



## Regulation 10

Regulation 10 of the Local government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, provide protection to members whose pensionable pay suffers a reduction on or after 1st April 2008, whether it be due to an employers decision or not. Because Scheme benefit calculations are based in part on a member's final pay figure, a reduction or restriction in pay can adversely affect the level of benefits paid.

If the members pay has been reduced or increases to pay have been restricted in the last 10 years of continuous employment, then they have the option to have their benefits based on the average of any 3 consecutive years pay in the last 13 years (ending on a 31 March). If the member wishes to have their pay calculated in accordance with Regulation 10, they must give at least one months notice prior to the date of retirement in writing to:

Dorset County Pension Fund  
County Hall  
Dorchester  
Dorset  
DT1 1XJ

The final pay for the 3 years prior to retirement will be taken into consideration when Regulation 10 is applied, and the highest final pay figure will always be used.

### Worked example:

Mrs Smith suffered a pay freeze within 10 years prior to her retirement due to an employers decision and elected to have her benefits calculated in accordance with Regulation 10.

### How it works

The last 13 years pay are looked at in 3 year 'blocks' and the average is calculated.

Years	Average pay
2011 - 2013	= 23,700.00 + Pensions Increases
2010 - 2012	= 23,700.00 + Pensions Increases
2009 - 2011	= 24,300.05 + Pensions Increases
2008 - 2010	= 24,800.04 + Pensions Increases
2007 - 2009	= 25,233.37 + Pensions Increases
2006 - 2008	= 24,933.36 + Pensions Increases
...	

After calculating the 3 year averages and looking at the final pay for the last 3 years, the highest pay figure is £25,233.37 which will be used as the final pay figure for the purpose of calculating the Pension Benefits.

Pensionable pay going back 13 years

Year	Pensionable Pay
2013	23,700
2012	23,700
2011	23,700
2010	23,700
2009	25,500
2008	25,200
2007	25,000
2006	24,600
2005	24,200
2004	23,900
2003	23,700
2002	23,500
2001	23,400

### Flexible Retirement:

Regulation 10 will apply on the initial flexible retirement job. Thus if the employee were to apply to the employer for flexible retirement and this was granted, then the primary benefits that they would start receiving could have Regulation 10 applied where applicable. However Regulation 10 will **not** apply on the continued employment as these are considered to be new pension rights.

### Please note:

If the members pay was reduced or restricted for reasons beyond their control before 1 April 2008 and they were issued with a certificate of protection by their employer and they leave the LGPS within 10 years of the reduction or restriction in pay, then we will work out the final pay as the best years pay in the last five years prior to leaving, or the best consecutive three year average in the last thirteen years after allowing for Pensions Increases.