased after 31st March, 1972 and after attaining that age to be in pensionable employment, but would have ceased to be in such employment before attaining that age had not the employment continued beyond the attainment of that age due to a period of paid sick leave, and
- (c) has become incapacitated before attaining that age.

(4) In Case C the person-

- (a) has not attained the age of 60,
- (b) has ceased after 31st March 1972 and before attaining the age of 60 to be in pensionable employment,
- (c) has become incapacitated and became so before attaining the age of 60, and
- (d) is not within Case D or E.

(5) In Case D the person-

- (a) has attained the age of 50,
- (b) has ceased after attaining that age but before attaining the age of 60 to be-
 - (i) in pensionable employment; or
 - (ii) in employment which would be pensionable employment but for the fact that the person has not made an election under regulation 4, and
- (d) is not within Case C,

and his pensionable employment was terminated by the States (or where he was employed otherwise than by the States, if the Council is satisfied that his service has been terminated) by reason of his redundancy or in the interests of the efficient discharge of his employer's functions PROVIDED that this regulation shall not apply in the case of a person who is incapacitated when his employment is terminated.

(6) In Case E the person-

- (a) has attained the age of 50,
- (b) has ceased after attaining that age but before attaining the age of 60 to be-

- (i) in pensionable employment; or
 - (ii) in employment which would be pensionable employment but for the fact that the person has not made an election under regulation 4, and
- (d) is not within Case C,
- (e) has, on or after 1st August 1993 given to the Council at least 12 months' written notice (or such shorter period of written notice as the Council may accept in his particular case) of his election for actuarially reduced benefits.
- (7) In Cases A and B the entitlement takes effect as soon as the person falls within the Case.
- (8) In Case C the entitlement takes effect-
- (a) where immediately before the person became incapacitated he was in employment of the type described in paragraph (6)(c)(ii), on the day after the last day of his employment; and
 - (b) in any other case-
 - (i) as soon as the person falls within the Case, or
 - (ii) if later, 6 months before the date of the last of any medical reports considered by the Council in determining under regulation 79 (Determination of questions) that the person had become incapacitated.
- (10) In Case D the entitlement takes effect as from the day after the end of the pensionable employment.
- (11) In Case E the entitlement takes effect as from the date specified in that regard in the written notice referred to in paragraph (6)(e) ("the specified date").
- (12) In Case E the written notice may be given either whilst a person is currently employed in reckonable service or if he has left reckonable service provided, in either case, that the specified date is not earlier than the date on which he attained or will attain the age of 50.
- (13) In Case E the person concerned shall be entitled to benefits as specified in regulation 32(6) (Limitation of retirement benefits in certain cases).
- (14) A notice given under paragraph (6)(e) of this Regulation may be withdrawn, by a further notice in writing given to the Council by the person concerned, at any time before, but not on or after, the specified date.
- (15) In Case E if in accordance with regulation 26 (Guaranteed minimum pensions in certain cases), a person has been credited by virtue of interchange provisions with a period of service in respect of which he had a guaranteed minimum pension and in respect of which a contributions equivalent premium has not been paid, he cannot make an election for actuarially reduced benefits if his pension would then be below the guaranteed minimum pension revalued in accordance with regulation 75 (Revaluation of guaranteed minimum pension).

(16) In no case shall a person be regarded as having ceased to be in pensionable employment until at least one day has passed without the person being in pensionable employment.

Amount of retirement pension.

30.(1) Subject to paragraphs (2) to (3) and regulations 32 (Limitation of retirement benefits in certain cases), 33 (Enhancement of retirement benefits in case of incapacity or redundancy) and 34 (Avoidance of duplicate pensions), the annual rate of a person's retirement pension is 1/80th of his average salary multiplied by his effective reckonable service.

(2) If-

(a) the person is entitled to count a period as reckonable service by virtue of regulation 24 (Past period for which additional contributions have been paid), and

(b) by reason of regulation 57(3) (Effective reckonable service), part of that period does not count in calculating his retirement lump sum,

the annual rate calculated in accordance with paragraph (1) is, in respect of each year comprised in that part, increased by 1/350th of his average salary.

(3) If-

(a) the person has a guaranteed minimum pursuant to regulation 26, and

(b) A exceeds B, where-

A is the annual equivalent of his guaranteed minimum pension together with that of any equivalent pension benefits, and

B is the annual rate calculated in accordance with paragraphs (1) and (2),

the annual rate of his retirement pension is A.

Amount of retirement lump sum.

31.(1) Subject to paragraph (2) and regulations 32 (Limitation of retirement benefits in certain cases) and 33 (Enhancement of retirement benefits in case of incapacity or redundancy), the amount of a person's retirement lump sum is $A \times (B + C)$, where-

A 3/80ths of his average salary,

B is his effective reckonable service (except any falling within C), and

C is any period which he is entitled to count as reckonable service by virtue of regulation 24 (Past period for which additional contributions have been paid).

(2) If the person's effective reckonable service is restricted by regulation 57(2) (Effective reckonable service), the part of his retirement lump sum that is attributable to service before he attained the age of 60 is not to exceed his average salary multiplied by 1%.

Limitation of retirement benefits in certain cases.

32.(1) Paragraphs (2) to (5) of this regulation apply to a person who has made an election under regulation 8(1) (Salary on which contributions are payable-election) and whose average salary falls to be calculated by reference to the notional rate or, as the case may be, the rate specified in regulation 8(4).

(2) The annual rate of the person's retirement pension is not to exceed the fraction of the appropriate sum ascertained, by reference to the relevant age, from Table 1 below.

TABLE 1

Relevant age	Fraction
Under 50	1/2
50	2/5
51	3/10
52	1/5
53	1/10
54	1/14

(3) Where the person has been in pensionable employment for less than 20 years, his retirement lump sum is not to exceed 3/80ths of the appropriate sum multiplied by the total of his reckonable service and the period ascertained, by reference to the number of complete years he has been in pensionable employment, from Table 2 below.

TABLE 2

Years in pensionable employment	Period in years
19	17
18	15
17	13
16	11
15	9
14	7
13	5
12	4
11	3
10	2
9	1
Fewer than 9	0

(4) Where the person has been in pensionable employment for 20 years or more his retirement lump sum is not to exceed the appropriate sum multiplied by 1½.

(5) The appropriate sum is the greater of-

- (a) the person's contributable salary for the best one of his last 5 years in pensionable employment, and
- (b) 1/3rd of his aggregate contributable salary for his best 3 consecutive years in pensionable employment within the 10 years ending with its cessation,

and for the purposes of paragraph (2) the relevant age is his age when he first entered pensionable employment, unless he was not continuously in pensionable employment in which case it is the figure obtained by subtracting the number of years in pensionable employment from 60.

(6) This paragraph applies to a person who has been granted actuarially reduced benefits by the Council in accordance with regulation 29(6) (Entitlement to payment of actuarially reduced retirement benefits). The person concerned shall be entitled, in place of any other benefits to which he may otherwise have become entitled,

- (a) on the specified date, to an actuarially calculated proportion of the retirement lump sum as calculated under regulation 31 (Amount of retirement lump sum) to the payment of which he would have become entitled under regulation 29(2) if he had attained the age of 60 on the specified date, and
- (b) thereafter, to an actuarially calculated proportion of the retirement pension as calculated under regulation 30 (Amount of retirement pension), to the payment of which he would have become entitled under regulation 29(2) if he had attained the age of 60 on the specified date.

(7) The actuarially calculated proportions referred to in paragraph (6) of this regulation are such as are ascertainable by reference to tables prepared by an actuary appointed by the States and set out in Schedule 6.

Enhancement of retirement benefits in case of incapacity or redundancy.

33.(1) Paragraphs (2) to (8) of this Regulation applies to a person who has become entitled to payment of retirement benefits by virtue of regulation 29(3) or (4) by reason of his having become incapacitated before ceasing to be in pensionable employment, but only if -

- (a) he had completed periods of the kinds described in regulation 28(7) (Qualification for retirement benefits), totalling at least 5 years, excluding any contributions refund period, and
- (b) the application for payment required by regulation 58(2) (Payment of benefits), is made within 6 months after the end of his pensionable employment.

(2) Subject to regulation 57(2) (limitation of effective reckonable service to 45 years, etc.), for the purpose of calculating the person's retirement benefits the effective reckonable service of a person to whom paragraphs (2) to (8) of this regulation applies is to be treated as having been increased by the appropriate period.

(3) If the person's relevant service amounts to less than 10 years, the appropriate period is the shorter of-

- (a) the length of his relevant service, and
- (b) the period beginning when his pensionable employment ended and ending immediately before his 65th birthday.

(4) If his relevant service amounts to 10 years or more, the appropriate period is the longer of period A and period B.

(5) Period A is the shortest of-

- (a) the period by which the person's relevant service falls short of 40 years,
- (b) the period beginning when the person's pensionable employment ended and ending immediately before his 60th birthday, and
- (c) 6 years and 243 days.

(6) Period B is so much of the period beginning when the person's pensionable employment ended and ending immediately before his 65th birthday as would not cause his effective reckonable service to be increased to more than 20 years.

(7) A person's relevant service is so much of his effective reckonable service as does not consist of periods that count by virtue of regulation 24 (Past period for which additional contributions have been paid).

(8) For the purposes of this regulation a person is to be treated as having been in pensionable employment during any period for which he was paying additional contributions under regulations 12 (Additional contributions for current period) or 13 (Additional contributions for current period: service in a reserve force).

(9) The Council may credit a person who has become entitled to payment of retirement benefits by virtue of regulation 29(5) by reason of redundancy etc. with a notional period of additional service for the purpose of enhancing his retirement benefits by virtue of this regulation, so however, that such period shall not exceed whichever is the shortest of the following periods, that is to say-

- (a) a period of 10 years,
- (b) a period equivalent in length to the aggregate of his reckonable service and qualifying service (that is to say, employments counting towards qualification for retirement allowances),
- (c) a period which, when added to his reckonable service does not exceed forty years, and
- (d) a period equivalent in length to the period beginning with the day immediately following that on which he was prematurely retired and ending with the day he attains the age of 65;

and such notional period of additional service shall for the purposes of calculating such benefits, be deemed to be a period of reckonable service.

Avoidance of duplicate pensions.

34.(1) No allowance shall be payable in respect of any period of service which has become reckonable as service under the States of Guernsey Civil Service (Pensions and other Benefits) Rules, 1972.

(2) For the purposes of this Regulation any years of service added to reckonable service for the purposes of calculating a pension shall be deemed to be service, and any sum payable, whether as a continuing allowance or as a lump sum, by way of pension, superannuation allowance, compensation for loss or abolition of office or otherwise in respect of retirement, shall be deemed to be pension.

(3) An allowance shall not be so reduced under this Regulation as to make its actuarial value in respect of the period in question less than the actuarial value of the contributions paid by the teacher in respect of that period, and for the purposes of this paragraph the amount of those contributions shall be taken to include-

- (a) all contributions paid under regulation 12 (Additional contributions for current period) and regulation 13 (Additional contributions for current period: service in a reserve force), or any previous provision to the like effect; and
- (b) compound interest on those contributions calculated at the rate of 3 per cent per annum with yearly rests from the first day of the financial year following that to which they are attributable to the date on which the allowance begins to accrue.

Allocation of part of retirement pension.

35. (1) A person who has become qualified for retirement benefits may, unless he becomes entitled to payment of them by virtue of regulation 29(4) (incapacity), allocate part of his retirement pension to the provision of an alternative benefit.

(2) The alternative benefit may be either-

- (a) an annuity for life, commencing on the death of the person making the allocation ("the allocator"), for a surviving spouse or dependant, or
- (b) an annuity payable to the allocator while the allocator and allocator's spouse are both alive, and if the spouse is the survivor a subsequent annuity for life, at twice the rate of the first annuity, for the spouse.

(3) The rates of the annuities mentioned in paragraph (2) shall be determined in accordance with tables prepared by an actuary appointed by the Council.

(4) An allocation is to be made by delivering a declaration to the Council, and in paragraph (2) "spouse" refers to status at the time of its delivery.

(5) Further provisions as to an allocation under this regulation are contained in Schedule 8.

Duration of retirement pension.

36. Subject to regulations 37 (Pensioner ceasing to be incapacitated), 38 (Abatement of retirement pension during further employment), 39 (Retirement benefits on cessation of further employment), 42 (Increase in rates of benefits), and 43 (Deferment etc. of benefits), a retirement pension continues to be payable, at the rate at which it initially became payable in accordance with regulation 30 (Amount of retirement pension) until the death of the person entitled to it.

Pensioner ceasing to be incapacitated.

37. (1) This regulation applies where a person who became entitled to payment of a teacher's pension by virtue of regulation 29(4) ceases to be incapacitated.

(2) On his ceasing to be incapacitated the pension ceases to be payable.

(3) Subject to paragraph (4) and to regulation 58(2) (application for payment), the pension becomes payable again-

- (a) from the person's 60th birthday, or
- (b) if earlier, from the start of any renewed incapacity.

(4) Paragraph (3) does not apply if he has been in pensionable employment at any time after he first became entitled to payment of the pension.

(5) If the pension becomes payable again under paragraph (3)(a) it is to be treated for the purposes of regulation 38 (Abatement of retirement pension during further employment), as one to the payment of which the person has become entitled by virtue of regulation 29(2) (Entitlement to payment of retirement benefits).

Abatement of retirement pension during further employment.

38.(1) This Regulation applies while a person who has become entitled to payment of a teacher's pension is employed-

- (a) in pensionable employment, comparable British service, or employment which would have been pensionable employment but for his having attained the age of 70, or
- (b) in part-time employment described in regulation 4(1) (Part-time employment).

(2) If the person is concurrently both in employment falling within paragraph (1)(a) and in employment falling within paragraph (1)(b), this Regulation applies only in respect of the former.

(3) Where this regulation applies in respect of employment falling within paragraph (1)(a), the annual rate of the pension is reduced-

- (a) if A equals or exceeds $(C + D - E)$, to zero, and
- (b) in any other case, by the amount (if any) which is necessary to secure that $(A + B)$ does not exceed $(C + D - E)$, where-

A is the initial annual rate of the person's salary in the employment,

B is the reduced annual rate of the pension as increased under regulation 42 (Increase in rates of benefits),

C is, or where his previous pensionable employment was part-time is the full-time equivalent of, the highest annual rate of contributable salary that was payable to him during the 3 years ending immediately before he became entitled to payment of the pension or, if applicable, the highest annual rate of contributable salary that was payable to him during the 3 years ending immediately before he ceased to be employed in any pensionable employment entered into by him after he became entitled to payment of the pension, whichever is the greater,

D is the amount (if any) by which, immediately before the first day of the employment, C would have been increased if it had been the annual rate of an official pension, within the meaning of section 5(1) of the Pensions (Increase) Act 1971, beginning, and first qualifying for increases under that Act, on the same date as the pension, and

E is any part of the pension allocated under regulation 35 (Allocation of part of retirement pension).

(4) For any pension year in which this regulation applies in respect of an employment falling within paragraph (1)(b), the pension is reduced-

- (a) If F equals or exceeds $C + D - E$, to zero, and
- (b) in any other case, by the amount (if any) which is necessary to secure that $B + F$ does not exceed $C + D - E$,

where B , C , D and E are the same as in paragraph (3), and F is the annual rate of the person's remuneration in the employment on the first day of the pension year.

(5) The pension year is the period commencing on the date when the pension is increased under regulation 42 (Increase in rates of benefits), and terminating on the day immediately preceding the next such increase.

Retirement benefits on cessation of further employment.

39.(1) This Regulation applies to a person who-

- (a) became entitled to payment of a teacher's pension ("the first pension"),
- (b) was subsequently in pensionable employment ("the further employment"), and
- (c) has ceased to be in the further employment.

(2) Subject to paragraph (3), if the first pension was not enhanced under regulation 33(1) to (8) (Enhancement of retirement benefits in case of incapacity), the person-

- (a) ceases to be entitled to payment of the first pension, and
- (b) becomes entitled to payment of retirement benefits ("combined benefits") calculated, subject to paragraph (8), by reference to the total of his reckonable service in the further employment and the reckonable service taken into account in calculating the first pension.

(3) If the average salary by reference to which combined benefits would fall to be calculated is less than that by reference to which the first pension was calculated, the person-

- (a) remains entitled to the first pension, and
- (b) subject to paragraph (7), becomes entitled to payment of retirement benefits calculated by reference to his reckonable service in the further employment.

(4) Subject to paragraph (7), if the first pension was enhanced under regulation 33 (Enhancement of retirement benefits in case of incapacity), he becomes entitled to payment of the first pension and of additional retirement benefits in respect of the further employment.

(5) The additional retirement benefits are to be calculated-

- (a) in respect of pensionable employment before attaining the age of 60, as if regulation 33 (Enhancement of retirement benefits in case of incapacity), had applied and the further employment had begun when he became entitled to payment of the first pension, and

- (b) in respect of other pensionable employment, in accordance with regulations 30 (Amount of retirement pension and 31 (Amount of retirement lump sum),

but the additional retirement lump sum is subject to reduction under paragraph (8).

(6) If in the application of regulation 33 (Enhancement of retirement benefits in case of incapacity), to the calculation of the first pension the appropriate period was Period B, paragraph (5) (a) applies with the substitution for "60" of "65".

(7) If the person ceased to be in the further employment before attaining the age of 60 and neither regulation 29(4) (incapacity) nor regulation 29(5) (redundancy, etc.) nor regulation 29(6) (self-funded early retirement) applied, he does not become entitled to payment of retirement benefits under paragraph (3) (b) or (4) until he attains that age.

(8) A retirement lump sum payable under paragraph (2) (b), and an additional retirement lump sum payable under paragraph (4), is reduced by the amount of the retirement lump sum to which the person became entitled when he became entitled to payment of the first pension, of any lump sum to which he had previously become entitled under this regulation, and of any short service incapacity grant paid to him under regulation 41 (Short service incapacity grant).

Short service annuity.

40.(1) A person who-

- (a) has not been in pensionable employment at any time after 5th April 1980, and
- (b) is not qualified for retirement benefits, and
- (c) would but for regulation 44(2) of the 1978 Regulations or regulation 15(2) (salary exceeding £5,000), have been entitled to be repaid the balance of his contributions,

is entitled to be paid, from his 60th birthday, an annuity for life.

(2) The rate of the annuity is the actuarial equivalent of the balance of his contributions calculated in accordance with regulation 16 (Calculation of contributions to be repaid), as at his 60th birthday.

Short service incapacity grant.

41.(1) A person who-

- (a) has been in pensionable employment for at least one year, and
- (b) has become incapacitated, and
- (c) had not attained the age of 70 when he became incapacitated, and
- (d) is not entitled to payment of retirement benefits the aggregate value of which exceeds the relevant amount,

is entitled, if he applies for payment within 6 months after the end of his pensionable employment, to an incapacity grant.

(2) The aggregate value of retirement benefits is the total of the retirement lump sum and the actuarial equivalent of the retirement pension.

(3) The relevant amount is $\frac{A}{12} \times B$,

where,

A is his average salary, and

B is the length of his reckonable service.

(4) The amount of the incapacity grant is the difference between the relevant amount and the aggregate value of any retirement benefits to which he is entitled.

(5) The incapacity grant is not to be paid before the end of the person's pensionable employment.

Increase in rates of benefits.

42.(1) The annual rate or amount of any benefit under this Part shall be increased by the Council so as to maintain parity as between the annual rate or amount of such benefit and the annual rate or amount of the corresponding benefit payable under the superannuation scheme for teachers in public employment in England and Wales for the time being in force.

(2) In the case of a person who has not attained the age of 55 and has been granted early retirement under regulation 29(6) (self-funded early retirement) the annual rate or amount of any benefit shall be increased as under paragraph (1), but with immediate payment of any increases due instead of deferment of such increases until after the person has attained the age of 55.

Deferment etc. of benefits.

43.(1) The Council may defer or, as the case may be, suspend for so long or reduce by so much as it may determine the payment of any benefit payable apart from this regulation in respect of a person who is convicted of any offence committed before the benefit became payable which in the opinion of the Council has been gravely injurious to the public interest or may be liable to lead to serious loss of confidence in the public sector.

(2) If the person has a guaranteed minimum in relation to benefits under these Regulations, a determination under paragraph (1) may not deprive him of his guaranteed minimum pension after he attains state pensionable age.

Commutation: exceptional circumstances of ill health.

44.(1) Where, at the time when a person first becomes entitled to a retirement pension by virtue of regulation 29(3) or (4) (incapacity), there are exceptional circumstances of serious ill-health affecting the person, the Council may discharge the liability to pay that pension in respect of so much of it as exceeds the person's guaranteed minimum by payment of a lump sum calculated in accordance with paragraph (2).

(2) The lump sum is an amount equal to five times the amount by which the annual rate of the retirement pension which would otherwise be payable to the person exceeds the amount of his guaranteed minimum.

Death grant.

45.(1) Subject to paragraph (6), if at the time of his death a person-

(a) was in pensionable employment, or

(b) was paying additional contributions under regulations 12 (Additional contributions for current period), or 13 (Additional contributions for current period: service in a reserve force), or

- (c) had, not more than 12 months earlier, ceased to be in pensionable employment while incapacitated,

a death grant may be paid.

(2) The amount of a grant under paragraph (1) is the greater of-

- (a) the amount which, if on the date of the person's death he had ceased to be employed on becoming incapacitated, would have become payable by way of retirement lump sum or short service incapacity grant, or both, and
- (b) (i) in the case of a death occurring before 1st April 1998, his average salary, or
(ii) in the case of a death occurring on or after 1st April 1998, twice his average salary.

less, in either case, the amount of any retirement lump sum or short service incapacity grant previously paid to him.

(3) Subject to paragraph (6), if a person who has ceased after 31st March 1972 to be in pensionable employment dies without having become entitled to payment of retirement benefits and-

- (a) the qualifying condition is satisfied, and
- (b) no death grant could be paid under paragraph (1),

a death grant may be paid under this paragraph.

(4) The qualifying condition-

- (a) if he ceased to be in pensionable employment before 1st November 1988, is that he was entitled to count at least 2 years' reckonable service, and
- (b) in any other case, is that he was so entitled and was qualified for retirement benefits,

but where sub-paragraph (a) applies, it is to be assumed for the purpose of calculating the death grant that he was qualified for retirement benefits.

(5) The amount of a grant under paragraph (3) is the amount that would have become payable by way of retirement lump sum if he had become entitled under regulation 29(2) to payment of retirement benefits, less the amount of any retirement lump sum or short service incapacity grant previously paid to him.

(6) If a person who has at any time been in pensionable employment dies and-

- (a) no death grant could be paid under paragraph (1) or (3), or
- (b) the amount of such a death grant would be smaller and no pension becomes payable under regulation 51 (Entitlement to long-term family benefits), to a surviving spouse or a nominated beneficiary,

a death grant equal to the balance of his contributions, calculated in accordance with regulation 16 (Calculation of contributions to be repaid), as at the date of his death, may be paid.

(7) Where any death grant is paid under this regulation, it is to be paid to the individual nominated by the deceased to receive the grant or, in the absence of such a nomination-

- (a) if the deceased is survived by one widow or by a widower, to the widow or widower,
- (b) if there are two or more widows, to the widows in equal shares, or
- (c) if there is no widow or widower, to the personal representatives.

(8) Any nomination for the purposes of paragraph (7) shall be made by giving written notice to the Council.

Supplementary death grant.

46.(1) This regulation applies where a person dies who-

- (a) has become entitled to payment of retirement benefits, and
- (b) is not in pensionable employment.

(2) If-

- (a) at least 10 years' reckonable service was taken into account in calculating the person's retirement benefits, and
- (b) the total of the amounts paid in respect of them is less than his average salary,

a supplementary death grant equal to that deficiency may be paid.

(3) If-

- (a) less than 10 years' reckonable service was taken into account in calculating his retirement benefits, and
- (b) the amount paid in respect of his pension is less than 5 times the annual rate at which it was payable when he died,

a supplementary death grant equal to that deficiency may be paid.

(4) For the purposes of this regulation-

- (a) any amount by which a pension was reduced under regulation 34 (Avoidance of duplicate pensions) or 38 (Abatement of retirement pension during further employment), and any part of a pension allocated under regulation 35, is to be treated as having been paid, and
- (b) a retirement lump sum is to be treated as having been paid without any deduction under these regulations.

(5) Where any supplementary death grant is paid under this regulation it is to be paid to the individual nominated by the deceased to receive the grant or, in the absence of such a nomination-

- (a) if the deceased is survived by one widow or by a widower, to the widow or widower,
- (b) if there are two or more widows, to the widows in equal shares, or

(c) if there is no widow or widower, to the personal representatives.

(6) Any nomination for the purposes of paragraph (5) shall be made by giving written notice to the Council.

Family benefits generally.

47.(1) Pensions are payable in accordance with regulations 49 to 55 to widows, widowers, children and nominated beneficiaries of persons who die in, or after having been in, pensionable employment.

(2) References in those regulations to a surviving spouse are references to a widow or widower; but-

(a) in the case of a man who has not been in pensionable employment, or paying additional contributions for a current period under regulation 12 (Additional contributions for current period) or 13 (Additional contributions for current period: service in a reserve force), at any time after 5th April 1978, such references, and references to a widow, do not include references to a woman married by that man after his last day in pensionable employment or, as the case may be, the end of the period for which such contributions were paid;

(b) subject to paragraph (3), in the case of a woman who has not been in pensionable employment or paying additional contributions for a current period under regulation 12 (Additional contributions for current period) or 13 (Additional contributions for current period: service in a reserve force), at any time after 5th April 1988, such references, and references to a widower, do not include references to a man married by that woman after her last day in pensionable employment or, as the case may be, the end of the period for which such contributions were paid.

(3) Where a woman who nominated a person under regulation 48 (Nomination of beneficiaries), subsequently marries, paragraph 2 (b) shall have effect with the substitution of "1978" for "1988".

(4) Where those regulations provide for a pension to be payable to a widow and there are two or more widows, the widows are jointly entitled to the pension.

(5) References in those regulations to a person's child are to a person who is-

(a) his legitimate, adopted or illegitimate child, or

(b) accepted by him as a member of the family and wholly or mainly dependent on him,

and who is a child within the meaning given in paragraphs (6) to (8).

(6) Subject to paragraphs (7) and (8), for the purposes of regulations 48 to 55 a person is a child while he is unmarried and-

(a) he has not attained the age of 17, or

(b) having attained that age, he is receiving full-time education or attending a course of not less than 2 years' full-time training for a trade, profession or calling and he has been receiving such education or attending such course of training or both continuously since having attained that age without a break at any one time of longer than a year, or

(c) having ceased while incapacitated to fall within sub-paragraph (a) or (b), he continues to be incapacitated.

(7) For the purposes of paragraph (6) (b) -

(a) a person is to be treated as receiving full-time education up to (but not including) 31st December or 30th April or 31st August next following the end of the last term in which he received it, and

(b) a person is to be treated as not attending a course of training while he is receiving disqualifying remuneration.

(8) For the purposes of paragraph (7) (b) disqualifying remuneration is remuneration at a rate not less than such annual rate as determined by the Council so as to maintain parity between the annual rate or amount of such disqualifying remuneration and the annual rate or amount of the corresponding amount determined under the superannuation scheme for teachers in public employment in England and Wales for the time being in force.

(9) References in regulations 49 to 55 to a nominated beneficiary are to a person nominated under regulation 48.

Nomination of beneficiaries.

48.(1) Subject to paragraph (2), an unmarried person ("the appointor") may at any time before retirement benefits have been paid, by giving written notice to the Council, nominate an eligible person who is wholly or mainly financially dependent on the appointor and who is not a child to receive a pension under regulations 49 to 55.

(2) No person may be nominated while a previous nomination under this Regulation has effect.

(3) The eligible persons are-

(a) a parent, brother or sister of the appointor who is not married and is either widowed or has never been married, and

(b) a widowed step-parent of the appointor.

(4) A nomination under this Regulation may be revoked by giving written notice to the Council, and if not previously revoked ceases to have effect-

(a) on the death or marriage (or, as the case may be, remarriage) of the person nominated, and

(b) on the marriage of the appointor.

Entitlement to short-term family benefits.

49.(1) Subject to paragraphs (3) and (4), a short-term pension is payable, from the day after that of his death, if a person dies-

(a) while in pensionable employment,

(b) during a period for which he is paying additional contributions under regulation 12 (Additional contributions for current period) or 13 (Additional contributions for current period: service in a reserve force),

(c) within 12 months after ceasing to be in pensionable employment, or to pay such contributions, as a result of ill-health, but before becoming entitled to payment of retirement benefits, or

(d) after becoming entitled to payment of retirement benefits.

(2) The short-term pension is payable-

(a) subject to paragraph (4), to any surviving spouse, or if a nomination under regulation 48 had effect at the time of his death, to the nominated beneficiary; and

(b) if the deceased is survived by a child or children of his to, or for the benefit of, the child or, as the case may be, the children jointly.

(3) Where two or more teachers confer on the same child or, as the case may be, children entitlement to a short-term pension, regulation 51(7)(b) shall apply in a like manner to short-term pensions payable by virtue of this regulation.

(4) No short-term pension is payable-

(a) to a widower if one is payable to another person as a nominated beneficiary, or

(b) to a nominated beneficiary who, at the date of death of the deceased, was not wholly or mainly financially dependent on the deceased,

(c) if there is no surviving spouse, nominated beneficiary or surviving child, or

(d) where paragraph (1)(d) applies, to a person who is not entitled under regulation 51 to a long-term pension.

Amount and duration of short-term family benefits.

50.(1) Subject to paragraphs (2) and (4), the annual rate of a short-term pension under regulation 49-

(a) if regulation 49(1)(a) or (c) applies, is the annual rate of the deceased's contributable salary on his last day in pensionable employment, disregarding any reduction by reason of sick leave or maternity leave,

(b) if regulation 49(1)(b) applies, is the annual rate, at the time of the deceased's death, of the notional salary described in regulation 12(7) (Additional contributions for current period) or, as the case may be, 13(4) (Additional contributions for current period: service in a reserve force),

(c) if regulation 49(1)(d) applies, is the annual rate, at the time of the deceased's death, of his retirement pension, and

(d) if regulation 49(1)(a) and (d) both apply, is the total of the rates specified in sub-paragraphs (a) and (c) above.

(2) If-

(a) the short-term pension is payable to a surviving spouse, and

(b) the annual rate calculated in accordance with paragraph (1) is less than that of a long-term pension to which the surviving spouse is prospectively entitled under regulation 51,

the annual rate of the short-term pension is the same as that of the long-term pension.

(3) The duration of the short-term pension payable shall be ascertained from the table below and, in that table, "adult pension" means a short-term pension payable to the spouse or nominated beneficiary.

TABLE

Category	Person falling within regulation 49(2)	Duration of pension (Months)
1	Spouse or nominated beneficiary	3
2	One child or more where an adult pension is payable	3
3	Where no adult pension is payable	6

Entitlement to long-term family benefits.

51.(1) A long-term pension is payable in accordance with paragraph (2) if a person dies who-

- (a) has been in pensionable employment at any time after 31st March 1972, and
- (b) has relevant service within the meaning of regulation 52 amounting to at least 2 years,

but in the case of a person who ceased to be in pensionable employment before 6th April 1988 sub-paragraph (b) has effect with the substitution for "2 years" of "5 years".

(2) If paragraph (1) applies-

- (a) subject to paragraph (3) a long-term pension is payable to any surviving spouse,
- (b) if a nomination under regulation 48 (Nomination of beneficiaries) has effect at the time of death, a long-term pension is payable to the nominated beneficiary provided that, at the date of death of the deceased, the nominated beneficiary was wholly or mainly financially dependent on the deceased, and
- (c) if a pension is payable under sub-paragraph (a) or (b) and the deceased is survived by a child or children of his, a long-term pension is payable to, or for the benefit of, the child or, as the case may be, the children jointly.

(3) Subject to paragraph (5), unless family benefit contributions have, or are to be treated as having, been paid under Part II of Schedule 4, no long-term pension is payable to a widower if one is payable to another person as a nominated beneficiary.

(4) If when a person dies paragraph (2) does not apply but he-

- (a) has been in pensionable employment at any time since 31st March 1972, and
- (b) is qualified for retirement benefits, and
- (c) is survived by a child or children of his,

a long-term pension is payable to or for the benefit of the child or, as the case may be, the children jointly.

(5) Subject to paragraph (6) if neither paragraph (2) nor paragraph (4) applies but the deceased had a guaranteed minimum in relation to benefits under these Regulations and leaves a surviving spouse, a long-term pension is payable to the surviving spouse.

(6) If a contributions equivalent premium is paid by the Council, paragraph (5) is to be treated as not having applied.

(7) (a) Sub-paragraph (b) applies where two or more teachers, by virtue of this regulation, confer on the same child or, as the case may be, children entitlement to a long-term pension.

(b) The child or, as the case may be, children shall be entitled to receive payment of the long-term pension in respect of not more than two teachers; but where entitlement derives from the relevant service of three or more teachers, the child or, as the case may be, children shall be entitled to receive payment of the long-term pension in respect of the two teachers which by virtue of their relevant service provide pensions of the largest amounts.

Relevant service.

52. (1) In the case of a man, and in the case of a woman in relation to a nominated beneficiary or a widower on whose marriage to her a nomination ceased to have effect, relevant service, subject to paragraph, (3) comprises-

- (a) any period of pensionable employment after 31st March 1972,
- (b) any period beginning after that date for which additional contributions have been paid under regulation 12 (Additional contributions for current period or 13 (Additional contributions for current period: service in a reserve force),
- (c) any period for which additional contributions have been paid under regulation 10 (Additional contributions for past period) or Schedule 4, except paragraph (7), in accordance with an election made after 31st March 1974,
- (d) if a transfer value has been accepted in respect of comparable British service, the period that would, immediately before its acceptance, have counted for family benefits in the relevant superannuation scheme,
- (e) any period counting as reckonable service by virtue of the acceptance of any other transfer value under regulation 63,
- (f) any period counting as reckonable service by virtue of regulation 32 of the 1978 Regulations (special provision relating to period from December 1973 to March 1974),
- (g) any period in respect of which family benefit contributions have, or are to be treated as having, been paid under Part I of Schedule 4, and
- (h) in the case of a member, so much of his credited service as does not exceed the total of his normal service, any additional period and any period that fell to be calculated in accordance with paragraph 7(3) of Schedule 4.

(2) In relation to a widower not falling within paragraph (1), the deceased's relevant service comprises, subject to paragraph (3) -

- (a) so much of the periods described in paragraph (1) (a), (b) and (d) as consists of, or is attributable to, service after 5th April 1988,
- (b) any period for which additional contributions have been paid under regulation 10 (Additional contributions for past period), in accordance with an election made after 31st May 1988,
- (c) any period in respect of which family benefit contributions have, or are to be treated as having, been paid under Part II of Schedule 4, and
- (d) if the deceased entered pensionable employment after 5th April 1988 and a transfer value offered in respect of him was accepted under regulation 63, any period counting as reckonable service by virtue of the acceptance of the transfer value.

(3) Relevant service does not include any contributions refund period.

Amount of spouses' and nominated beneficiaries' long-term pensions.

53.(1) Subject to paragraph (2) and (11), the annual rate of a pension payable under regulation 51 to a surviving spouse or a nominated beneficiary is 1/160th of the deceased's average salary multiplied by the length of his family benefit service.

(2) If-

- (a) paragraph 16 of Schedule 4 (retrospective salary increases affecting deductions from terminal sums and amounts of lump sum payments) applies, and
- (b) a person entitled to limit the amount of the deduction or lump sum has done so,

the retrospective salary increase is not to be taken into account in calculating the deceased's average salary.

(3) Family benefit service does not include any contributions refund period.

(4) Subject to paragraphs (3), (5) and (8) to (10), if the pension is payable to a nominated beneficiary, to a widower on whose marriage to the deceased a nomination ceased to have effect, or to a woman whom the deceased married before the end of his pensionable employment the deceased's family benefit service comprises-

- (a) any period falling within regulation 52(1) (a) to (g) (Relevant service), and
- (b) in the case of a member, his credited service and any period that fell to be calculated in accordance with paragraph 7(3) of Schedule 4.

(5) If the member's credited service exceeds the total of his normal service and any additional period, for the purposes of paragraph (4) (b) his credited service is reduced by 1/6th of the excess.

(6) If the deceased had been in pensionable employment after 5th April 1978 and the pension is payable to a woman whom he first married after his last day in pensionable employment, his family benefit service, subject to paragraph (3) comprises-

- (a) any period of pensionable employment after 5th April 1978,
- (b) any period for which additional contributions have been paid under regulation 10 (Additional contributions for past period), in accordance with an election made after that date,
- (c) any period beginning after that date for which additional contributions have been paid under regulation 12 (Additional contributions for current period) and 13 (Additional contributions for current period: service in a reserve force),
- (d) if a transfer value has been accepted after that date in respect of comparable British service, any period of reckonable service attributable to comparable British service after that date, and
- (e) any period counting as reckonable service by virtue of the acceptance after that date of any other transfer value.

(7) If the pension is payable to a widower not falling within paragraph (4), the deceased's family benefit service, subject to paragraphs (3) and (8) to (10), comprises the relevant service described in regulation 52(2) (Relevant service).

(8) This paragraph applies if the deceased died-

- (a) while in pensionable employment, or
- (b) during a period for which he was paying additional contributions under regulation 12 (Additional contributions for current period) or 13 (Additional contributions for current period: service in a reserve force), or
- (c) within 12 months after ceasing to be in pensionable employment as a result of ill-health but before becoming entitled to payment of retirement benefits, or
- (d) after becoming entitled to payment of retirement benefits, if they fell to be enhanced under regulation 33 (1) to (8) (Enhancement of retirement benefits in case of incapacity).

(9) If paragraph (8) applies and the family benefit service calculated in accordance with paragraphs (3) to (7) is less than the deceased's effective reckonable service, his family benefit service is increased by-

$$\frac{A}{B} \times C$$

where-

- A is the family benefit service calculated in accordance with paragraphs (3) to (7),
- B is his effective reckonable service apart from C, and
- C is the period which was, or would if regulation 35 (1) to (8) (Enhancement of retirement benefits in case of incapacity) had applied have been, the appropriate period within the meaning of regulation 33 (1) to (8) (Enhancement of retirement benefits in case of incapacity).

(10) If paragraph (8) applies and A is not less than B, his family benefit service is increased by C.

(11) The annual rate of pension paid in the case where the deceased was granted a pension under regulation 29(6) (Entitlement to payment of actuarially reduced retirement benefits), will be an actuarially calculated proportion of 1/60th of the deceased's average salary multiplied by the length of his family benefit service, the actuarially calculated proportion being identical to the proportion awarded to the deceased under regulation 32(6) (Limitation of retirement benefits in certain cases).

Amounts of children's long-term pensions.

54.(1) Subject to paragraphs (3) to (7), if long-term pensions become payable under regulation 51 (Entitlement to long-term family benefits)-

(a) to a surviving spouse or a nominated beneficiary (an "adult pension"), and

(b) to or for the benefit of a child or children (a "children's pension"),

the annual rate of the children's pension is the appropriate fraction of the deceased's average salary multiplied by the length of his family benefit service.

(2) The appropriate fraction-

(a) while a children's pension is payable to or for the benefit of 2 or more children, is 1/160th, and

(b) while a children's pension is payable to or for the benefit of one child, is 1/320th.

(3) Subject to paragraphs (4) to (6), if-

(a) an adult pension becomes payable to a woman whom the deceased married after his last day in pensionable employment,

(b) before that day he had married another woman, and

(c) the persons to or for whose benefit a children's pension is payable include a child who was, or children who were, a child or children of the deceased's at any time during the earlier marriage, the annual rate of the children's pension is the appropriate fraction of his average salary multiplied by the length of what would have been his family benefit service if regulation 53(4) had applied ("the notional family benefit service").

(4) If the children's pension is payable to, or for the benefit of-

(a) one child who was a child of the deceased's during the earlier marriage, and

(b) one or more children who were not children of his during that marriage,

the annual rate of the children's pension is A + B, where-

A is 1/320th of his average salary multiplied by the length of the notional family benefit service, and

B is 1/320th of his average salary multiplied by the actual length of his family benefit service.

(5) If-

- (a) no adult pension becomes payable, or
- (b) an adult pension ceases to be payable,

the annual rate of a children's pension is the applicable fraction of the deceased's average salary multiplied by the greater of C and D or, where regulation 53(8) applies, the greater of C and (D + E), where-

- C is the notional family benefit service,
- D is the deceased's effective reckonable service apart from E, and
- E is the period which was, or would if regulation 33 (1) to (8) (Enhancement of retirement benefits in case of incapacity) had applied have been, the appropriate period within the meaning of regulation 35 (1) to (8).

(6) The applicable fraction-

- (a) while a children's pension is payable to or for the benefit of 2 or more children, is 1/120th, and
- (b) while a children's pension is payable to or for the benefit of one child, is 1/240th.

(7) The annual rate of children's pension paid in the case where the deceased was granted a pension under 29(6) (Entitlement to payment of actuarially reduced retirement benefits), will be an actuarially calculated proportion of the appropriate fraction of the deceased's average salary, multiplied by the length of his family benefit service, the actuarially calculated proportion being identical to the proportion awarded to the deceased under regulation 32(6) (Limitation of retirement benefits in certain cases).

Commencement and duration of long-term family pensions.

55.(1) A pension under regulation 51 (Entitlement to long-term family benefits), payable to a surviving spouse or a nominated beneficiary ("an adult pension") is to be paid-

- (a) from the day on which any short-term pension that became so payable under regulation 49 (Entitlement to short-term family benefits), ceases to be payable, or
- (b) if no short term pension became payable, from the day after that of the death.

(2) Subject to paragraph (3), an adult pension is payable for life.

(3) Unless the Council determines otherwise in the particular case, and subject always to regulation 26(3)(c) and (d) (guaranteed minimum pension for surviving spouse), an adult pension is not payable during or after any marriage or period of cohabitation outside marriage.

(4) A pension under regulation 51 (Entitlement to long-term family benefits), payable to or for the benefit of a child or children ("a children's pension") is to be paid-

(a) from the day on which any short-term pension that became so payable, or payable to a surviving spouse or a nominated beneficiary, under regulation 49 (Entitlement to short-term family benefits) ceases to be payable, or

(b) if no short-term pension became payable, from the day after that of the death.

(5) A children's pension ceases to be payable to a person or for his benefit when he ceases to be a child.

Average salary.

56.(1) Subject to paragraph (11), a person's average salary-

(a) where the material part of his average salary service is one year or more, is his full salary for the best consecutive 365 days of that part, and

(b) in any other case, is the average annual rate of his full salary for that part.

(2) In determining, for the purposes of paragraph (1), what are the best consecutive 365 days of the material part of the person's average salary service, days on which the person is not in pensionable employment are disregarded.

(3) Average salary service comprises-

(a) any period counting as reckonable service by virtue of regulation 22(1)(a) (pensionable employment), and

(b) any period counting as reckonable service by virtue of regulations 22(1)(b) and 25 (current period for which additional contributions have been paid), and

(c) any period of comparable British service which began before 1st April 1974 and has not been followed by a period of pensionable employment and for which a transfer value has been accepted.

(4) The material part of a person's average salary service is-

(a) where the person has less than 3 years of such service, the whole of it, or

(b) in any other case, the last 3 years of it.

(5) In determining the material part of a person's average salary service, periods when the person was not in pensionable employment shall be disregarded and accordingly the period of 3 years referred to in paragraph (4) may be discontinuous.

(6) For the purposes of paragraphs (2), (3)(a) and (5) a person who is employed under a contract whereby that person is available for work but only undertakes (and accordingly is only paid for) work when, and for periods, requested by his employer is not treated as being in pensionable employment during periods when he is not undertaking work (whether or not such a person would be so treated apart from this paragraph).

(7) Subject to paragraphs (8) and (9), a person's full salary-

- (a) for a period falling within paragraph (3)(a), is his contributable salary for the period of pensionable employment, disregarding any reduction during sick leave or maternity leave,
- (b) for a period falling within paragraph (3)(b), is the notional salary by reference to which the additional contributions paid under regulation 12 (Additional contributions for current period) or, as the case may be, regulation 13 (Additional contributions for current period: service in a reserve force), were calculated, and
- (c) for a period falling within paragraph (3)(c), is what would have been his salary for the purpose of calculating benefits under the superannuation scheme to which he was subject in the relevant employment.

(8) For-

- (a) a period of pensionable employment, or
- (b) a period counting as reckonable service by virtue of regulations 22(1)(b) (pensionable employment), and 25 (current period for which additional contributions have been paid),

beginning after 31st July 1975 and ending before 1st August 1978, a person's full salary includes any sums that would have been payable to him if payment of them had not been withheld, whether by virtue of an enactment or otherwise, in order to comply with limits referred to in section 1 of the Remuneration, Charges and Grants Act 1975.

(9) For-

- (a) a period of pensionable employment, or
- (b) a period counting as reckonable service by virtue of regulations 22(1)(b) (pensionable employment), and 25 (current period for which additional contributions have been paid),

beginning after 31st March 1979 and ending before 1st September 1980, a person's full salary is the notional salary resulting from the application to him of the Teachers' Superannuation (Notional Salaries) Regulations 1981 of the United Kingdom in accordance with the Teachers' Superannuation (Notional Salaries) (Guernsey) Regulations, 1982(f).

(10) Where a person has during the material part of his average salary service spent any period in part-time employment the full salary for that period shall be the amount which it would have been if the employment had been full-time during that period.

(11) Subject to paragraphs (13) and (14), in the case of a person to whom on the material date remuneration provisions did apply, an increase in his contributable salary the main object, or one of the main objects, of which was to increase his average salary (and accordingly his retirement benefits) is to be treated as having increased his average salary by no more than 10% above the amount by which it would have been increased if he had instead received, on the material date, the standard increase of salary, unless an election is made under regulation 70 (Employers' additional contributions) to pay the additional contribution referred to in that regulation.

(12) Subject to paragraphs (13) and (14), in the case of a person to whom on the material date remuneration provisions did not apply, an increase in his contributable salary the main object, or one of the main objects, of which was to increase his average salary (and accordingly his retirement benefits) is to be treated as having increased his average salary by no more than 10% above the amount by which it would have been increased if he had instead received, on the material date, the standard increase of salary, unless an election is made under regulation 70 (Employers' additional contributions) to pay the additional contribution referred to in that regulation.

(13) For the purposes of paragraphs (11), (12), (14) and (15) the material date is the date on which the increase of salary took effect and remuneration provisions are those as agreed from time to time between the States of Guernsey Civil Service Board and the Negotiating Committee for Teachers and Lecturers in Guernsey (NCTLG).

(14) For the purposes of paragraph (11), the standard increase of salary is the increase, if any, that would have been received on the material date by the person in question in accordance with the remuneration provisions had he not received the increase in salary referred to in that paragraph or, if he would have received no increase on that date in accordance with those provisions, the next increase that would have been received by him in accordance with those provisions.

(15) For the purposes of paragraph (12), the standard increase of salary is the average percentage of the increases, if any, that would have been received on the material date by persons ("the comparable employees") who were employed at the school or institution where the person in question was employed and whose circumstances corresponded most closely to those of that person or, if there were no comparable that school or institution or, if the comparable employees or the persons so employed as teachers (as the case may be) would have received no increases on that date, the next increases they would have received.

(16) Paragraphs (11) to (15) shall not apply-

(a) in relation to a person who becomes entitled to payment of retirement benefits by virtue of regulation 29(4) (incapacity), or

(b) for the purpose of calculating-

(i) a death grant under regulation 45, or

(ii) a pension payable under regulation 53 (Amount of spouse's and nominated beneficiaries' long-term pensions) or 54 (Amounts of children's long-term pensions) in relation to a person who died while in pensionable employment, or

(c) to any increase in contributable salary which was received while the person was employed by an employer other than the body which was the person's employer immediately before he became entitled to the payment of retirement benefits.

(17) for the purposes of paragraphs (11) to (16) and this paragraph where a person receives more than one increase in a financial year the increases taken together shall be treated as one increase.

Effective reckonable service.

57.(1) A person's effective reckonable service is so much of his reckonable service as counts for the purpose of calculating a benefit under this Part, except a pension under regulation 51 (Entitlement to long-term family benefits).

(2) Subject to paragraph (3), effective reckonable service does not include-

- (a) any reckonable service in excess of 45 years, or
- (b) any reckonable service in excess of 40 years before attaining the age of 60.

(3) In relation to a retirement lump sum, if the person's relevant service, that is to say the total of-

- (a) the time he has spent in pensionable employment, and
- (b) any comparable British service counting as reckonable service by virtue of the acceptance of a transfer value,

is less than 20 years, his effective reckonable service does not include so much of any period counting as reckonable service by virtue of regulation 24 (Past period for which additional contributions have been paid) as exceeds the maximum ascertained from the Table below.

TABLE

Relevant service in years	Maximum
19	17 years
18	15 years
17	13 years
16	11 years
15	9 years
14	7 years
Fewer than 14	8 years less than the length in years and days of the relevant service

(4) For the purposes of paragraph (3) a person who becomes entitled to payment of retirement benefits by virtue of regulation 29(4), (5) or (6) (incapacity, redundancy or self-funded early retirement before attaining the age of 60) is to be treated as having continued in pensionable employment up to that age.

(5) Effective reckonable service does not include-

- (a) any period in respect of which a short service annuity is payable under regulation 40, or
- (b) any period in respect of which contributions are payable under the States of Guernsey Civil Service (Pensions and Other Benefits) Rules, 1972.

Payment of benefits.

58.(1) Benefits under this Part are payable by the Council.

(2) No benefit is to be paid unless a written application for payment has been made and paragraph (3), if applicable, has been complied with.

(3) If the Council notifies him in writing that he so requires, the applicant is to provide any relevant information specified by the Council that is in his possession or that he can reasonably be expected to obtain.

(4) Subject to paragraphs (6) to (9), a benefit that does not consist of a single payment is to be paid monthly on the Council's normal monthly payroll date in respect of the calendar month in which the payment is made.

(5) if a person was born on the 1st of a month, his birth date in any month is the 1st and so on; in any month in which the date arrived at in that way does not occur, his birth date is the last day of the month.

(6) If-

- (a) the person's entitlement to payment of the benefit took effect, or
- (b) the benefit ceases to be payable,

on a day other than the date specified in paragraph (4) (the "due date"), a proportionate payment is to be made for the relevant period as soon as practicable after the material date.

(7) The relevant period is-

- (a) where paragraph (6) (a) applies, the period beginning on the day on which the entitlement took effect and ending with the material date, and
- (b) where paragraph (6) (b) applies, the period beginning on the day following the last due date before the benefit ceased to be payable and ending with the material date.

(8) The material date is-

- (a) where paragraph (6) (a) applies, the last day of the month in which payment is made, and
- (b) where paragraph (6) (b) applies, the day the benefit ceased to be payable.

(9) A proportionate payment is a payment of

$$\frac{A}{12} \times \frac{B}{C}$$

where-

- A is the annual rate of the benefit,
- B is the number of days in the relevant period, and
- C is the number of days in the month in which payment is made.

(10) If the person entitled to payment of a benefit has not attained the age of 18, or is incapable by reason of infirmity of mind or body of managing his affairs, the Council may-

- (a) pay it to any person having the care of the person entitled, or
- (b) apply it as he thinks fit for the benefit of the person entitled or his dependants.

Benefits not assignable.

59.(1) Any assignment of or charge on or agreement to assign or charge any benefit under this Part is void.

(2) An allocation under regulation 35 is not an assignment, and an arrangement for the recovery by the Council of an overpayment does not constitute an assignment or an agreement to assign.

PART VI
TRANSFER VALUES

Payment of transfer values.

60.(1) Subject to paragraphs (2) to (5), a transfer value is to be paid in respect of a person who has ceased to be in pensionable employment and has become subject to an approved superannuation scheme or, if he has ceased to be in pensionable employment after 1st August, 1988, an approved retirement annuity scheme ("the receiving scheme").

(2) The person must have made a written application to the Council, within 12 months after the day on which he became subject to the receiving scheme, for the transfer value to be paid.

(3) A transfer value is not to be paid if one was paid under the 1978 Regulations in relation to the same transfer.

(4) A transfer value is not to be paid in respect of a person who, when the application was received, had become entitled under regulation 29 to payment of retirement benefits, or under regulation 42 or 43 respectively to a short service annuity or incapacity grant, unless the employment in which he has become subject to the receiving scheme is comparable British service and he entered it -

(a) immediately after ceasing to be in pensionable employment, or

(b) on or before his 60th birthday,

and has not applied for payment of any benefit.

(5) A transfer value which includes an element for a period of employment credited to the person in respect of which he had a guaranteed minimum must not be paid unless-

(a) the receiving scheme is administered wholly or primarily in the United Kingdom and is a contracted-out scheme; or

(b) the receiving scheme is a club scheme and the transfer complies with the requirements from time to time set out in the Club memorandum; or

(c) the Council's liability to pay a guaranteed minimum has been extinguished by the payment by the Council to the Secretary of State for Social Security of a transfer premium, in which instance the transfer value will be reduced accordingly; or

(d) the right to a guaranteed minimum has been extinguished by the purchase by the Council of an annuity or insurance policy approved by or on behalf of the Secretary of State and securing the payment to the person at and after state pensionable age of a pension at a weekly rate equal to the weekly rate of his notional guaranteed minimum allowance or in such other manner as may be approved by or on behalf of the Secretary of State.

Outward transfer values.

61. The transfer value payable in respect of any person shall be calculated in accordance with the tables annexed to the Club memorandum.

Termination of right to count reckonable service.

62. A person in respect of whom a transfer value has been paid under regulation 60 ceases to be entitled to count as reckonable service, or as part of a qualifying period within the meaning of regulation 28 (Qualification for retirement benefits), any period to which the transfer value related.

Acceptance of transfer values.

63.(1) Subject to paragraphs (2) to (6), a transfer value offered to the Council by the scheme managers of a scheme approved for the purpose by the Administrator of Income Tax (the previous scheme"), in respect of a person who has entered pensionable employment, may be accepted.

(2) The person must have made a written request to the Council for the transfer value to be accepted.

(3) Unless while the person was subject to the previous scheme he was employed in comparable British service, the request must be made within 12 months after the day on which he entered pensionable employment.

(4) A transfer value is not to be accepted if one was accepted under the 1994 Regulations in relation to the same transfer.

(5) Subject to paragraph (6), a transfer value is not to be accepted if-

(a) before he ceased to be subject to the previous scheme the person became entitled under regulation 29 to payment of retirement benefits, or

(b) he has become entitled to payment of benefits under a provision of a statutory scheme corresponding to regulation 29.

(6) Paragraph (5) does not apply if while the person was subject to the previous scheme he was employed in comparable British service and he entered pensionable employment-

(a) immediately after the end of the employment, or

(b) on or before his 60th birthday.

(7) A person in respect of whom a transfer value has been accepted is entitled to count reckonable service in accordance with Regulation 64.

Inward transfer values.

64.(1) If the employment in which the person was subject to the previous scheme was comparable British service, he is entitled to count as reckonable service the period of service certified by the scheme managers as having stood to his credit under the scheme when he ceased to be subject to it.

(2) If the previous scheme is a club scheme service under which is not comparable British service, he is entitled to count as reckonable service a period calculated in accordance with the tables annexed to the Club memorandum.

(3) If the previous scheme is an approved superannuation scheme which is not a club scheme he is entitled to count as reckonable service a period calculated in accordance with actuarial tables.

PART VII
FINANCE

Receipts etc. to be credited.

65.(1) Employees' and employers' contributions received during the financial year must be credited to the States of Guernsey Superannuation Fund, General Revenue Account - Teachers ("the account").

(2) Employees' contributions comprise-

- (a) all contributions payable under regulations 9(1) and (2), 10, 11 and 14,
- (b) so much of any additional contributions payable under regulations 12 and 13 as would have been payable under regulation 9(1) if pensionable employments had continued, and
- (c) all amounts payable under regulations 19 and 20 (return of repaid contributions).

(3) Employers' contributions comprise-

- (a) the contributions payable under regulation 68, 69 and 70, and
 - (b) so much of any additional contributions payable under regulation 12 and 13 as would have been payable under regulation 68 if pensionable employments had continued.
- (4) There are also to be credited to the account all transfer values under regulation 63 accepted during the financial year.

Payments to be debited.

66. There are to be debited to the account all sums paid during the financial year by way of-

- (a) benefits under Part V,
- (b) repayment of contributions (including interest) under regulations 15 and 17, and
- (c) transfer values under regulation 60.

Actuarial inquiries.

67. Actuarial inquiries shall be made at such intervals and in such manner as set out in the States of Guernsey (Pensions and Other Benefits) Rules, 1972.

Employers' contributions.

68.(1) Subject to paragraph (3), the employer of a person in pensionable employment is to pay contributions of the required percentage of his contributable salary for the time being.

(2) The contributions to be paid by the States as employers of teachers and by other employers of teachers shall be payable at such rates and at such times as the States shall by Resolution from time to time determine.

(3) No contributions are to be paid in respect of anyone to whom regulation 57(2)(a) (restriction of reckonable service to 45 years) has become applicable.

Employers' contributions-employees' elections under regulation 8

69.(1) In this regulation "employer A", "employer B" and "employer C" have the same meaning as in regulation 8(1)(b) and (6)(c), (Salary on which contributions are payable-election).

(2) Where a person falls within regulation 8(1)(a) has made an election under regulation 8(1) the person's employer may elect that the contribution deficit, or such part of it as is specified in the election, is to be paid by that employer

(3) Where a person falls within regulation 8(1)(b) has made an election under regulation 8(1) either employer A or employer B may elect that the contribution deficit, or such part of it as is specified in the election, is to be paid by employer A or employer B as the case may be.

(4) Where a person has made an election under regulation 8(1) ceases to be in pensionable employment in circumstances where-

- (a) his election continues to have effect by virtue of regulation 8(6)(c)(ii), and
- (b) an election has been made under paragraph (2), or under paragraph (3) by employer B, but
- (c) the employer who made the election does not confirm it under paragraph (7)(a)(ii),

employer C may elect that the contribution deficit, or such part of it as is specified in the election, is to be paid by employer C.

(5) In paragraphs (2) and (3) "the contribution deficit" means contributions of the required percentage of the difference between the person's actual contributable salary and his contributable salary at the rate referred to in regulation 8(4).

(6) An election for the purposes of paragraphs (2), (3) or (4)-

- (a) must be made by giving written notice to the Council,
- (b) has effect-
 - (i) in the case of an election under paragraph (2) or (3), from the date on which the employee's election under regulation 8(1) has effect, or from the end of the month in which the election was made whichever is the later, and
 - (ii) in the case of an election under paragraph (4), from the date on which the person takes up employment with employer C, or from the end of the month in which the election was made whichever is the later, and
- (c) shall state whether the employer elects to pay the whole of the contribution deficit or a proportion of it and if so what that proportion is, and
- (d) is irrevocable.

(7) An election made under paragraph (2), under paragraph (3) by employer B or under paragraph (4) ceases to have effect-

- (a) in the case of an election under paragraph (2) or (3), if the person ceases to be employed by the employer who made the election unless-
 - (i) the person elects to pay additional contributions under regulation 13 (Additional contributions for current period: service in a reserve force), or
 - (ii) by virtue of regulation 8(6)(c)(ii) the person's election does not cease to have effect and the employer confirms the election before the date on which the person takes up employment with the new employer, and
- (b) in the case of an election under paragraph (4) if the person ceases to be employed by the person who made the election unless he elects to pay additional contributions under regulation 13 (Additional contributions for current period: service in a reserve force).

(8) An election made under paragraph (3) by employer A ceases to have effect if the person ceases to be in pensionable employment unless he-

- (a) elects to pay additional contributions under regulation 13 (Additional contributions for current period: service in a reserve force), or
- (b) takes up pensionable employment with another employer within 6 months of ceasing to be in pensionable employment.

(9) Where, in relation to a person who falls within regulation 8(1)(b) (Salary on which contributions are payable-election)-

- (a) there are at any time elections by both employer A and employer B, or as the case may be both employer A and employer C; and
- (b) if both elections were fully effective their combined effect would be that more than the contribution deficit would be paid to the Council,

the election by employer B or as the case may be, employer C shall have full effect but the election by employer A shall have effect only to the extent of the difference (if any) between the contribution deficit and the amount which is the subject of the election by employer B or employer C.

Employers' additional contributions under regulations 10 and 56

70.(1) Where an employer has elected under regulation 10(3) (Additional contributions for past period), to pay additional contributions in respect of a person, payment to the Council of the lump sum referred to in paragraph 13(1) of Schedule 3 shall be made within the period referred to in paragraph 13(2) of that Schedule.

(2) Where a person receives an increase in contributable salary as is mentioned in regulation 56 (11) or (12) (Average salary), the person's last employer before he became entitled to payment of retirement benefits ("the former employer") may make an election under paragraph (3),

(3) An election under this paragraph is an election to pay an additional contribution of A - B - C where-

- A is the actuarial value of the retirement benefits to which the person would be entitled calculated by reference to the salary he received,
- B is the actuarial value of the retirement benefits to which the person would be entitled if he was treated as receiving an increase in his contributable salary referred to in regulation 56 (11) or (12), and

C is the aggregate of contributions which would be repaid under regulation 75 if no election had been made.

(4) An election under paragraph (3) may be made by giving written notice to the Council no later than six weeks after the date on which the person became entitled to payment of the retirement benefits

(5) Where an election is made under paragraph (3) the payment to the Council under the election shall be made within 14 days after the date of the election.

(6) If the full amount of payment under the election under paragraph (3) is not received by the end of the period referred to in paragraph (5), interest is payable by the former employer on the amount outstanding at 12% per annum compounded with monthly rests from the day after the end of the period referred to in paragraph (5) to the date of payment.

PART VIII
MISCELLANEOUS AND SUPPLEMENTAL

Modified application in case of employment at reduced salary.

71.(1) If-

(a) a person who has been in pensionable employment either-

(i) continues to be employed by the same employer, or

(ii) ceases to be employed and is re-employed within 6 months (whether by the same employer or a different employer),

at a reduced rate of contributable salary, and

(b) where he continues to be employed by the same employer, is employed in a different post, and

(c) he does not make an election under regulation 8(1) (Salary on which contributions are payable-election), that his contributable salary is to be treated as having continued at the previous rate, and

(d) the relevant employer notifies the Council in writing of the matters specified in paragraph (2) before-

(i) the date which is 3 months after the first day of his employment at the reduced rate, or

(ii) 3rd May 1998,

whichever is the later

(e) the application to him of this paragraph would, taking into account prospective increases under regulation 42 of benefits under Part V, be beneficial,

these Regulations have effect in relation to him with the modifications set out in Part I of Schedule 7 (Employment at reduced salary).

(2) For the purposes of paragraph (1)(d) the matters which are to be notified to the Council are-

(a) where the person continues to be employed with the same employer or ceases to be employed and is re-employed by the same employer, that the person's employment at a reduced rate of contributable salary is in the interests of the efficient discharge of the employer's functions, and

(b) where the person ceases to be employed by one employer and is re-employed by a different employer-

(i) that the person has provided satisfactory service throughout the period of the person's employment with the relevant employer; and

(ii) that the person had ceased employment with the relevant employer with the intention of seeking employment in a new post with less responsibility.

(3) For the purpose of this regulation-

(a) the contributable salary of a person in part-time employment is to be taken to be what it would be if the employment had been full-time, and

(b) the "relevant employer" is-

(i) where the person ceases to be employed by one employer and takes up employment with a different employer, the person's former employer, and

(ii) in any other case, the person's employer.

(4) A second or subsequent application of paragraph (1) does not affect its previous operation.

Modified application in certain other cases.

72.(1) In relation to a person with admitted service these Regulations have effect with the modifications set out in Part II of Schedule 7.

(2) In relation to a person with specified country service these Regulations have effect with the modifications set out in Part III of Schedule 7.

Records and information.

73.(1) The employer of a person in pensionable employment is to record for each financial year-

(a) the rate of the person's salary,

(b) the amount of his contributable salary,

(c) where during the financial year the person has spent one or more periods in part-time pensionable employment, the amount which his contributable salary would have been if the employment had been full-time throughout the year,

(d) any money value forming part of his contributable salary by virtue of regulation 7(1)(b) (accommodation and related services),

(e) the contributions deducted under regulation 21(1),

(f) the period during which he was in pensionable employment, and

(g) the dates of any absence on sick leave or maternity leave, and the amount of salary paid during it.

(2) Every employer, not being the States of Guernsey, shall make to the Council such reports and returns, and give to the Council such information relating to such persons, as the Council may require for the purposes of its functions under these Regulations.

Payments in respect of deceased persons.

74.(1) This regulation applies where a person dies and the total of-

- (a) any sums that were due to him under these Regulations, and
- (b) any sums payable under these Regulations to his personal representatives,

("the amount due") does not exceed £5000.00.

(2) Where this regulation applies the Council may, without requiring the production of probate or other proof of title, pay the amount due-

- (a) to the personal representatives, or
- (b) to the person, or to or among any one or more of any persons, appearing to it to be beneficially entitled to the estate.

Revaluation of guaranteed minimum pension.

75.(1) This regulation applies where a person has ceased to be in pensionable employment and has a guaranteed minimum pension.

(2) the amount of guaranteed minimum pension shall be determined by the Inland Revenue National Insurance Contributions Office, on receipt of a written request by the Council.

Repayment of contributions where an election is not made under regulation 70.

76.(1) This regulation applies where-

- (a) a person receives an increase in contributable salary as is mentioned in regulation 56(11) or (12) (Average salary), but
- (b) no election under regulation 70(3) (Employers' additional contributions) has been made.

(2) Where this regulation applies the Council shall repay-

- (a) to the person who was in pensionable employment a sum equivalent to A - B, and
- (b) to that person's last employer before he became entitled to retirement benefits a sum equivalent to C - D.

(3) In paragraph (2) above-

- A is the aggregate of the contributions paid by the person under regulation 9, 10 or 14 during the relevant period,
- B is the aggregate of the contributions which would have been paid under regulation 9, 10 or 14 during the relevant period if the person had actually received the salary which he was treated as having received under regulation 56 (11) or (12) (Average salary),
- C is the aggregate of the contributions paid by the person's employer under regulation 68 during the relevant period, and

D is the aggregate of the contributions which would have been paid by the person's employer under regulation 68 during the relevant period if the person had actually received the salary which he was treated as having received under regulation 56 (11) or (12) (Average salary),

and in this paragraph the "relevant period" is the period which started when the person received the increase in contributable salary as mentioned in regulation 56 (11) or (12) and ended when the person became entitled to payment of retirement benefits

Extensions of time, exceptions etc.

77. The Council may in any particular case extend, or treat as having been extended, the time within which anything is required or authorised to be done under these Regulations and may make in any such case an exception to the requirements of these Regulations or may impose conditions to be attached thereto.

Calculation of full-time equivalent salary.

78. Where any reference occurs in these Regulations, in relation to a person who is in, or has spent any period in, part-time employment to the amount which his contributable salary would have been if he had been employed full-time then, in a case where the person's contract entitles him to remuneration at a rate which is not expressed as a proportion of the annual, termly or monthly rate for a comparable full-time employment, the amount which his contributable salary would have been if the employment had been full-time employment shall be calculated on the same basis as is used for the calculation of the person's salary in the part-time employment in question.

Determination of questions.

79. All questions arising under these Regulations are to be determined by the Council and a determination by it is final as to matters of fact.

Election in respect of protected benefits.

80.(1) Where-

(a) apart from this regulation, any provision of these Regulations, which re-enacts with any modification any provision revoked by these Regulations, would place any person to whom a protected benefit is or may become payable in a worse position than he would have been in if that modification had not been made, and

(b) that person so elects, by giving written notice to the Council within three months of the first day of the meeting of the States before which the regulations are first laid, .

then, subject to paragraph (3), these Regulations shall have effect, in relation to him and to that benefit as if these Regulations had re-enacted the revoked provision without modification.

(2) In this regulation "protected benefit" means a benefit payable to, or in respect of, a person who before 3rd February 1998-

(a) was employed in pensionable employment but ceased to be so employed (whether or not he has subsequently become re-employed in pensionable employment); or

(b) died.

(3) If an election under paragraph (1) is made in relation to a benefit of a person who is in pensionable employment or who subsequently becomes re-employed in pensionable employment-

- (a) the election shall have effect in relation to the benefit only to the extent that it accrues or has accrued by virtue-
- (i) of periods of reckonable service before the cessation referred to in paragraph (2) (a) (or, if there had been more than one cessation, the last of them before 3rd February 1998), or
 - (ii) of contributions paid in respect of such periods of reckonable service; and
- (b) in determining entitlement to, or the amount of, the benefit to that extent, he shall be treated as if he had never re-entered pensionable employment again at any time after the cessation referred to in paragraph (2) (a) (but without prejudice to the application of this paragraph);

and these Regulations shall apply accordingly.

Revocations, Savings and transitional provisions.

81. (1) The Teachers' Superannuation (Guernsey) Regulations, 1994(g), the Teachers' Superannuation (Amendment) (Guernsey) Regulations, 1996(h), the Teachers' Superannuation (Amendment) (Guernsey) Regulations, 1998(i), and the Teachers' Superannuation (Amendment) (No. 2) (Guernsey) Regulations, 1998(j) are hereby revoked.

(2) Schedule 9 has the effect for the purpose of making savings and transitional provisions consequential on the making of these Regulations.

(3) The provisions of Schedule 9 do not affect the general operation of section 5 of the Interpretation (Guernsey) Law, 1948 (effect of repeal).

(g) S.I. 1994 No. 1.

(h) S.I. 1996 No. 3.

(i) S.I. 1998 No. 9.

(j) S.I. 1998 No. 15.

GLOSSARY OF EXPRESSIONS

Expression	Meaning
"Accepted school"	Construe in accordance with Regulation 5.
"Actuarial"	Determined by, or in accordance with tables prepared by, an actuary appointed by the States.
"Actuarially reduced"	In relation to a retirement pension or retirement lump sum, the process of multiplying a retirement pension or retirement lump sum by the appropriate factor set out in Schedule 6, as required by regulation 29 (6).
"Additional contributions" "Additional period"	In relation to family benefits, the expressions are to be construed in accordance with paragraph 1(3) of Schedule 4.
"Admitted service"	Service to which, immediately before 1st May, 1975, Part VIII of the Teachers' Superannuation Regulations 1967(k), applied.
"Approved retirement annuity scheme"	A retirement annuity scheme or a retirement annuity trust which is- (a) a scheme approved by the Administrator of Income Tax under section 157A of the Income Tax (Guernsey) Law, 1975; or (b) a scheme which the Administrator of Income Tax is satisfied is situate in a place outside Guernsey and is approved or exempted by the competent authority in that place under laws relating to income tax there and provides benefits of a nature similar to a scheme which may be approved under section 157A of the Income Tax (Guernsey) Law, 1975.
"Approved superannuation scheme"	An occupational pension scheme which- (a) is approved by the States Administrator of Income Tax under section 150 of the Income Tax Law; or (b) in respect of which the Administrator of Income Tax is satisfied that under the provisions of section 153(6) of the Income Tax Law the scheme is one to which he may authorise payment of a transfer value without deduction of Guernsey Income Tax; or

(k) UK S.I. 1967 No. 489 revoked by UK S.I. 1976 No. 1987.

Expression	Meaning
	(c) in relation to Part VI of these Regulations, approved by the Council for the purposes of that Part; and references to an approved superannuation scheme in these Regulations, unless the context otherwise requires, are references to a scheme approved on the day when a person first becomes, or was last, subject to the scheme, as the case may be.
"Average salary"	Construe in accordance with regulation 56.
"Child"	Construe in accordance with regulation 47.
"Club memorandum"	The Club Memorandum of the Public Sector Transfer Arrangement issued by Her Majesty's Treasury.
"Club scheme"	A scheme which is a member of the Public Sector Transfer Club.
"Comparable British Service"	Service which is or was at any time pensionable under a superannuation scheme for teachers in public employment in any part of the British Islands outside the Bailiwick of Guernsey.
"Contracted-out employment"	Construe in accordance with sections 8(1) and
"Contracted-out scheme"	7(3) respectively of The United Kingdom Pension Schemes Act 1993.
"Contributable salary"	Construe in accordance with regulation 7.
"Contributions equivalent premium"	A premium under section 55(2) of The United Kingdom Pension Schemes Act 1993.
"Contributions refund period"	A period in respect of which contributions have been or are to be repaid and-
	(a) have not been or fallen to be treated as having been, returned, or
	(b) have been returned but have since been repaid.
"The Council"	The States Education Council
"Credited service"	The meaning given in paragraph 1(6) of Schedule 4.
"Effective reckonable service"	Construe in accordance with regulation 57.
"Employment"	Employment under a contract of service.
"Entitled"	Any reference to a person entitled to payment of retirement benefits is to be construed as including a reference to a person who has not applied for payment of them.

Expression	Meaning
"Family benefits"	Benefits payable under regulations 47 to 55.
"Family benefit service"	Construe in accordance with regulation 53.
"Full-time"	Employment is "full-time" if the contract so describes it (whether expressly or otherwise) and entitles the employee to remuneration at an annual, termly or monthly rate.
"Further education"	The meaning given in section 23 of the Education (Guernsey) Law, 1970.
"Guaranteed minimum"	A guaranteed minimum under section 14 of The United Kingdom Pension Schemes Act 1993.
"Guaranteed minimum pension"	The meaning given in section 8(2) of The United Kingdom Pension Schemes Act 1993.
"Higher education"	The meaning given in section 120(1) of the United Kingdom Education Reform Act 1988.
"Incapacitated"	A person is incapacitated while he is incapable by reason of infirmity of mind or body of performing his employment efficiently.
"Independent school"	The meaning given in section 1 of the Education (Guernsey) Law, 1970.
"Interchange provisions"	Part VI and any previous provisions to the like effect, and interchange rules having effect in the Island.
"Island"	Guernsey, Herm and Alderney.
"Member"	The meaning given in paragraph 1(1) of Schedule 4.
"Notional guaranteed minimum"	The guaranteed minimum to which a person would have been entitled at, and from time to time after, state pensionable age by reference to his pensionable employment if that employment were deemed to be contracted-out employment.
"The Ordinance of 1967"	The Teachers' Superannuation (Family Benefits) Ordinance, 1967.
"The 1978 Regulations"	The Teachers' Superannuation (Guernsey) Regulations, 1978. as amended from time to time.
"The 1994 Regulations"	The Teachers' Superannuation (Guernsey) Regulations, 1994, as amended from time to time.

Expression	Meaning
"Normal contributions" "Normal service"	Construe in accordance with paragraph 1(2) of Schedule 4.
"Occupational pension scheme"	Any scheme or arrangement comprised in one or more instruments or agreements and having, or being capable of having, effect in relation to one or more descriptions or categories of employments so as to provide benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of earners with qualifying service in an employment of any such description or category.
"Organiser"	A person in employment which involves the performance of duties in connection with the provision of education or services ancillary to education.
"Part-time"	Employment is "part-time" if the contract requires the employee to work less than the whole of the working week.
"Pensionable employment"	In relation to any time before 1st November 1988, the expression means employment in reckonable service for the purposes of the 1978 Regulations or previous provisions. In relation to any time after 31st October 1988, the expression is to be construed in accordance with Part II.
"Previous provisions"	Provisions contained in or made under an enactment relating to the superannuation of teachers which were in force at any time before 1st January 1977.
"Qualified for retirement benefits"	Construe in accordance with regulation 28.
"Reckonable service"	Construe in accordance with regulation 22.
"Retirement benefits"	Construe in accordance with regulation 27.
"Retirement lump sum"	A retirement lump sum payable under Part V.
"Retirement pension"	A retirement pension payable under Part V.

Expression	Meaning
"Scheme managers"	In relation to a statutory scheme the expression means the Minister of the Crown or local authority or police or fire authority administering the scheme; in relation to any other scheme it means the person responsible for the management of the scheme.
"Specified country service"	The meaning given in Schedule 1 of the Teachers' Pensions Regulations 1997. (1)
"State pensionable age"	Pensionable age within the meaning given by the rules in paragraph 1 of Schedule 4 of The United Kingdom Pensions Act 1995
"Statutory scheme"	A scheme established by or under an enactment.
"Supervisor"	A person employed in a capacity connected with education which to a substantial extent involves the control or supervision of teachers.
"Tax year"	The United Kingdom tax year, the 12 months beginning with 6th April in any year.
"Teacher's pension"	An annual allowance which became payable under the 1978 Regulations or previous provisions or a retirement pension.
"Terminal sum"	The expression includes a retirement lump sum, a short service incapacity grant, a refund of contributions and any sum payable on death.

SCHEDULE 2

Regulation 10 or 12

MAXIMUM LENGTH OF ADDITIONAL PERIODS

1.(1) Subject to paragraph 2, the maximum length of the period in respect of which an election may be made under regulation 10 or 12 is A-B, where-

A is the length of time specified in the second column of the Table below against the person's adjusted age, and

B is the length of any additional period already purchased or in course of being purchased by him.

(1) UK S.I. 1997 No. 3001.

TABLE

Adjusted age	Length of time
Under 50	30 years
50 and under 51	23 years
51 and under 52	16 years
52 and under 53	9 years
53 and under 54	2 years
54 and over	Twice the difference in days between the adjusted age and 55 years.

(2) A person's adjusted age-

(a) if the person has continued in pensionable employment since the start of his first such employment and has not been credited with reckonable service on the acceptance of a transfer value in respect of comparable British service, is his age at the start of his first pensionable employment, and

(b) in any other case, is C-D, where-

C is the person's age at the start of his most recent pensionable employment, and

D is the total of the time he had then spent in pensionable employment and the length of any reckonable service with which he has been credited on the acceptance of a transfer value in respect of comparable British service.

2.(1) This paragraph applies to a person who-

(a) has been credited with admitted service, or

(b) at the start of his most recent pensionable employment was entitled in respect of a former employment to material benefits, whether or not they had then become payable.

(2) Material benefits comprise any benefits by way of pension, allowance, lump sum or gratuity expected to be paid when the person has attained the age of 60 and whose actuarial equivalent as an annuity for life from that age would be more than £260 a year.

(3) Where this paragraph applies and the number of years calculated in accordance with sub-paragraph (4) is lower than the number specified against the person's adjusted age in the Table, paragraph 1(1) applies with the substitution of that lower number as "A".

(4) The number of years is the higher one that secures that E+F+G+H does not exceed J, where-

- E is the actuarial equivalent as an annuity for life from the age of 60 of any material benefits,
- F is the actuarial equivalent as such an annuity of any benefits attributable to admitted service,
- G is the actuarial equivalent as such an annuity of the notional retirement lump sum,
- H is the annual amount of the notional pension, and
- J is two thirds of the notional average salary.

(5) The notional retirement lump sum, pension and average salary-

- (a) where the election is made before the person attains the age of 60, are those resulting from the assumptions that he continues in pensionable employment until that age and then becomes entitled to retirement benefits and that the salary scale applicable at the date of the election continues to apply, and
- (b) where the election is made after the person has attained the age of 60, are those resulting from the assumptions that he ceased to be in pensionable employment on his 60th birthday and then became entitled to retirement benefits.

3.(1) This paragraph applies where a person-

- (a) has elected to pay additional contributions under regulation 10, or
- (b) has continued to pay additional contributions by virtue of paragraphs 1 to 6 or 8 of Schedule 4,

and before attaining the age of 60 and before the end of the period during which they were to be paid he ceases to be in full-time pensionable employment, otherwise than by reason of his death or his becoming incapacitated or becoming entitled to retirement benefits by virtue of regulation 29(5) (redundancy, etc.) or 29(6) (self-funded early retirement).

(2) Where this paragraph applies, any right to elect to make a lump sum payment may be exercised only to the extent that it does not result in the addition to the service that the person would otherwise have been entitled to count as reckonable service of more than-

$$\left(A \times \frac{B}{C} \right) - D$$

where -

- A is the longest period in respect of which he could have elected to pay the additional contributions,
- B is the length of his reckonable service, excluding any past period reckonable by virtue of additional contributions, when he ceased to be in full-time pensionable employment,

- C is the total of B and the period beginning at the cessation and ending immediately before his 60th birthday, and
- D is the length of the past period or periods reckonable at the time of the cessation by virtue of all additional contributions.
-

SCHEDULE 3

Regulation 10

ADDITIONAL CONTRIBUTIONS FOR PAST PERIOD

PART I

METHOD A

1.(1) In this Part-

- "the principal election" means the election made under regulation 10(2);
"the past period" means the period specified under regulation 10(7)(a);
"the contribution period" means the period specified under regulation 10(7)(c).

(2) Any reference in this Part, in relation to a person who has spent any part of the contribution period in part-time employment, to a period which a person is entitled to count as reckonable service arising from the contribution period is a reference to a period calculated by applying the formula in regulation 22(2) to the contribution period.

(3) During any period for which a person is paying additional contributions for a current period under regulation 12 or 13, for the purposes of this Part-

(a) he is to be treated as being in full-time pensionable employment, and

(b) his contributable salary is the notional salary described in regulation 12(7)(a) or, as the case may be, regulation 13(4).

2.(1) The contribution period must be one of not less than one year, and begins on the first day of the month following the expiry of a period of one month from the date of acceptance of the election by the Council.

(2) The contribution period and the past period must be such that $A + B$ does not exceed 15 per cent of the person's contributable salary for the time being, where-

A is the rate at which the additional contributions are payable, and

B is the rate at which he pays other contributions under Part III (except any treated for the purposes of regulation 65 as employers' contributions) or towards the provision of a pension otherwise than under these Regulations.

3. Subject to paragraphs 4 and 5, the rate at which the additional contributions are payable is the percentage ascertained from Table 1 below of the person's contributable salary for the time being.

TABLE 1

Contribution period (in years)	1	2	3	4	5	6	7	8	9
Age when notice of election given purchased	Percentage contribution in respect of each year								
20	19.64*	9.87*	6.61	4.95	3.94	3.27	2.78	2.42	2.14
21	19.82*	9.96*	6.61	4.93	3.92	3.24	2.76	2.40	2.12
22	20.03*	9.93*	6.56	4.88	3.88	3.21	2.73	2.37	2.09
23	19.68*	9.76*	6.45	4.81	3.82	3.16	2.69	2.33	2.06
24	19.34*	9.60*	6.36	4.74	3.76	3.11	2.64	2.29	2.02
25	19.06*	9.47*	6.27	4.67	3.70	3.06	2.60	2.26	2.00
26	18.80*	9.34*	6.18	4.59	3.64	3.01	2.56	2.23	1.98
27	18.56*	9.19*	6.08	4.52	3.59	2.97	2.53	2.21	1.96
28	18.21*	9.03*	5.97	4.44	3.53	2.93	2.51	2.19	1.95
29	17.88*	8.87	5.87	4.38	3.49	2.90	2.49	2.18	1.94
30	17.60*	8.74	5.79	4.33	3.46	2.89	2.48	2.17	1.93
31	17.34*	8.62	5.74	4.31	3.45	2.88	2.47	2.17	1.93
32	17.10*	8.57	5.72	4.30	3.45	2.88	2.47	2.17	1.94
33	17.14*	8.58	5.73	4.31	3.46	2.89	2.48	2.18	1.95
34	17.16*	8.60	5.75	4.32	3.47	2.90	2.50	2.19	1.96
35	17.21*	8.63	5.76	4.34	3.48	2.91	2.51	2.20	1.97
36	17.26*	8.65	5.79	4.36	3.50	2.93	2.52	2.22	1.98
37	17.29*	8.69	5.82	4.38	3.52	2.95	2.54	2.23	1.99
38	17.40*	8.74	5.85	4.41	3.54	2.97	2.55	2.25	2.01
39	17.51*	8.80	5.89	4.44	3.57	2.99	2.57	2.26	2.02
40	17.62*	8.85	5.92	4.46	3.59	3.01	2.59	2.28	2.04
41	17.72*	8.89	5.95	4.49	3.61	3.03	2.61	2.29	2.05
42	17.77*	8.93	5.99	4.52	3.63	3.04	2.62	2.31	2.07
43	17.86*	8.98	6.02	4.55	3.66	3.06	2.64	2.33	2.08
44	17.95*	9.03*	6.06	4.57	3.67	3.08	2.66	2.34	2.10
45	18.04*	9.08*	6.08	4.58	3.69	3.09	2.67	2.36	2.11
46	18.13*	9.09*	6.09	4.60	3.70	3.11	2.69	2.37	2.13
47	18.07*	9.09*	6.10	4.61	3.72	3.12	2.70	2.39	2.14
48	18.08*	9.10*	6.12	4.63	3.73	3.14	2.72	2.40	2.16
49	18.08*	9.11*	6.13	4.64	3.74	3.15	2.73	2.42	2.18
50	18.08*	9.12*	6.13	4.65	3.76	3.17	2.75	2.43	2.19
51	18.57*	9.37*	6.30	4.77	3.86	3.25	2.82	2.50	2.25
52	19.07*	9.62*	6.47	4.90	3.97	3.34	2.90	2.57	2.31
53	19.64*	9.91*	6.67	5.05	4.09	3.44	2.99	2.65	2.38
54	20.25*	10.22*	6.88	5.21	4.22	3.55	3.08	2.73	2.45
55	20.88*	10.54*	7.10	5.38	4.35	3.67	3.18	2.81	2.53
56	21.56*	10.89*	7.33	5.56	4.50	3.79	3.28	2.91	2.61
57	22.30*	11.26*	7.59	5.75	4.65	3.92	3.40	3.01	2.70
58	23.10*	11.67*	7.86	5.96	4.82	4.06	3.52	3.12	2.80
59	23.98*	12.12*	8.17	6.19	5.01	4.22	3.66	3.23	2.91
60	25.00*	12.64*	8.52	6.46	5.23	4.40	3.81	3.37	3.03

* Because of the 9% restriction on superannuation contributions, the figures marked with an * can only be used when buying in less than 1 year.

TABLE 1 (continued)

Contribution period (in years)	1	2	3	4	5	6	7	8	9
Age when notice of election given purchased	Percentage contribution in respect of each year								
61	24.56*	12.42*	8.37	6.35	5.13	4.33	3.75	3.31	
62	24.12*	12.19*	8.22	6.23	5.04	4.25	3.68		
63	23.66*	11.96*	8.06	6.11	4.94	4.17			
64	23.19*	11.72*	7.90	5.99	4.85				
65	22.71*	11.48*	7.74	5.87					
66	22.23*	11.24*	7.58						
67	21.73*	10.99*							
68	21.24*								

* Because of the 9% restriction on superannuation contributions, the figures marked with an * can only be used when buying in less than 1 year.

TABLE 1 (continued)

Contribution period (in years)	10	11	12	13	14	15	16	17	18	19
Age when notice of election given purchased	Percentage contribution in respect of each year									
20	1.91	1.72	1.57	1.44	1.33	1.23	1.15	1.08	1.02	0.96
21	1.89	1.70	1.55	1.42	1.31	1.22	1.14	1.07	1.01	0.96
22	1.86	1.68	1.53	1.41	1.30	1.21	1.13	1.07	1.01	0.95
23	1.84	1.66	1.51	1.39	1.29	1.20	1.13	1.06	1.00	0.95
24	1.81	1.64	1.50	1.38	1.28	1.19	1.12	1.05	1.00	0.94
25	1.79	1.62	1.49	1.37	1.27	1.19	1.11	1.05	0.99	0.94
26	1.78	1.61	1.48	1.36	1.27	1.18	1.11	1.05	0.99	0.94
27	1.76	1.60	1.47	1.36	1.26	1.18	1.11	1.05	0.99	0.94
28	1.75	1.59	1.46	1.35	1.26	1.18	1.11	1.05	0.99	0.94
29	1.74	1.59	1.46	1.35	1.26	1.18	1.11	1.05	0.99	0.94
30	1.74	1.59	1.46	1.35	1.26	1.18	1.11	1.05	1.00	0.95
31	1.74	1.59	1.46	1.36	1.26	1.18	1.12	1.05	1.00	0.95
32	1.75	1.60	1.47	1.36	1.27	1.19	1.12	1.06	1.01	0.96
33	1.76	1.61	1.48	1.37	1.28	1.20	1.13	1.07	1.01	0.97
34	1.77	1.61	1.49	1.38	1.29	1.21	1.14	1.08	1.02	0.97
35	1.78	1.62	1.50	1.39	1.30	1.22	1.15	1.08	1.03	0.98
36	1.79	1.64	1.51	1.40	1.31	1.23	1.16	1.09	1.04	0.99
37	1.80	1.65	1.52	1.41	1.32	1.24	1.17	1.10	1.05	1.00
38	1.82	1.66	1.53	1.42	1.33	1.25	1.18	1.12	1.06	1.02
39	1.83	1.67	1.54	1.43	1.34	1.26	1.19	1.13	1.07	1.03
40	1.84	1.69	1.56	1.45	1.35	1.27	1.20	1.14	1.09	1.04
41	1.86	1.70	1.57	1.46	1.37	1.29	1.22	1.16	1.10	1.06
42	1.87	1.71	1.58	1.47	1.38	1.30	1.23	1.17	1.12	1.09
43	1.89	1.73	1.60	1.49	1.40	1.32	1.25	1.19	1.15	1.12
44	1.90	1.74	1.61	1.50	1.41	1.33	1.27	1.23	1.18	1.14
45	1.92	1.76	1.63	1.52	1.43	1.36	1.31	1.26	1.21	1.17

TABLE 1 (continued)

Contribution period (in years)	10	11	12	13	14	15	16	17	18	19
Age when notice of election given purchased	Percentage contribution in respect of each year									
46	1.93	1.78	1.65	1.54	1.46	1.40	1.34	1.29	1.24	1.20
47	1.95	1.79	1.66	1.57	1.50	1.43	1.38	1.32	1.28	1.23
48	1.97	1.81	1.70	1.61	1.54	1.47	1.41	1.36	1.31	1.26
49	1.98	1.85	1.75	1.66	1.58	1.51	1.45	1.39	1.34	1.29
50	2.02	1.90	1.80	1.70	1.62	1.55	1.48	1.42	1.37	1.32
51	2.08	1.95	1.84	1.74	1.65	1.58	1.51	1.45	1.39	
52	2.13	1.99	1.87	1.77	1.68	1.60	1.53	1.47		
53	2.19	2.04	1.92	1.81	1.72	1.63	1.56			
54	2.25	2.10	1.97	1.86	1.76	1.67				
55	2.32	2.16	2.02	1.90	1.80					
56	2.39	2.22	2.07	1.95						
57	2.47	2.29	2.13							
58	2.56	2.36								
59	2.65									

TABLE 1 (continued)

Contribution period (in years)	20	21	22	23	24	25	26	27	28	29
Age when notice of election given purchased	Percentage contribution in respect of each year									
20	0.91	0.87	0.83	0.79	0.76	0.73	0.70	0.68	0.66	0.64
21	0.91	0.87	0.83	0.79	0.76	0.73	0.70	0.68	0.66	0.64
22	0.91	0.86	0.82	0.79	0.76	0.73	0.70	0.68	0.66	0.64
23	0.90	0.86	0.82	0.79	0.76	0.73	0.70	0.68	0.66	0.64
24	0.90	0.86	0.82	0.79	0.76	0.73	0.70	0.68	0.66	0.64
25	0.90	0.86	0.82	0.79	0.76	0.73	0.70	0.68	0.66	0.64
26	0.90	0.86	0.82	0.79	0.76	0.73	0.70	0.68	0.66	0.64
27	0.90	0.86	0.82	0.79	0.76	0.73	0.71	0.68	0.66	0.64
28	0.90	0.86	0.82	0.79	0.76	0.73	0.71	0.69	0.67	0.65
29	0.90	0.86	0.83	0.79	0.77	0.74	0.71	0.69	0.67	0.65
30	0.90	0.87	0.83	0.80	0.77	0.74	0.72	0.70	0.68	0.66
31	0.91	0.87	0.84	0.80	0.78	0.75	0.73	0.70	0.68	0.67
32	0.92	0.88	0.84	0.81	0.78	0.76	0.73	0.71	0.70	0.68
33	0.92	0.88	0.85	0.82	0.79	0.77	0.74	0.72	0.71	0.70
34	0.93	0.89	0.86	0.83	0.80	0.77	0.75	0.74	0.72	0.71
35	0.94	0.90	0.87	0.84	0.81	0.79	0.77	0.75	0.74	0.72
36	0.95	0.91	0.88	0.85	0.82	0.80	0.79	0.77	0.75	0.74
37	0.96	0.92	0.89	0.86	0.84	0.82	0.80	0.79	0.77	0.76
38	0.97	0.94	0.91	0.88	0.86	0.84	0.82	0.81	0.79	0.77
39	0.99	0.95	0.93	0.90	0.88	0.86	0.84	0.82	0.81	0.79
40	1.00	0.98	0.95	0.93	0.90	0.88	0.86	0.84	0.83	0.81

TABLE 1 (continued)

Contribution period (in years)	40	41	42	43	44	45	46	47	48	49
Age when notice of election given purchased	Percentage contribution in respect of each year purchased									
20	0.48	0.48	0.47	0.46	0.46	0.45	0.45	0.44	0.44	0.43
21	0.49	0.48	0.48	0.47	0.46	0.46	0.45	0.45	0.44	
22	0.49	0.49	0.48	0.48	0.47	0.46	0.46	0.45		
23	0.50	0.49	0.49	0.48	0.48	0.47	0.46			
24	0.51	0.50	0.49	0.49	0.48	0.48				
25	0.51	0.51	0.50	0.49	0.49					
26	0.52	0.51	0.51	0.50						
27	0.53	0.52	0.51							
28	0.53	0.53								
29	0.54									

4.(1) At any time during the contribution period the person may, subject to paragraph 2, by giving written notice to the Council, elect to shorten it or, if he has already made one or more such elections, to shorten it further.

(2) An election under this paragraph-

- (a) has effect only if the Council notifies the person in writing that it has been accepted, and
- (b) on acceptance, has effect as from the first day of the month following the date of its acceptance by the Council ("the effective date").

(3) From the effective date Table 1 in paragraph 3 applies with the substitution-

- (a) for the person's age at the date of the principal election, of his age at the date when notice of the election under this paragraph was given,
- (b) for the number of years in the contribution period, of the number of years after the effective date in the shortened period, and
- (c) for the number of years in the past period, there shall be substituted that number multiplied by-

$$C - \left(C \times \frac{D}{E} \right),$$

where-

- C is the number of years in the past period,
- D is the number of years in the contribution period up to the effective date, and
- E is the number of years in the contribution period.

5.(1) At any time during the contribution period the person may by giving written notice to the Council elect to reduce the rate at which the additional contributions are payable.

(2) An election under this paragraph is to specify whether the reduced rate is to be paid -

(a) in respect of the balance of the contribution period, specified in the principal election, after the election under this paragraph has effect in accordance with sub-paragraph (3), or

(b) for a particular period, specified in the election, extending beyond the contribution period during which additional contributions were to be paid in respect of the past period specified in the principal election.

(3) An election under this paragraph-

(a) has effect only if the Council notifies the person in writing that it has been accepted, and

(b) on acceptance, has effect as from the first day of the month following the date of its acceptance by the Council.

(4) Calculations relating to any change in the amount of reckonable service to which the person will become entitled, or to any change in the contribution period, resulting from an election under this paragraph shall be made on an actuarial basis.

6.(1) Where-

(a) the person is in pensionable employment at the end of the contribution period,

(b) the principal election has not ceased to have effect under paragraph 7, and

(c) at any time during the contribution period the person has been in part-time pensionable employment

he may, at any time before he becomes entitled to payment of retirement benefits, by giving written notice to the Council elect to make an additional lump sum contribution determined in accordance with sub-paragraph (2) (so that paragraph 2 of Schedule 5 shall apply).

(2) The additional lump sum contribution referred to in this paragraph is such a sum as would be payable under Part II of this Schedule in order to count as reckonable service a period equivalent to the difference between the length of reckonable service arising from the contribution period and the length of such service if the person had been in full-time employment throughout the contribution period.

7.(1) Subject to sub-paragraph (2), if the person-

(a) before the end of the contribution period ceases to be in pensionable employment, and

(b) does not again enter pensionable employment within one month and before becoming entitled to retirement benefits,

the principal election ceases to have effect.

(2) Unless he receives a repayment of contributions under regulation 15 (Entitlement to repayment of contributions), he may-

(a) if he became entitled to payment of retirement benefits on ceasing to hold his employment, on or after applying for them and before receiving a retirement lump sum, or

(b) in any other case, within 3 months after the end of his employment, by giving written notice to the Council make an election under paragraph 8 or 9.

(3) If the payment referred to in paragraph 8, or, as the case may be, paragraph 9 is not made within the period allowed in sub-paragraph (2) for making the election the election shall cease to have effect.

8.(1) An election under this sub-paragraph may be made when the person has been in full-time pensionable employment throughout the contribution period.

(2) An election under this paragraph is an election to complete the payment of additional contributions (so that paragraph 2 of Schedule 6 shall apply) by making a lump sum payment which shall be determined in accordance with sub-paragraphs (3), (4) or (6) as the case may be.

(3) Where he had not attained the age of 60 when he ceased to hold his employment, the amount of the payment is, subject to sub-paragraph (4) and to paragraph 3 of Schedule 2, the actuarial equivalent, when the employment ended, of the additional contributions that would have been payable for the remainder of the contribution period.

(4) Subject to sub-paragraph (5) where-

(a) when he ceased to hold his employment he had become incapacitated and had not attained the age of 60, and

(b) he would have attained that age before the end of the contribution period,

the amount of the payment is, subject to paragraph 3 of Schedule 2, the actuarial equivalent, when the employment ended, of the additional contributions that would have been payable after he attained that age.

(5) Sub-paragraph (4) does not apply in a case where the declaration required by regulation 10 (7) (d) (Additional contributions for past period), was not made in good faith.

(6) Where the person had attained the age of 60 when he ceased to hold his employment, the amount of the payment is, subject to paragraph 3 of Schedule 2, $E \times F$, where-

E is the amount of the additional contributions for one year at the rate at which they were last payable, and

F is the multiplier ascertained from, or where the remainder of the contribution period is not an exact number of years, by extrapolation from, Table 2 below.

TABLE 2

Years remaining in contribution period	Multiplier
1	0.989
2	1.956
3	2.902
4	3.827
5	4.732
6	5.617
7	6.482
8	7.328
9	8.156
10	8.965

9. (1) An election under this paragraph may be made where the person has been in part-time pensionable employment at any time during the contribution period.

(2) An election under this paragraph may be-

- (a) an election to make a payment such that the person will be entitled to count as reckonable service the number of years which he would have been entitled to count if he had been in full-time pensionable employment throughout such of the contribution period as had elapsed before he ceased to be in pensionable employment (so that paragraph 3 of Schedule 5 will apply accordingly);
- (b) an election to complete payment of additional contributions as if he had been in full-time pensionable employment from the date on which he ceased to be in pensionable employment to the end of the contribution period (so that paragraph 3 of Schedule 5 will apply accordingly); or
- (c) an election to complete payment of additional contributions as if he had been in full-time pensionable employment throughout the contribution period (so that paragraph 2 of Schedule 5 will apply accordingly);

in each case by making a lump sum payment.

(3) Where the election is made under sub-paragraph (2) (a), the amount of the lump sum payment shall be such amount as would be payable under Part II of this Schedule in order to count as reckonable service the difference between the length of reckonable service arising from such of the contribution period as had elapsed before the person ceased to be in pensionable employment and the length of such service if the person had been in full-time pensionable employment throughout that period.

(4) Where an election is made under sub-paragraph (2) (b), the amount of the lump sum payment is one of the following amounts as appropriate-

- (a) the amount referred to in paragraph 8(3) on the assumption that the person would have been in full-time pensionable employment for the remainder of the contribution period;

- (b) the amount referred to in sub-paragraph 8(4) on the assumption that the person would have been in full-time employment during such part of the contribution period as would have fallen after he attained the age of 60; or
- (c) the amount referred to in paragraph 8(6) modified (in a case where the person was employed in part-time employment immediately before he ceased to be in pensionable employment) such that in place of the definition of E there is substituted the following definition-

"E is the amount of the additional contributions for one year at the rate at which they would have been last payable on the assumption that the person would have been in full-time pensionable employment".

(5) Where an election is made under sub-paragraph (2)(c), the amount of the lump sum payment is the aggregate of the amounts referred to in sub-paragraphs (3) and (4).

(6) An election under this paragraph shall state whether it is an election under paragraph (a), under paragraph (b) or under paragraph (c) of sub-paragraph (2).

10. Where paragraph 7 has become applicable and the person is entitled to a retirement lump sum which is smaller than the payment he could elect to make under that paragraph, he may instead elect, in the same way and during the same period, to make a payment under this paragraph of a lump sum equal to the retirement lump sum (so that paragraph 7 of Schedule 5 will apply accordingly).

11. Any retirement lump sum to which the person is entitled may, subject to paragraph 12(2)(d), be set off in whole or part against any payment to be made under paragraph 8, 9 or 10.

12.(1) This paragraph applies-

- (a) where paragraph 7 has become applicable because the person died while in pensionable employment, or
- (b) where he dies within 3 months after ceasing to be in pensionable employment without having made an election under paragraph 8 or 9,

and another person ("the pensioner") is entitled under regulation 51 to a long-term pension in respect of him.

(2) Where this paragraph applies-

- (a) the person is to be treated as having ceased to hold the employment when incapacitated,
- (b) any election that could have been made under paragraph 8 or 9 may, within 3 months after the death, be made by the pensioner, or in the case of a child by a person acting on his behalf,
- (c) if any payment due by virtue of such an election is not made within 3 months after the death the election ceases to have effect, and
- (d) a terminal sum may be set off against such a payment only to the extent that the person entitled to it consents.

PART II

METHOD B

13.(1) Subject to paragraphs 14 to 16, the additional contributions consist of a lump sum of $A \times B \times C$, where-

A is the length of the past period, (that is to say, the period specified under regulation 10(7)(a) or (8)(b) (Additional contributions for past period)), expressed in years and any fraction of a year,

B is the annual rate of the person's contributable salary at the date on which notice of the election was given, and

C is the percentage ascertained from Table 3 below.

TABLE 3

Age at date of election contribution period	Percentage
under 23	21.08
23	20.71
24	20.38
25	20.08
26	19.71
27	19.38
28	18.93
29	18.52
30	18.14
31	17.79
32	17.47
33	17.44
34	17.41
35	17.38
36	17.45
37	17.52
38	17.66
39	17.81
40	17.96
41	18.11
42	18.27
43	18.48
44	18.69
45	18.91
46	19.12
47	19.34
48	19.64
49	19.94
50	20.24
51	20.54
52	20.85
53	21.22
54	21.61
55	22.01
56	22.45
57	22.92
58	23.45
59	24.03
60	24.73

TABLE 3 (continued)

Age at date of election contribution period	Percentage
61	24.29
62	23.85
63	23.39
64	22.93
65	22.46
66	21.99
67	21.49
68	21.00
69	20.51

(2) If the lump sum is not paid within one month after the date on which the election was accepted the election ceases to have effect.

14.(1) Subject to paragraphs 15 and 16 below and paragraph 4(3) of Schedule 7 (Modified application in certain cases), this paragraph applies where the person's contributable salary was reduced (whether in consequence of a change of post or otherwise) within-

(a) the year, or

(b) if when notice of the election was given he had attained the age of 57, the period of 3 years,

ending immediately before the date on which notice of the election was given.

(2) Where this paragraph applies, paragraph 13 has effect with the substitution as "B" of the annual rate of the contributable salary that would have been payable at that date if he had continued to be employed in the same post and on the same terms.

15. Where notice of the election was given on or after applying for payment of retirement benefits, paragraph 13 has effect with the substitution as "B" of the person's average salary.

16. Where notice of the election was given when the person was in part-time employment, the references in paragraphs 13 and 14 to contributable salary are to be construed as references to that which would have been payable if the person had at all material times been in comparable full-time employment.

SCHEDULE 4

Regulations 14 and 53

FAMILY BENEFITS

PART I

CONTRIBUTIONS: MEN AND UNMARRIED WOMEN

1.(1) In this Part-

"the Fund" means the States Superannuation Fund, General Revenue Account - Teachers;

"member" means a man who-

- (a) has been in pensionable employment at any time after 31st March, 1972, and
- (b) immediately before 1st April, 1972 had service counting for benefit within the meaning of section 26 of the Ordinance of 1967, and
- (c) has not received a repayment of contributions paid by him under the Ordinance of 1967; and

"non member" means a man, other than a member, who-

- (a) has been in pensionable employment at any time after 31st March, 1972, and
- (b) is entitled to count a period that ended before 1st April, 1972 as reckonable service.

(2) A member's normal contributions are the contributions paid by him under section 14 of the Ordinance of 1967, and his normal service is the period in respect of which he paid them.

(3) A member's additional contributions are any contributions paid by him under section 15 of the Ordinance of 1967, and the additional period is the period in respect of which he elected to pay them.

(4) A member's deemed normal service is two thirds of any service before 1st April, 1972 in respect of which the full amount of normal contributions was held in the Fund immediately before that date.

(5) A member's deemed additional service is -

$$\frac{A \times B}{C}$$

where -

A is the factor ascertained from the Table 1 below,

B is the amount of the additional contributions held in the Fund immediately before 1st April, 1972, and

C is the annual rate of his salary at that time.

TABLE 1

Age at last birthday before 1st April 1972	Factor	Age at last birthday before 1st April 1972	Factor
18	23.8	26	42.2
19	26.5	27	44.0
20	29.1	28	45.7
21	31.6	29	47.3
22	34.0	30	48.8
23	36.2	31	50.2
24	38.3	32	51.5
25	40.3	33	52.7

TABLE 1 (continued)

Age at last birthday before 1st April 1972	Factor	Age at last birthday before 1st April 1972	Factor
34	53.8	48	54.6
35	54.7	49	54.5
36	55.3	50	54.5
37	55.6	51	54.4
38	55.8	52	54.4
39	55.9	53	54.3
40	55.9	54	54.3
41	55.8	55	54.2
42	55.6	56	54.2
43	55.3	57	54.1
44	55.1	58	54.1
45	54.9	59	54.0
46	54.8	60 and over	54.0
47	54.7		

(6) A member's credited service is 165.6 per cent of the total of his deemed normal service and any deemed additional service.

(7) References in this Part to "Method I", "Method II" and "Method III" are references to the Methods so designated in the Ordinance of 1967.

2. Paragraphs 3 and 4 have effect subject to paragraph 5.

3.(1) Subject to sub-paragraph (3), a member who elected to pay additional contributions by Method I or Method II may elect to pay family benefit contributions in respect of all or part of a period not exceeding in length the difference between his credited service and the total of the additional period and his normal service.

(2) Subject to sub-paragraph (3), a member who elected to pay additional contributions by Method III may by an election under this paragraph-

- (a) revoke the earlier election, or
- (b) revoke the earlier election and elect to pay family benefit contributions in respect of the additional period, or part of it, or
- (c) vary the earlier election so as to relate to part only of the additional period and elect to pay family benefit contributions in respect of the remaining part.

(3) The period in respect of which a member elects to pay family benefit contributions as mentioned in sub-paragraph (1) or (2) is not to exceed-

$$A - \left(B + \frac{5 \times (C-B)}{6} \right),$$

where -

A is the length of reckonable service attributable to any period that ended before 1st April 1972,

B is the total length of his normal service and the additional period, and

C is the length of his credited service.

(4) A member may elect to pay family benefit contributions in respect of all or part of any period in respect of which he could have elected, but did not elect, to pay additional contributions.

4. A non-member or an unmarried woman may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period that ended before 1st April, 1972.

5.(1) A man who has become entitled to payment of retirement benefits may not make an election under paragraph 3 or 4.

(2) An election under paragraph 3 or 4-

(a) must be made by giving written notice to the Council within the period specified in sub-paragraphs (3) to (5),

(b) must specify the period in respect of which it is made,

(c) must specify the rate at which family benefit contributions are to be paid, which must comply with paragraph 14(2) and (3),

(d) has effect from the date on which the notice is received and,

(e) except as provided in paragraph 14(4), is irrevocable.

(3) Subject to sub-paragraph (4), a man may only make an election under paragraph 3 or 4 within 6 months after-

(a) his marriage while in pensionable employment, or

(b) his returning to pensionable employment after becoming married while not in such employment, or

(c) where sub-paragraph (4) had become applicable, his returning to pensionable employment after ceasing to be in such employment within 6 months after the previous return, or

(d) his nomination of a beneficiary under regulation 48,

whichever occurs first.

(4) An election under paragraph 3 or 4 may be made by-

(a) a member who was not continuously in pensionable employment for 6 months or more after 30th April, 1974 and before 1st January, 1977, or

(b) a non-member who was not continuously in pensionable employment for 6 months or more after 26th June, 1973 and before 1st January, 1977,

only within 6 months after returning to pensionable employment.

(5) A woman may only make an election under paragraph 4 within 6 months after nominating a beneficiary.

6.(1) Where a person has made an election under paragraph 3(2) or (4) or paragraph 4, the period during which, subject to paragraph 14(7) to (10), the family benefit contributions are to be paid ("the payment period") is to be ascertained from, or where the period in respect of which the election was made is not an exact number of years by extrapolation from, Table 2 below.

TABLE 2

Age on date from which contributions are payable	Period in years for which contributions are to be paid in respect of each year of election period								
	Rate of contributions								
	1%	2%	3%	4%	5%	6%	7%	8%	9%
27 and under	2.90	1.45	0.97	0.73	0.58	0.48	0.41	0.36	0.32
28 - 37	2.95	1.48	0.98	0.74	0.59	0.49	0.42	0.37	0.33
38 - 42	3.00	1.50	1.00	0.75	0.60	0.50	0.43	0.375	0.335
43 - 47	3.05	1.52	1.02	0.76	0.61	0.51	0.435	0.38	0.34
48 and over	3.10	1.55	1.03	0.77	0.62	0.52	0.44	0.39	0.345

(2) Where a man has made an election under paragraph 3(1) the payment period is, subject to paragraph 14(7) to (10), 5/6ths of the period ascertained in accordance with sub-paragraph (1).

7.(1) This paragraph applies where a member who elected to pay additional contributions by Method III has not revoked that election, and he-

- (a) dies in pensionable employment leaving a widow or having nominated a beneficiary under regulation 48, or
- (b) becomes qualified for retirement benefits while married or after nominating a beneficiary.

(2) Where this paragraph applies there is to be deducted from the appropriate terminal sum an amount of

$$\frac{A \times B}{100} \times \frac{5 \times C}{6},$$

where-

- A is the member's average salary,
- B is the factor ascertained from Table 3 below, and
- C is the period calculated in accordance with sub-paragraph (3).

TABLE 3

Age	Factor
39 or under	3.5
40 to 49	3.4
50	3.3
51	3.3
52	3.3
53	3.2
54	3.2
55	3.2
56	3.1
57	3.1
58	3.1
59	3.0
60	3.0
61	3.0
62	3.0
63 and over	2.9

(3) The period is $(D+E) - (F+G+H)$, where-

- D is the additional period in respect of which the member elected to pay contributions by Method III, together with any additional period for which he elected to pay contributions by Method I or II.
- E is his normal service,
- F is his credited service,
- G is any period or periods for which he has elected to pay family benefit contributions under paragraph 3, and
- H is any additional period in respect of which he elected to pay contributions by Method I or II, less his credited service in respect of deemed additional service attributable to contributions so paid, and less any period for which he has elected under paragraph 3(1) to pay family benefit contributions.

8.(1) Subject to sub-paragraphs (2) and (3), a member or non-member who-

- (a) is not in pensionable employment and has become entitled to payment of retirement benefits, and
- (b) would otherwise have been able to make an election under paragraph 3 or 4,

may make a corresponding election under this paragraph.

(2) An election under this paragraph-

- (a) must be made by giving written notice to the Council within 6 months after the date on which the man became entitled to payment of retirement benefits,
- (b) must specify the period in respect of which it is made, and

(c) is irrevocable.

(3) The family benefit contributions payable as a result of an election under this paragraph consist of a lump sum of -

$$\frac{A}{100} \times (B \times C)$$

where-

A is the annual rate at which the man's contributable salary was last payable,

B is the length, expressed in years and any fraction of a year, of the period in respect of which the election was made, and

C is the factor ascertained from Table 4 below,

but where the election made corresponds to one that could have been made under paragraph 3(1), B is reduced by 1/6th.

TABLE 4

Age on date of election	Factor
27 and under	2.90
28 - 37	2.95
38 - 42	3.00
43 - 47	3.05
48 and over	3.10

9.(1) This paragraph applies where-

(a) a member or non-member dies before becoming entitled to payment of retirement benefits, and

(b) he has not made an election under paragraph 3 or 4, but could still have done so if he had not died, and

(c) he leaves a widow.

(2) Where this paragraph applies the widow may, subject to sub-paragraph (3), elect to pay family benefit contributions in respect of a period comprising all or part of so much of the deceased's reckonable service as would otherwise not count in the calculation of family benefits.

(3) An election under this paragraph-

(a) must be made by giving written notice to the Council within 3 months after the death,

(b) must specify the period in respect of which it is made,

(c) must result in a total of not less than 5 years' reckonable service counting in the calculation of family benefits, and

(d) ceases to have effect if the family benefit contributions are not paid within 3 months after its date.

(4) The family benefit contributions payable as a result of an election under this paragraph consist of a lump sum which is the actuarial equivalent of the contributions that would have been payable by the deceased if-

- (a) he had made an election under paragraph 3, or, as the case may be paragraph 4, in respect of the same period, and
- (b) notice of that election had been given on the day before his death and had specified as the rate at which family benefit contributions were to be paid the maximum allowed by paragraph 14(2) and (3).

PART II
CONTRIBUTIONS: MARRIED WOMEN

10.(1) Subject to sub-paragraph (3) and paragraph 11, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period-

(a) that ended before 1st April 1972, or

(b) for which contributions have been paid under regulation 10, 12 or 13 or attributable to the receipt before 6th April 1988 of a transfer value.

(2) Subject to sub-paragraph (3) and paragraph 11, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service not falling within sub-paragraph (1) which is attributable to a period that-

(a) began after 31st March, 1972 and ended before 6th April 1988, and

(b) would otherwise not count in calculating any pension becoming payable to her widower.

(3) Where an election is made in respect of a part only of any service, the part must consist of one or more whole years.

(4) The election conditions are that she is married, and either-

(a) is in pensionable employment, or

(b) ceased after 5th April, 1988 and before 4th September 1994 to be in such employment and immediately became entitled to payment of retirement benefits.

11.(1) An election under paragraph 10(1) or (2)-

(a) must be made by giving written notice to the Council within the period specified in sub-paragraphs (2) to (4),

(b) must specify the period in respect of which it is made,

(c) must state whether the contributions are to be paid by Method A (periodical payments) or by Method B (lump sum),

(d) if the contributions are to be paid by Method A, must specify the rate at which they are to be paid, which must comply with paragraph 14(2) and (3),

(e) has effect from the date on which the notice is received by the Council, and

(f) except as provided in paragraph 14(4), is irrevocable.

(2) Where a woman's pensionable employment is part-time the reference in sub-paragraph (1)(d) to the rate at which contributions are to be paid is a reference to the rate as a percentage of the woman's full-time equivalent salary.

(3) The period within which an election may be made is one of 6 months beginning on the relevant date.

(4) Where paragraph 10(4)(b) applies, the relevant date is 4th January 1994; in any other case, subject to sub-paragraph (5), the relevant date is the first date after 3rd January 1994 on which the election conditions were or are satisfied.

(5) If during the period of 6 months beginning on that first date the election conditions ceased or cease to be satisfied, the relevant date becomes the first date on which they were or are again satisfied.

(6) A woman who could make an election under paragraph 10(2) may only make one under paragraph 10(1) if, and at the same time as, she elects under paragraph 10(2) to pay family benefit contributions in respect of the whole of the reckonable service there mentioned.

(7) Where elections are made both under paragraph 10(1) and under paragraph 10(2) they must specify the same method of payment.

(8) Payment may not in any case be made by Method A if -

(a) the payment period would be less than one year, or

(b) the woman is not in pensionable employment.

12.(1) Subject to sub-paragraph (2), where payment is to be made by Method A the payment period is to be ascertained from, or, where the period in respect of which the election was made is not an exact number of years, by extrapolation from, Table 5 below.

TABLE 5

Rate of contributions	Period in years for which contributions are to be paid in respect of each year of period specified in election	
	Election under paragraph 10(1)	Election under paragraph 10(2)
1%	1.45	0.42
2%	0.69	0.20
3%	0.46	0.14
4%	0.33	0.10
5%	0.27	0.08
6%	0.22	0.07
7%	0.18	0.06
8%	0.16	0.05
9%	0.14	0.04

(2) If the period ascertained in accordance with sub-paragraph (1) ("the Table period") does not end with the last day of a month, the payment period ends with the last day of the month in which the Table period ends.

(3) Where payment is to be made by Method B, the lump sum payable, which must be paid within 3 months after its amount is notified by the Council, is-

(a) for each year of service in respect of which an election was made under paragraph 10(1), 1.25 per cent, and

(b) for each year of service in respect of which an election was made under paragraph 10(2), 0.4 per cent,

of the appropriate amount, and pro rata for any period of less than a year.

(4) The appropriate amount is-

(a) where the woman was in pensionable employment when the election took effect, the annual rate of her contributable salary at that time, and

(b) in any other case, her average salary.

13.(1) The widower of a woman who-

(a) died during the period beginning on 6th April, 1988 and ending with 4th January 1994 without having made an election under paragraph 10, and

(b) either was in pensionable employment when she died or had ceased during that period to be in such employment,

may make a corresponding election under this paragraph.

(2) A married woman who-

(a) ceased to be in pensionable employment during the period mentioned in sub-paragraph (1), and

(b) on ceasing to be in such employment did not immediately become entitled to payment of retirement benefits,

may make a corresponding election under this paragraph if the conditions in sub-paragraph (3) are satisfied.

(3) The conditions referred to in sub-paragraph (2) are that-

(a) the woman did not again enter pensionable employment, and

(b) she has become entitled to payment of retirement benefits.

(4) Where a woman to whom sub-paragraphs (2) and (3) would otherwise have applied dies before becoming entitled to payment of retirement benefits, her widower may make a corresponding election under this paragraph.

(5) An election under this paragraph-

(a) must be made by giving written notice to the Council within the appropriate period,

(b) must specify the period in respect of which it is made, and

(c) is to be treated as an election to make payment by Method B.

- (6) The appropriate period referred to in sub-paragraph (5) (a) is-
- (a) where sub-paragraph (1) applies, the period beginning on 4th January 1994 and ending with 4th September 1994,
 - (b) where sub-paragraphs (2) and (3) apply, 6 months from the date on which the woman became entitled to payment of retirement benefits, and
 - (c) where sub-paragraph (4) applies, 3 months from the date of her death.

PART III
CONTRIBUTIONS: COMMON PROVISIONS

14.(1) This paragraph applies where-

- (a) an election is made under paragraph 3 or 4, or
- (b) an election is made under paragraph 10 to pay family benefit contributions by Method A.

(2) The rate at which family benefit contributions are to be paid, and any higher rate substituted by an election under sub-paragraph (4), must be an integral percentage, not in any case exceeding 9, of the person's contributable salary.

(3) In the case of a person who is paying additional contributions under regulation 10, or towards the provision of a pension otherwise than under these Regulations, sub-paragraph (2) has effect with the substitution for "9" of the number obtained by deducting from 9 the percentage rate of those contributions.

(4) The election may at any time be varied by an election to pay the family benefit contributions at a specified higher rate.

(5) An election under sub-paragraph (4) must be made by giving written notice to the Council, and has effect from the first day of the month following that in which the notice is received by him.

(6) The payment period begins on the first day of the month following that in which it is notified to the person by the Council.

(7) If after the start of the payment period there is an interval of more than 30 days during which the person is not in pensionable employment or paying additional contributions under regulation 12 or 13-

- (a) the interval is not part of the payment period, but
- (b) the end of the payment period is postponed by the length of the interval.

(8) If after the start of the payment period the person becomes employed in part-time pensionable employment, the length of the payment period is increased by so much of the period of part-time employment as does not count as reckonable service.

(9) If the original election is varied by one made under sub-paragraph (4) ("the further election") a new payment period begins on the effective date of the further election; the length of the new payment period is

$$A - \left(\frac{B}{C} \times D \right)$$

where-

- A is what the length of the payment period would have been if the increased rate had been specified in the original election,
- B is the rate specified in the original election,
- C is the increased rate, and
- D is the period from the start of the payment period to the effective date of the further election.

(10) The contributions-

- (a) are payable from the start of the payment period.
- (b) continue to be payable while the person is in pensionable employment or paying additional contributions under regulation 12 or 13, and
- (c) cease to be payable if he dies or becomes entitled to retirement benefits before the end of the payment period.

15. (1) This paragraph-

- (a) applies where family benefit contributions to which paragraph 14 applies cease to be payable before the end of the payment period, and
- (b) has effect subject to paragraph 16.

(2) Where the person paying the contributions dies before attaining the age of 60, or (whether or not he later re-enters pensionable employment) becomes entitled to payment of retirement benefits by virtue of regulation 39(4) (incapacity)-

- (a) contributions are to be treated as having been paid in respect of the whole of the period in respect of which the election was made, but
- (b) if part of the payment period falls after his 60th birthday, the actuarial equivalent of the contributions that would have been payable during that part is to be deducted from the appropriate terminal sum.

(3) Where the person dies, or becomes entitled to payment of retirement benefits, after attaining the age of 60-

- (a) contributions are to be treated as having been paid in respect of the whole of the period in respect of which the election was made, but
- (b) there is to be deducted from the appropriate terminal sum an amount of-

$$\left(A \times \frac{B}{100} \right) \times C,$$

where-

- A is the annual rate at which his contributable salary was last payable,
- B is the rate at which the contributions were last payable, and
- C is the multiplier ascertained from, or, if the remainder of the payment period is not an exact number of years, by extrapolation from, Table 6 below.

TABLE 6

Years in remainder of payment period	Multiplier
1	0.990
2	1.961
3	2.913
4	3.846
5	4.760
6	5.657
7	6.536
8	7.398
9	8.244
10	9.072
11	9.884
12	10.681
13	11.461
14	12.227
15	12.977
16	13.713
17	14.434
18	15.141
19	15.835
20	16.514

(4) Where the person becomes entitled to payment of retirement benefits by virtue of regulation 29(5) (redundancy, etc.) or 29(6) (self-funded early retirement) -

- (a) he may, by giving written notice to the Council within 3 months after the end of his pensionable employment, elect to pay a lump sum which is the actuarial equivalent of the contributions that would have been payable during the remainder of the payment period.
- (b) if he does so elect, on payment of the lump sum, contributions are to be treated as having been paid in respect of the whole of the period in respect of which the original election was made, and
- (c) if he does not so elect, contributions are to be treated as having been paid in respect of -

$$D \times \frac{E}{F}$$

where -

- D is the period in respect of which the original election was made,
- E is the period during which contributions were paid, and
- F is the payment period.

16. Where -

- (a) a deduction has fallen to be made under paragraph 15(2) or (3) or an election has been made under paragraph 15(4), and
- (b) there is then a retrospective increase in the person's contributable salary, and

- (c) the consequent recalculation of the amount of the deduction or lump sum and of the appropriate terminal sum results in a greater increase in the amount of the deduction or lump sum than in the terminal sum,

the person, or as the case may be the widow or widower or a beneficiary nominated under regulation 48, may notify the Council in writing that the amount of the deduction made or lump sum payable is not to be increased.

SCHEDULE 5

Regulation 24

RECKONABLE SERVICE ARISING FROM PAYMENT OF ADDITIONAL CONTRIBUTIONS IN RESPECT OF PAST PERIODS

1. (1) In paragraphs 1 to 7 of this Schedule-

"the principal election" means the election under regulation 10(2);

"the past period" means the period specified under regulation 10(7)(a);

"the contribution period" means the period specified under regulation 10(7)(c);

"full-time contributor" means a person who has paid or is paying additional contributions for a past period under Part I of Schedule 3 and has not been in part-time pensionable employment during any part of the contribution period;

"part-time contributor" means a person who has paid or is paying additional contributions for a past period under Part I of Schedule 3 and has been in part-time pensionable employment at some time during the contribution period;

(2) Any reference in this Schedule, in relation to a part-time contributor to a period which a person is entitled to count as reckonable service arising from the contribution period or any part of it is a reference to a period calculated by applying the formula in regulation 22(2) to the contribution period or part of it.

2. Where a person-

(a) is a full-time contributor who has completed payment of additional contributions;

(b) is a full-time contributor who ceased to be in pensionable employment before the end of the contribution period and has made a payment under paragraph 8(3) or 8(4) of Schedule 3, or

(c) is a part-time contributor who was in pensionable employment at the end of the contribution period, whose principal election has not ceased to have effect under paragraph 7 of Schedule 3 and who has made a payment under paragraph 6(1) of Schedule 3, or

(d) is a part-time contributor who ceased to be in pensionable employment before the end of the contribution period and has made a payment under paragraph 9(5) of Schedule 3, or

(e) has completed payment of additional contributions in accordance with Schedule 3 or Schedule 4 of The 1994 regulations,

he shall be entitled to count the past period as reckonable service.

3.(1) This paragraph applies when a person-

- (a) is a part-time contributor who was in pensionable employment at the end of the contribution period, whose principal election has not ceased to have effect under paragraph 7 of Schedule 3 and who has not made a payment under paragraph 6 of Schedule 3,
- (b) is a full-time or part-time contributor who ceases to be in pensionable employment before the end of the contribution period, does not again enter such employment within one month and before becoming entitled to payment of retirement benefits and does not make any payment under paragraph 8, 9, 10 or 12 of Schedule 3.
- (c) is a part-time contributor who ceases to be in pensionable employment before the end of the contribution period and makes a payment under paragraph 9(3) or 9(4) of Schedule 3,

and where neither paragraphs 4 nor 5 apply.

(2) The person is entitled to count as reckonable service

$$\frac{A \times C}{B}$$

where-

- A is the past period,
- B is the contribution period, and
- C is determined in accordance with sub-paragraph (3).

(3) The value of C is as follows-

- (a) where the person falls within sub-paragraph (1)(a), C is the period which the person is entitled to count as reckonable service which arises from the contribution period;
- (b) where the person falls within sub-paragraph (1)(b) and is a full-time contributor, C is so much of the contribution period as has elapsed when the pensionable employment ended;
- (c) where the person falls within sub-paragraph (1)(b) and is a part-time contributor, C is the period which the person is entitled to count as reckonable service which arises from so much of the contribution period as has elapsed when the pensionable employment ended;
- (d) where the person falls within sub-paragraph (1)(c) and makes a payment under paragraph 9(3) of Schedule 3, C is so much of the contribution period as has elapsed when the pensionable employment ended; and
- (e) where the person falls within sub-paragraph (1)(c) and makes a payment under paragraph 9(4) of Schedule 3, C is the aggregate of-
 - (i) the period which the person is entitled to count as reckonable service which arises from so much of the contribution period as has elapsed when the pensionable employment ended, and
 - (ii) the period from the date when the pensionable employment ended to the end of the contribution period.

4.(1) This paragraph applies to a full-time or part-time contributor who falls within paragraph 3(1)(b) and who, when his pensionable employment ended, was incapacitated and had not attained the age of 60.

(2) In this paragraph A and B have the same meaning as in paragraph 3.

(3) If the person was a full-time contributor he is entitled to count as reckonable service-

(a) where the contribution period would not have expired before he attained the age of 60-

$$A \times \frac{D}{B}$$

where D is the period from the start of B to his 60th birthday, or

(b) in any other case, A.

(4) If the person was a part-time contributor he is entitled to count as reckonable service-

(a) where the contribution period would not have expired before he attained the age of 60-

$$A \times \frac{D}{B}$$

where D is the aggregate of-

(i) the period which he is entitled to count as reckonable service which arises from so much of the contribution period as has elapsed when the pensionable employment ended, and

(ii) the period from the date when the pensionable employment ended to his 60th birthday, or

(b) in any other case

$$A \times \frac{E}{F}$$

where-

E is the period which he is entitled to count as reckonable service which arises from so much of the contribution period as has elapsed when the pensionable employment ended,

F is so much of the contribution period as elapsed when the pensionable employment ended

5. If a person had elected under paragraph 4 of Schedule 3 to shorten the contribution period -

(a) he is in any case entitled to count as reckonable service

$$\frac{A \times H}{G}$$

where G is the original contribution period and H is so much of it as had elapsed by the effective date of the election, and

(b) paragraphs (3) and (4) have effect with the substitution;

(i) as A, of

$$A - \left(\frac{A \times H}{G} \right),$$

(ii) as B, of the shortened contribution period,

(iii) as D, of the period from the effective date of the election to his 60th birthday, and

(c) the definition of C in paragraph 3(3) shall have effect with the substitution for the words "the contribution period" of the words "the shortened contribution period".

6.(1) This paragraph applies where a full-time or part-time contributor revokes his election made under regulation 10 in accordance with paragraph (10) of that regulation.

(2) Where this paragraph applies, the person is entitled to count as reckonable service-

$$\frac{A \times C}{B}$$

where-

A is the past period,

B is the contribution period, and

C is-

(a) where the person is a full-time contributor, so much of B as has elapsed by the first day of the month following the date on which the revocation of that election has effect in accordance with regulation 10(11), and

(b) where the person is a part-time contributor, the period which the person is entitled to count as reckonable service which arises from so much of the contribution period as has elapsed by the date referred to in (a) above.

7.(1) This paragraph applies where a lump sum equal to the retirement lump sum that would otherwise have been receivable is paid under paragraph 10 to 12 of Schedule 3.

(2) Where this paragraph applies, the person is entitled to count as reckonable service -

(a) the period he would have been entitled to count under paragraph 3 if the lump sum had not been paid, and

(b) a period of

$$\frac{A}{\frac{B}{C} - \frac{3 \times D}{80}}$$

years, where-

- A is the retirement lump sum,
- B is the lump sum that would have been payable under paragraph 8 or 9(5) of Schedule 3,
- C is so much of the past period as he is not entitled to count under (a) above, and
- D is his average salary.

SCHEDULE 6

Regulation 29(6) and 32(7)

ACTUARIALLY REDUCED BENEFITS FACTORS-PENSIONS

Age in years	50	51	52	53	54	55	56	57	58	59
Completed months										
0	0.570	0.605	0.640	0.675	0.710	0.745	0.790	0.835	0.880	0.940
1	0.573	0.608	0.643	0.678	0.713	0.749	0.794	0.839	0.885	0.945
2	0.576	0.611	0.646	0.681	0.716	0.753	0.798	0.843	0.890	0.950
3	0.579	0.614	0.649	0.684	0.719	0.756	0.801	0.846	0.895	0.955
4	0.582	0.617	0.652	0.687	0.722	0.760	0.805	0.850	0.900	0.960
5	0.585	0.620	0.655	0.690	0.725	0.764	0.809	0.854	0.905	0.965
6	0.588	0.623	0.658	0.693	0.728	0.768	0.813	0.858	0.910	0.970
7	0.590	0.625	0.660	0.695	0.730	0.771	0.816	0.861	0.915	0.975
8	0.593	0.628	0.663	0.698	0.733	0.775	0.820	0.865	0.920	0.980
9	0.596	0.631	0.666	0.701	0.736	0.779	0.824	0.869	0.925	0.985
10	0.599	0.634	0.669	0.704	0.739	0.783	0.828	0.873	0.930	0.990
11	0.602	0.637	0.672	0.707	0.742	0.786	0.831	0.876	0.935	0.995

SCHEDULE 7

Regulation 71 and 72

MODIFIED APPLICATION IN CERTAIN CASES

PART I

EMPLOYMENT AT REDUCED SALARY

1. Subject to paragraphs 2 to 7, these Regulations apply as if the person had been one person in relation to pensionable employment ("the earlier employment") up to the end of his employment at the previous rate and a separate person in relation to pensionable employment ("new employment") from the start of his employment at the reduced rate, and accordingly apply separately in relation to each of those employments.

2. For the purposes of regulation 28 (qualification for retirement benefits), periods counting towards a qualifying period in relation to one of the employments count also in relation to the other.

3.(1) For the purposes of regulation 57(2) (limits on reckonable service for calculating benefits), periods counting as reckonable service in relation to one of the employments count also in relation to the other.

(2) Any period excluded by regulation 57(2) is excluded in relation to new employment only.

4.(1) A period for which the person has, before the first day of new employment, elected to pay additional contributions under regulation 10 (additional contributions for past period), does not count as reckonable service in relation to new employment but does, subject to sub-paragraph (2), count in relation to the earlier employment.

(2) An election to pay such contributions by Method A which was made less than 12 months before the first day of new employment ceases to have effect on that day, and any contributions paid in pursuance of it are to be refunded.

(3) If an election to pay such contributions is made on or after the first day of new employment-

- (a) the period to which it relates counts as reckonable service in relation to new employment but does not count in relation to the earlier employment, and
- (b) if the contributions are to be paid by Method B paragraph 14 of Schedule 3 (calculation of lump sum where salary reduced) does not apply.

5.(1) This paragraph applies if the person becomes entitled to payment of retirement benefits by virtue of regulation 29 (3) or (4) (incapacity).

(2) For the purposes of regulation 33 (1) to (8) (enhancement) the appropriate period is to be calculated by reference to the aggregate of the period counting as reckonable service in relation to the earlier employment and the period so counting in relation to a new employment, and

- (a) if he becomes entitled to payment of the benefits within 3 years after the start of new employment, the period counting as reckonable service in relation to the earlier employment, or
- (b) in any other case, the period so counting in relation to new employment,

is increased by the appropriate period so calculated.

6.(1) For the purpose of calculating any death grant under regulation 45 or supplementary death grant under regulation 46 that may become payable in respect of the person-

- (a) The average salary mentioned in regulations 45(2) and 46(2)-
 - (i) if the grant becomes payable within 3 years after the start of new employment, is his average salary in respect of the earlier employment, and
 - (ii) in any other case, is his average salary in respect of new employment.

(b) the retirement lump sum mentioned in regulation 45(2) is the aggregate of the lump sums that would have become payable as there mentioned in respect of each of the employments, enhanced in accordance with paragraph 5, and

(c) the retirement pension mentioned in 46(3) is the aggregate of the retirement pensions paid in respect of each of the employments.

(2) Only one of either kind of grant is to be paid.

7. Regulation 51(7) does not have effect so as to preclude the payment of a children's pension in respect of each of the employments.

PART II

ADMITTED SERVICE

8.(1) In the case of a person with admitted service by virtue of interchange provisions who has not been in pensionable employment, regulation 15(1) (entitlement to repayment of contributions) has effect with the substitution-

(a) for "pensionable employment" of "admitted service", and

(b) for "retirement benefits" of the benefits described in paragraph 9(1).

(2) In the case of any person with admitted service, regulation 16 (calculation of contributions to be repaid) has effect as if the amounts specified in regulation 16(3) included the contributions paid by him in respect of that service.

9.(1) Subject to sub-paragraphs (2) to (5) and paragraph 11, an annual pension and a lump sum ("admitted service benefits") are payable in respect of admitted service.

(2) A person who has not been in pensionable employment is qualified for admitted service benefits if his admitted service amounts to at least 5 years.

(3) Any other person with admitted service is qualified for admitted service benefits if he is qualified for retirement benefits.

(4) A person who has not been in pensionable employment and is qualified for admitted service benefits becomes entitled to payment of them on his 60th birthday.

(5) Any other person qualified for admitted service benefits entitled to payment of them when he becomes entitled to payment of retirement benefits.

10.(1) The rate of the annual pension is -

$$\left(\frac{A}{80} \times B\right) + \frac{C}{5},$$

where-

A is the average annual rate of the person's salary during his admitted service,

B is the length of the admitted service, expressed in years and any fraction of a year, and

C is so much of

$$\left(\frac{A}{80} \times B\right)$$

as is attributable to admitted service before 1st April, 1962.

(2) the amount of the lump sum is

$$\left(\frac{A}{30} \times D\right) \left(\frac{3 \times A}{80} \times E\right),$$

where-

A is the same as in sub-paragraph (1) and-

D is the length, expressed in years and any fraction of a year, of admitted service before 1st April, 1963, and

E is the length, so expressed, of admitted service after 31st March, 1963.

11. Regulations 43 (deferment, etc. of benefits) 58 (payment of benefits) and 59 (benefits not assignable) apply in relation to admitted service benefits as they apply in relation to retirement benefits.

PART III

SPECIFIED COUNTRY SERVICE

12. Regulations 29 (entitlement to payment of retirement benefits), 31 (amount of retirement lump sum), 37(3) (pension becoming payable again after cessation on pensioner ceasing to be incapacitated), 39 (retirement benefits on cessation of further employment) and 40 (short service annuity) have effect with the substitution for references (whether direct or not) to the age of 60 of references to the age obtained by deducting from 60 years a period of 3 months in respect of each complete year of up to 20 years of specified country service

13. Subject to paragraph 14-

(a) for the purpose of calculating retirement benefits, and grants under regulations 41, 45 and 46, and

(b) for the purposes of regulation 57(2) (restriction of effective reckonable service to 45 years, etc.),

specified country service counts as reckonable service at 1.5 times its actual length.

14. For the purposes of regulation 33 (1) to (8) (enhancement of retirement benefits in case of incapacity), in calculating relevant service specified country service counts as reckonable service at its actual length.

ALLOCATION OF PART OF RETIREMENT PENSION

PART I

CONTENTS OF DECLARATION

1.(1) A declaration is to specify-

(a) the part of the retirement pension allocated, and

(b) which alternative benefit it is to provide.

(2) The part allocated, which is to be expressed as a whole number of pounds, must not exceed the lower of-

(a) 1/3rd of the annual rate of the retirement pension, and

(b) the amount that would result in the reduction of that rate to less than the rate of, as the case may be, the annuity mentioned in regulation 35(2) (a) or the subsequent annuity mentioned in regulation 35(2) (b).

(3) The part allocated must not be such as to cause the retirement pension payable to be less than the guaranteed minimum in relation to employment up to 6th April 1997.

PART II

PROCEDURE

2.(1) A person who, with a view to making an allocation, gives the Council at least 4 months' notice of his intended retirement is referred to in this Schedule as a "retiring employee".

(2) For the purposes of this Schedule a person's relevant birthday is-

(a) where retirement benefits become payable by virtue of regulation 29(5) (redundancy, etc.) or 29(6) (self-funded early retirement), his 50th, and

(b) in any other case, his 60th.

3.(1) Before delivering a declaration a person must have given the Council written notice of his intention to make an allocation.

(2) The notice is to be given-

(a) in the case of a retiring employee, no later than his application for payment of retirement benefits, and

(b) in any other case, no earlier than 4 months before the later of-

(i) the date on which the person becomes qualified for retirement benefits, and

(ii) his relevant birthday.

4.(1) Before delivering a declaration a person must also, at his own expense-

(a) have satisfied the Council as to his health, and

(b) have provided the Council with such information about the person for whose benefit the allocation is to be made, and verified it in such manner, as the Council may reasonably require.

(2) In order to satisfy the Council as to his health the person must have been examined by a medical practitioner nominated by the Council; he may if he wishes be examined by a second such practitioner if the Council is not satisfied as a result of the first examination.

5.(1) On receiving a notice under paragraph 3 the Council is to notify the person in writing of-

- (a) the amount or estimated amount of his retirement pension,
- (b) the name and address of the nominated medical practitioner, and
- (c) the time within which any declaration is to be delivered.

(2) A declaration is to be delivered-

- (a) if the person is resident outside the British Islands, within 4 months, and
- (b) in any other case, within 3 months,

after receipt of the Council's notification under sub-paragraph (1).

(3) If it is satisfied as to the person's health, and with the information provided in accordance with paragraph 4(1)(b), the Council is to send him a suitable form on which to make the declaration.

(4) On the delivery to it of a declaration, the Council is to provide the person making it with written particulars of the alternative benefit.

6. A declaration, and any notice or other communication under this Part, may be sent by post.

PART III

OTHER MATTERS

7.(1) Subject to sub-paragraphs (2) to (6), a declaration takes effect as such on the day on which it is delivered to the Council.

(2) A declaration cannot take effect before the person's relevant birthday.

(3) A declaration has no effect if either the person making it or the person for whose benefit the allocation was to be made dies before the material time.

(4) In the case of a declaration made by a retiring employee the material time is the later of-

- (a) the day after that on which the declaration is delivered, and
- (b) the day before that on which he becomes entitled to payment of retirement benefits.

(5) In any other case the material time is the day on which the declaration is delivered.

(6) A declaration may be revoked or varied by a further declaration delivered-

- (a) in the case of a retiring employee, before the day on which he becomes entitled to payment of retirement benefits, and
- (b) in any other case, before the day on which the original declaration is delivered.

8.(1) An allocation takes effect on the day on which the person making it becomes entitled to payment of retirement benefits.

(2) For the purposes of sub-paragraph (1), if a person other than a retiring employee dies in pensionable employment after his declaration has taken effect, he is to be taken to have become entitled to payment of retirement benefits on the date of his death.

9.(1) If notice of intention has been given under paragraph 3 and by the later of-

(a) the date of the person's becoming entitled to retirement benefits, and

(b) his relevant birthday,

no declaration has been delivered, then, from the later of those dates until he has either delivered a declaration or failed to satisfy the Council as mentioned in paragraph 5(3), 1/3rd of his retirement pension may be withheld.

(2) Any resulting underpayment or overpayment is to be adjusted in due course,

10.(1) If after a retiring employee has delivered a declaration the rate of his retirement pension is increased, otherwise than under Regulation 42 (Increase in rates of benefits), the part allocated is correspondingly increased.

(2) Sub-paragraph (1) applies even if the increase in the retirement pension takes effect from a date earlier than the date of delivery of the declaration.

(3) The corresponding increase in the part allocated, which is to be rounded down to the nearest pound, takes effect from the same date as the increase in the retirement pension.

(4) If the alternative benefit is the one described in regulation 35(2)(b) (annuity for declarant followed by annuity for surviving spouse), the resulting increase in the first of those annuities takes effect from the same date as the increase in the retirement pension.

11. If after a person has delivered a declaration the rate of his retirement pension is reduced, the declaration continues to have effect but the part allocated is reduced to any extent necessary to secure that the restrictions in paragraph 1(2) are still complied with.

SCHEDULE 9

Regulation 81

SAVINGS AND TRANSITIONAL PROVISIONS

PART I

GENERAL PROVISIONS

1. In this Schedule-

"the revoked instruments" means the statutory instruments revoked by these Regulations; and

"the commencement date" means 3rd February 1998.

"the 1988 Regulations" mean The Teachers' Superannuation (Consolidation) Regulations 1988 for England & Wales(m).

2. (1) The substitution of these Regulations for the revoked instruments does not affect the continuity of the law.

(2) Anything done or having effect as if done under or for the purposes of a provision of the revoked instruments has effect, if it could have been done under or for the purposes of the corresponding provision of these Regulations, as if done under or for the purposes of that corresponding provision.

(3) Any reference, whether express or implied, in these Regulations, or any other instrument or document to a provision of these regulations shall, so far as the context permits, be construed as including, in relation to the times, circumstances and purposes in relation to which the corresponding provision of the revoked instruments has effect, a reference to that corresponding provision.

(4) Any reference, whether express or implied, in any instrument or document to a provision of the revoked instruments shall be construed, so far as is required for continuing its effect, as including a reference to the corresponding provision of these Regulations.

(5) Any document made, served or issued on or after the commencement date which contains a reference to any of the revoked instruments shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of these Regulations.

(6) Where any provision of the revoked instruments ("the replacement provision") re-enacted, with or without modification, a previous provision revoked by the revoked instruments ("the previous provision"), then, so far as is necessary to prevent the continuity of the law from being affected, any reference in these Regulations to the replacement provision shall, so far as the context permits, be construed as including a reference to that previous provision.

3. The revocation by these Regulations of a transitional provision relating to the coming into force of a provision re-enacted in these Regulations does not affect the operation of that transitional provision, so far as it remains capable of having effect, in relation to the provision as re-enacted.

4. (1) The revocation by these Regulations of a provision previously revoked subject to savings does not affect the previous operation of those savings.

(2) The revocation by these Regulations of a saving made on the previous revocation of a provision does not affect the operation of the saving in so far as it remains capable of having effect.

PART II

OTHER SPECIFIC PROVISIONS

5. Regulation 55 of The 1994 Regulations shall continue to apply for the purposes of calculation of the average salary of a person who became entitled to payment of retirement benefits before the commencement date (whether or not he subsequently became entitled to such benefits by virtue of regulation 41 (Retirement benefits on cessation of further employment), after that date) and accordingly regulation 57 (Payment of benefits), shall not apply in relation to such a person.

6.(1) Where a person made an election under regulation 9 (2) of The 1994 Regulations before the commencement date-

- (a) Table 1 in paragraph 3 of Schedule 4 to the 1988 Regulations, as referred to in paragraph 3 of Schedule 3 to The 1994 Regulations or, as the case may be, Table 3 in paragraph 9 of Schedule 4 to the 1988 Regulations, as referred to in paragraph 9 of Schedule 3 to The 1994 Regulations, shall continue to apply for the purpose of the calculation of additional contributions payable by that person (and accordingly neither Table 1 in paragraph 3 of Schedule 3 to these Regulations nor Table 3 in paragraph 13 of that Schedule shall apply); and
- (b) Table 2 in paragraph 5 of Schedule 4 to the 1988 Regulations, as referred to in paragraph 5 of Schedule 3 to The 1994 Regulations, shall continue to apply in relation to a person who has made an election under paragraph 5 of Schedule 3 to The 1994 Regulations or paragraph 8 of Schedule 3 to these Regulations and accordingly Table 2 in paragraph 8 of Schedule 3 to these Regulations shall not apply.

(2) Table 1 in paragraph 3 of Schedule 4 to the 1988 Regulations, as referred to in paragraph 3 of Schedule 3 to The 1994 Regulations shall continue to apply in accordance with sub-paragraph (1) (a) irrespective of whether the person elects (after the commencement date) to vary the contribution period under paragraph 4 or 5 of Schedule 3 to these Regulations.

Dated this eleventh day of June, two thousand and one.



President of the States Education Council,
for and on behalf of the Council.

EXPLANATORY NOTE

(This Note is not part of the regulations)

These regulations are made under the Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974, and replace the Teachers' Superannuation (Guernsey) Regulations, 1994 as amended with revised provisions as to teachers' pensions, allowances and gratuities.

The regulations are a consolidation of the 1994 regulations and subsequent amendments and also include the following changes:

Regulation 8 Salary on which contributions are payable-election.

The new provision in this regulation allows a person aged 50 or over whose salary is reduced or who takes up employment with a new employer at a reduced salary, may elect to continue contributions at the old rate of salary uprated by the retail prices index. Where such an election is made Regulation 9 provides that the person must pay employers' contributions on the difference between the old rate of salary and the new, unless the employer or former employer elects to pay such contributions.

Regulation 9 Ordinary Contributions.

This regulation includes a new provision for contributions payable by an employee in excess of the standard rate due to an election under Regulation 8.

Regulation 13 Additional contributions for current period: service in a reserve force.

This regulation is amended to extend these provisions to persons who are called up under a call-out notice, or call out order or recall order under the Reserve Forces Act 1996.

Regulation 29 Entitlement to payment of retirement benefits.

One of the cases which entitle a person to payment of retirement benefits deleted.

Regulation 31 Amount of retirement lump sum.

This amendment to the regulations concerns the formula for calculating the retirement lump sum. It has been changed so that service before 1st October 1956 is now treated in the same way as service undertaken on or after that date.

Regulation 45 Death grant.

This regulation includes a minor amendment that nominations of persons to receive death grants must be in writing.

Regulation 46 Supplementary death grant.

This regulation includes a minor amendment that nominations of persons to receive supplementary death grants must be in writing.

Regulation 48 Nomination of beneficiaries.

This regulation includes a minor amendment clarifying who can be nominated in the nomination of a beneficiary. Under the amended regulation the nomination of beneficiaries provides that a parent or brother or sister of the appointor must be either widowed or never have been married.

Regulation 49 Entitlement to short-term family benefits

This regulation includes a minor amendment clarifying that a short-term pension may only be paid to a nominated beneficiary if the beneficiary was wholly or mainly dependent on the deceased at the date of death.

Regulation 51 Entitlement to long-term family benefits.

This regulation includes a minor amendment clarifying that a long-term pension may only be paid to a nominated beneficiary if the beneficiary was wholly or mainly dependent on the deceased at the date of death.

Regulation 56 Average salary.

Two amendments are being made to the calculation of Average Salary. Firstly the provisions for determining a person's average salary are changed with the effect that for average salary purposes regular part-time employment counts in the same way as full-time employment. Average salary is to be calculated by reference to the salary for the best 365 consecutive days of pensionable employment (rather than reckonable service) during the last 3 years of pensionable employment (rather than reckonable service). The second amendment is where in any financial year during the average salary period a person has received an abnormal increase in contributable salary, which is greater than 10% more than the "standard increase" (as defined). The person will be treated as having received a salary increase of only 10% more than the standard increase. This is for cases where an abnormal increase in salary had been given just before retirement which was given with a view to enhance the teacher's pension benefits, for the payment of which the Superannuation Fund rather than the employer would be responsible.

Regulation 69 Employers' contributions-employees' elections under regulation 8.

This regulation is a new provision and concerns employers's contributions with regard to the amendment to regulation 8, whereby a person aged 50 or over, whose salary is reduced or who takes up employment with a new employer at a reduced salary may elect to continue contributions at the old rate of salary uprated by the retail prices index. This Regulation covers employers contributions where such an election is made and the employer or former employer elects to pay such contributions.

Regulation 70 Employers' additional contributions under regulations 10 and 56.

This is a new regulation and makes provision firstly for the additional contribution referred to in regulation 10(3) (Additional contributions for past period) where an employer pays the contributions payable as a lump sum under Method B. Secondly this regulation makes provision for additional contributions referred to in regulation 56 (11) and (12) concerning the average salary used in the calculation of retirement benefits. The amount is the actuarial value of the difference between retirement benefits based on the actual contributable salary and such benefits based on the contributable salary as if the person had received a salary increase of only 10% more than the standard increase.

Regulation 71 Modified application in case of employment at reduced salary.

This regulation is now being extended to apply in certain cases where a person leaves employment with one employer and takes up employment with a new employer at a reduced salary.

Regulation 76 Repayment of contributions where an election is not made under regulation 70.

This is a new regulation and makes provision for the repayment of certain contributions where a person received an increase in salary such as is referred to in regulation 56 (11) or (12) but no election under regulation 70 is made.

Regulation 80 Election in respect of protected benefits.

This is a new regulation and offers protection to a teacher with protected benefits who may be adversely affected by the changes made in these regulations.

Additional contributions for past period (Schedule 4)

The tables for paying additional contributions have been revised.