



ISLE OF MAN GOVERNMENT UNIFIED SCHEME (AMENDMENT) SCHEME 2013

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Public Sector Pensions Act 2011

**ISLE OF MAN GOVERNMENT UNIFIED SCHEME
(AMENDMENT) SCHEME 2013**

Approved by Tynwald: 9 July 2013
Coming into Operation: 15 May 2013

The Public Sector Pensions Authority, after consulting the members of the Isle of Man Government Unified Scheme 2011, their representatives, their employers and the Treasury, makes the following Scheme under section 6(1)(c) of the Public Sector Pensions Act 2011.

1 Title

This Scheme is the Isle of Man Government Unified Scheme (Amendment) Scheme 2013.

2 Commencement

This Scheme comes into operation on 15 May 2013.

3 Rules of the Isle of Man Government Unified Scheme 2011 amended

The Rules of the Isle of Man Government Unified Scheme 2011, as set out in the Schedule to the Isle of Man Government Unified Scheme 2011¹, are amended as set out in this Scheme.

4 Rule 1 amended – definition and interpretation

- (1) Rule 1 is amended as set out in this provision.
- (2) After the definition of “2006 Act” insert –
“2011 Act” means the Public Sector Pensions Act 2011 (an Act of Tynwald).**”**
- (3) After the definition of “2 years’ Qualifying Service”, insert –
“40 Years Member” means a Civil Servant -
 - (a) who is a Former 1.5% Contributions Member;

¹ SD 0389/11 as amended by SD 0139/12

- (b) who by age 55 and before age 60 can accrue 40 Years Pensionable Service before 31 March 2023, where that service does not include any service enhancement previously granted on joining this Scheme at 1 April 2013; and
 - (c) who has been notified by his or her Employing Authority and the Public Sector Pensions Authority that he or she is a 40 Year Member. **22**
- (4) In the definition of “Child”, for sub-paragraph (b) substitute –
- 23**“(b) who -
 - (i) is below age 18;
 - (ii) is below age 23 and undergoing full-time vocational training or education being –
 - (A) the time before the end of the school or university term in which the person leaves, namely the last day of December, March or August depending upon the term the person leaves; or
 - (B) if the person leaves before the end of a term or is expelled, being the time before the date the person leaves or is expelled;
 - (ii) is –
 - (A) at the date of the Member’s death, a person to whom either (i) or (ii) applies and is, in the opinion of the Public Sector Pensions Authority having regard to the advice of a Registered Medical Practitioner, suffering from a mental or physical disability rendering the person unable to support himself or herself financially; and
 - (B) subsequently, irrespective of age, after any review that may be carried out by the Public Sector Pensions Authority every 3 years, shown to be continuing to so suffer,

unless the person is financially supported by and dependent on any individual other than the Member or, following the Member’s death, the benefits payable in respect of the Member. **24**.
- (5) After the definition of “Civil Partner”, insert –
- 24**“**Civil Servant**” means a public servant appointed under the Civil Service Act 1990.

- “Clinical Officer of Hospice Care”** means a person who –
- (a) is employed by Hospice Care, and
 - (b) is either –
 - (i) employed in a position, and as a member of a profession, to which section 40(1) of the National Health Service Act 2001 applies; or
 - (ii) employed in a position, and as a member of a profession, to which section 60(2) of the Health Act (an Act of Parliament) applies. **22**.
- (6) For the definition of “Existing Pensioner Member”, substitute –
- 23** **“Existing Pensioner Member”** means –
- (a) a person who was immediately before the Implementation Date receiving a pension in payment in respect of his or her service with an Employing Authority and, if the Public Sector Pensions Authority so determines, by reference to pensionable service in the public sector in the Island and by reference to any entitlement that arose from transferred in pensions rights, and who was on the Implementation Date transferred into this Scheme; or
 - (b) a person who is the beneficiary of a Scheme Member and was immediately before the Implementation Date receiving a pension or allowance in payment in respect of the scheme member’s service with an Employing Authority **22**
- (7) In the definition of “Final Pensionable Pay” for “in Rules 12 and 13” substitute **23** in Rules 12, 12A and 13 **22**.
- (8) In the definition of “Pre-Fresh Start Prison Officer Member” for “Member” substitute **23** Section 2 Member of this Scheme **22**.
- (9) After the definition of “Projected Yield from Member Contributions” insert –
- 23** **“Protected Hospital Doctor Member”** means a Member who has received written notification from the Public Sector Pensions Authority that he or she is a Protected Hospital Doctor Member. **22**.
- (10) For the definition of “Public Sector Employee”, substitute –
- 23** **“Public Sector Employee”** means a person in respect of whom the Public Sector Pensions Authority may make a scheme under section 6(1)(c) of the 2011 Act. **22**.
- (11) For the definition of “Public Sector Pensions Authority” substitute –
- 23** **“Public Sector Pensions Authority”** means the Public Sector Pensions Authority established by the 2011 Act. **22**.

5 Rule 2.13 amended – overriding provisions

In Rule 2.13, for “Superannuation Act 1984” substitute **“2011 Act”**.

6 Rule 5.2 replaced - admission of employing authorities

For Rule 5.2, substitute –

5.2 If the Public Sector Pensions Authority, by regulations made under section 3(4)(a) of the 2011 Act, amends section 3 of that Act so as to apply the Act in respect of the superannuation of any person or class of persons, the effect is that –

- (a) the employer of the person or class of person becomes an Employing Authority and, subject to Rule 14.1, employees of that Employing Authority may become Active Members under Rules 14.3 and 14.7;
- (b) the Employing Authority may exercise any powers given to it as an Employing Authority under these Rules; and
- (c) the Employing Authority must observe and perform the provisions of this Scheme applicable to it as an Employing Authority. **”**

7 Rule 6.3 amended - pensionable service

In Rule 6.3, for sub paragraph (a) substitute –

- (a)** subject to Rule 27.17, after the Member has served 20 or more actual years of Service any additional Pensionable Service thereafter accrues at double the rate of actual Pensionable Service undertaken; **”**

8 Rule 7.2 amended - adjustments to Pensionable Service for Part-Time Employees

In Rule 7.2, for “C is the number of years” substitute **“C is the number of calendar years”**.

9 Rule 12.1 amended - Final Pensionable Pay for Members apart from CARE Members

In Rule 12.1, for “other than CARE Members” substitute **“other than CARE Members and Protected Hospital Doctor Members”**.

10 New Rule 12A - Final Pensionable Pay for Protected Hospital Doctor Members

After Rule 12, insert –

12A Final Pensionable Pay for Protected Hospital Doctor

Members

12A.1 In respect of each period of Active Membership during which a Member was a Protected Hospital Doctor and subject to Rule 19, “Final Pensionable Pay” for a Protected Hospital Doctor Member means Pensionable Pay in respect of the Member’s last year of Pensionable Service, ending on the date the Member ceases to be in that employment, or dies, whichever occurs first, except that -

- (a) if the Member’s Pensionable Pay was greater in either or both of the 2 consecutive years immediately preceding the Member’s last year of Pensionable Service, “Final Pensionable Pay” is to be taken to mean the Pensionable Pay in respect of which of those years in which it was its greatest; or
- (b) if the member was in Pensionable Service for less than 12 months, “Final Pensionable Pay” is to be taken to mean the Pensionable Pay received by the Member divided by the Member’s number of days of Pensionable Service multiplied by 365²²”.

11 Rule 13.1 amended - Final Pensionable Pay for CARE Members

In Rule 13.1, for the definition of “Z”, substitute –

²³Z is the number of years and days of Pensionable Service in the relevant period of Active Membership. ²².

12 Rule 14.1 amended – eligibility

In Rule 14.1, for sub-clauses (d) and (e), substitute –

- ²⁴(d) subject to Rules 14.2 and 14.3, the Employee is not in receipt of a pension attributable to his or her own Pensionable Service under this Scheme;
- (e) the Employee is not a member of another employer’s scheme in respect of the Member’s Service with his or her Employing Authority; and
- (f) in the case of an Employee of Hospice Care, the Employee is employed as a Clinical Officer of Hospice Care. ²².

13 Rule 17.13 added – absence

After Rule 17.12, add -

²⁴“17.13 Any period during which an Active Member is absent from work for his or her Employing Authority due to the Member’s participation in a strike or other industrial action is not Pensionable Service of the Member. ²².”

14 Rule 22 amended – calculation

- (1) Rule 22 is amended as set out in this provision.
- (2) After Rule 22.2, insert -

22.2A Subject to Rule 22.3, a deferred pension under Rule 22.1 may not be paid before age 55 except in the circumstances and on the terms set out in Rule 38. **22**.
- (3) Rule 22.5, omit.

15 Rule 26 amended – members contributions

- (1) Rule 26 is amended as set out in this provision.
- (2) For the table set out in Rule 26.1, substitute –

26 Category of Membership	Percentage rate of Pensionable Pay payable
Section 1 (Standard) Member	5.00%
Section 2 Member	7.75%
Section 3 Member	9.75%
Section 4 Member	6.60%
Section 5 Member	9.50%
Section 6 Member	8.40%
Section 7 Member	11.00%
Protected Hospital Doctor Member	9.6% 26

- (3) In Rule 26.2, for “6(1) of the Superannuation Act 1984” substitute **9(3)(a)** of the 2011 Act **26**.

16 Rule 27 amended - Contractual Additional Pension Contribution membership and Contractual Pension Contributions

- (1) Rule 27 is amended as set out in this provision.
- (2) For Rule 27.4, substitute -

27.4 If a Contractual Additional Pension Contributions Member -

 - (a) dies; or
 - (b) the Public Sector Pensions Authority is satisfied that he or she meets the Upper Tier Ill-Health Criteria,

before the end of the period of 12 months beginning with the Contractual Additional Pension Contributions Start Date and the Public Sector Pensions Authority is satisfied that the Member became a Contractual Additional Pensions Member in good faith, any benefits payable are to be calculated as if all contributions that would have fallen due after the date of death or after the date of retirement had been made. **27**.

(3) For Rule 27.6 substitute -

27.6 If the Public Sector Pensions Authority is satisfied that a Contractual Additional Pensions Member meets the Lower Tier Ill-Health Criteria under Rule 37.1 and has begun to draw a pension under Rule 37.1, his or her Additional Pension Benefits are to be awarded by calculating Service on a pro-rata basis but using the accrual rate applicable for the age at which the member had contracted to take his or her benefits.

(4) In Rule 27.18, for “Rule 2.4” substitute Rules 2.5 and 2.6.

17 Rule 31 amended - Retirement Pension for Active Members

(1) Rule 31 is amended as set out in this provision.

(2) In Rule 31.7, for the table set out in that Rule substitute the following table –

RETIREMENT AGE	SECTION						
	1	2	3	4	5	6	7
	PERCENTAGE						
50	N/A	N/A	N/A	N/A	N/A	N/A	2.23%
51	N/A	N/A	N/A	N/A	N/A	N/A	2.23%
52	N/A	N/A	N/A	N/A	N/A	N/A	2.23%
53	N/A	N/A	N/A	N/A	N/A	N/A	2.23%
54	N/A	N/A	N/A	N/A	N/A	N/A	2.23%
55	0.81%	1.12%	1.29%	0.90%	1.26%	1.01%	2.23%
56	0.88%	1.20%	1.37%	0.98%	1.34%	1.10%	2.23%
57	0.95%	1.26%	1.44%	1.06%	1.41%	1.19%	2.23%
58	1.02%	1.33%	1.52%	1.14%	1.49%	1.27%	2.23%
59	1.09%	1.40%	1.60%	1.21%	1.56%	1.36%	2.23%
60	1.16%	1.46%	1.67%	1.29%	1.63%	1.44%	2.23%
61	1.22%	1.53%	1.75%	1.37%	1.72%	1.53%	2.23%
62	1.29%	1.61%	1.84%	1.44%	1.80%	1.62%	2.23%
63	1.36%	1.70%	1.94%	1.52%	1.90%	1.70%	2.23%
64	1.43%	1.79%	2.05%	1.60%	2.01%	1.79%	2.23%
65	1.50%	1.90%	2.17%	1.67%	2.12%	1.87%	2.23%
66	1.61%	2.03%	2.32%	1.79%	2.27%	2.01%	2.23%
67	1.71%	2.16%	2.47%	1.90%	2.42%	2.14%	2.23%
68	1.82%	2.30%	2.62%	2.02%	2.57%	2.27%	2.23%

69	1.92%	2.43%	2.77%	2.14%	2.72%	2.40%	2.23%
70	2.03%	2.56%	2.93%	2.25%	2.86%	2.52%	2.23%
71	2.13%	2.69%	3.08%	2.37%	3.02%	2.66%	2.23%
72	2.24%	2.83%	3.23%	2.49%	3.16%	2.79%	2.23%
73	2.34%	2.96%	3.38%	2.60%	3.31%	2.92%	2.23%
74	2.45%	3.09%	3.53%	2.72%	3.46%	3.05%	2.23%
75	2.55%	3.23%	3.69%	2.84%	3.60%	3.18%	2.23%

- (3) In Rule 31.8, for “An MHO Status Member” substitute **69** A 40 Year Member, MHO Status Member **72**.
- (4) In Rule 31.9, for “If an MHO Status Member” substitute **69** If a 40 Year Member, MHO Status Member **72**.

18 Rule 33.5 replaced - Pension Credit Members’ Benefits

For Rule 33.5, substitute –

69 33.5 A Pension Credit Member is entitled to a lump sum under this Rule 33 –

- (a) if no lump sum has been paid under this Scheme to the Member prior to the date on which the Pension Sharing Order giving rise to the Pension Credit comes into effect; or,
- (b) if the Member was immediately before the Implementation Date an active member of a pension scheme in respect of his or her service with an Employing Authority (and, if the Public Sector Pensions Authority so determines, by reference to pensionable service in the public sector in the Isle of Man) and was on the Implementation Date transferred into the Scheme, under the Member’s former pension scheme. **72**.

19 Rule 37.2 replaced - incapacity pension for Active Members

For Rule 37.2, substitute –

69 37.2 The pension referred to in Rule 37.1 is to be calculated as follows –

- (a) if an Active Member meets the Lower Tier Ill-Health Criteria, the pension is to be calculated under Rule 31.4, but the percentage of the Active Member’s Final Pensionable Pay to be used in the calculation is to be –

- (i) for a Section 7 Member, the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to a Section 7 Member at age 65;
 - (ii) in all other cases, the greater of-
 - (A) the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to a Section 1 (Standard) Member at age 65; or
 - (B) the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to the Member's actual section and age; and
 - (iii) subject to Rules 2.5, 31.8 and 37.3, calculated by reference to his or her Ill-Health Pensionable Service;
- (b) subject to Rule 37.3, if an Active Member meets the Upper Tier Ill-Health Criteria, the pension is to be calculated under Rule 31, but –
- (i) the percentage of the Active Member's Final Pensionable Pay referred to in Rule 31.4 is –
 - (A) for a Section 7 Member, the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to a Section 7 Member at age 65; and
 - (B) in all other cases, the greater of -
 - (aa) the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to a Section 1 (Standard) Member at age 65; or
 - (bb) the percentage of Final Pensionable Pay stated in the table at Rule 31.7 applicable to the Member's actual section and age; and
 - (ii) subject to Rules 2.4, 31.8 and 37.3, is to be calculated by reference to his or her Pensionable Service plus his or her prospective Pensionable Service up to age 65; and
- (c) if the Member is a Contractual Additional Pension Contributions Member, the pension payable is to be adjusted in accordance with Rules 27.4 or 27.6, as appropriate. **22**.

20 Rule 41.4 replaced - Lump Sum on Retirement

For Rule 41.4, substitute –

44 41.4 The lump sum payable under Rule 41.1 in respect of a Section 7 Member is –

- (a) if the Member is aged 55 or more when he or she retires and subparagraph (c) does not apply to the Member, £18 of lump sum for every £1 of pension commuted;
- (b) if the Member is aged 50 or more under age 55 when he or she retires and subparagraph (c) does not apply to the Member, the amount in pounds shown in Table 1 of lump sum for every £1 of pension commuted; or
- (c) if the Member was aged 48 or more on 1 April 2012 and is aged 50 or more when he or she retires, the amount in pounds shown in Table 2 of lump sum for every £1 of pension commuted.

Table 1

Age in completed years and months on day pension commences												
Years	Months											
	0	1	2	3	4	5	6	7	8	9	10	11
50	19	18.98	18.97	18.95	18.93	18.92	18.9	18.88	18.87	18.85	18.83	18.82
51	18.8	18.78	18.77	18.75	18.73	18.72	18.7	18.68	18.67	18.65	18.63	18.62
52	18.6	18.58	18.57	18.55	18.53	18.52	18.5	18.48	18.47	18.45	18.43	18.42
53	18.4	18.38	18.37	18.35	18.33	18.32	18.3	18.28	18.27	18.25	18.23	18.22
54	18.2	18.18	18.17	18.15	18.13	18.12	18.1	18.08	18.07	18.05	18.03	18.02

Table 2

Age in completed years and months on day pension commences												
Years	Months											
	0	1	2	3	4	5	6	7	8	9	10	11
50	22.4	22.3	22.3	22.3	22.3	22.2	22.2	22.2	22.2	22.1	22.1	22.1
51	22.1	22.0	22.0	22.0	22.0	21.9	21.9	21.9	21.9	21.8	21.8	21.8
52	21.8	21.7	21.7	21.7	21.7	21.6	21.6	21.6	21.6	21.5	21.5	21.5
53	21.5	21.4	21.4	21.4	21.3	21.3	21.3	21.3	21.2	21.2	21.2	21.1
54	21.1	21.1	21.1	21.0	21.0	21.0	21.0	20.9	20.9	20.9	20.9	20.8
55	20.8	20.8	20.8	20.7	20.7	20.7	20.6	20.6	20.6	20.5	20.5	20.5
56	20.4	20.4	20.4	20.4	20.3	20.3	20.3	20.2	20.2	20.02	20.1	20.1
57	20.1	20.0	20.0	20.0	19.9	19.9	19.9	19.8	19.8	19.8	19.7	19.7
58	19.7	19.6	19.6	19.6	19.5	19.5	19.5	19.4	19.4	19.4	19.3	19.3
59	19.3	19.2	19.2	19.2	19.1	19.1	19.1	19.0	19.0	19.0	18.9	18.9
60	18.9	18.8	18.8	18.7	18.7	18.7	18.6	18.6	18.6	18.5	18.5	18.5
61	18.4	18.4	18.4	18.3	18.3	18.2	18.2	18.2	18.1	18.1	18.1	18.0
62	18.0	18.0	17.9	17.9	17.8	17.8	17.8	17.7	17.7	17.7	17.6	17.6
63	17.5	17.5	17.5	17.4	17.4	17.4	17.3	17.3	17.2	17.2	17.2	17.1
64	17.1	17.1	17.0	17.0	16.9	16.9	16.9	16.8	16.8	16.8	16.7	16.7

21 Rule 50 amended - death of an Active Member

- (1) Rule 50 is amended as set out in this provision.
- (2) For Rule 50.4, substitute –

50.4 The short-term pension payable under Rule 50.3 is a sum equal to the Member’s monthly Pensionable Pay or, in the case of a CARE Member, his or her CARE Pensionable Pay, as at the time of the Member’s death and is payable pro-rata for the pay month in which the Member’s death occurs and in full for the following 3 complete pay months. **50.**

- (3) For Rules 50.6 and 50.7 substitute –

50.6 Subject to Rule 50.7, the Surviving Adult Dependant’s pension payable under Rule 50.5 is 0.625% of the Member’s Final Pensionable Pay multiplied by the greater of -

- (a) the number of years and days of the Dependent’s Pensionable Service the Member would have accrued had the Member remained in Service to age 65; or
- (b) the number of years and days of the Dependent’s Pensionable Service.

50.7 In relation to a Section 7 Member, the Surviving Adult Dependant’s pension payable under Rule 50.5 is 1.11% of the Member’s Final Pensionable Pay multiplied by the lesser of –

- (a) if the Member was under age 55 on his or her death, the number of years and days of Pensionable Service

- the Member would have accrued had the Member remained in Pensionable Service to age 55;
- (b) if the Member was over age 55 on his or her death, the number of years and days of Pensionable Service accrued by the Member up unto his or her death; or
- (c) 30 years. **22**.

22 Rule 71.3 replaced - forfeiture

For Rule 71.3, substitute —

6971.3 The Public Sector Pensions Authority may cancel the payment of a Member's pension if the Member —

- (a) is convicted of one or more offences under the Official Secrets Acts 1911 for which the Member is sentenced on the same occasion
 - (i) to imprisonment for 10 years or more; or
 - (ii) to 2 or more consecutive terms of imprisonment amounting in the aggregate to 10 years or more;
- (b) is convicted of treason, or
- (c) in connection with employment to which this scheme applies, is convicted of an offence certified by a Minister or the Chairman of a Department or of a Statutory Board —
 - (i) to be gravely injurious to the Isle of Man; or
 - (ii) to be liable to lead to a serious loss of confidence in the public service.

71.3A If a person is convicted of unlawfully killing a public servant or a former public servant, the Public Sector Pensions Authority may cancel the payment of a benefit that would otherwise have become payable to the person by virtue of the death of the public servant or the former public servant. **22**.

23 Rule 83.4 amended - cost sharing

In Rule 83.4, for “the Superannuation Act 1984” substitute **69**the 2011 Act**22**.

24 Rule 84.2 amended - scheme reviews and accounts

In Rule 84.2, for “6(1) of the Superannuation Act 1984” substitute **69**9(3)(a) of the 2011 Act**22**

Jeremy Carter
Chairman, Public Sector Pensions Authority

EXPLANATORY NOTE
(This note is not part of the Scheme)

These amendments fall into two categories: those which are broadly clarifying in nature, and those which provide technical updates to current provisions.

By way of summary, the Amendment Scheme:

- Updates current, or inserts new, definitions as required for the following:
 - Public Sector Pensions Act;
 - 40 Years Member;
 - Child;
 - Civil Servant;
 - Clinical Officer of Hospice Care;
 - Existing Pensioner Member;
 - Pre-Fresh Start Prison Officers;
 - Final Pensionable Pay;
 - Protected Hospital Doctor Member;
 - Public Sector Employee; and
 - Public Sector Pensions Authority.

None of these change the fundamental provisions of, or benefits under, the Scheme;

- Removes any remaining references to the repealed Superannuation Act 1984 and updates those rules with the appropriate references to the Public Sector Pensions Act 2011;
- Clarifies the rules for:
 - Definition of Pensionable Service
 - Final Pensionable Pay for Hospital Doctors within 7 years of their previous Normal Pension Age;

- Scheme Eligibility for Hospice Care Members (replicating previous provisions);
 - The treatment of some periods of Absence (also replicating provisions of previous schemes);
 - Contractual Additional Pension members who either die or qualify for the Upper Tier of Ill-Health retirement;
 - Pension Credit Members (on divorce) and the age from which they can take retirement benefits;
 - Provision of Incapacity Pension;
 - The death in service benefits for an active member; and
 - Forfeiture.
- Clarifies the retirement lump sum commutation factors for Section 7 (fire-fighter) members between the ages of 50 and 55.

Whilst the Isle of Man Government Unified Scheme (Amendment) Scheme 2013 clarifies these points, it does not practically affect the overall Unified Scheme design approved by Tynwald in June 2011.