

## The Rule of 85

### What is the Rule of 85?

If you were a Local Government Pension Scheme (LGPS) member at any time between 1 April 1998 and 30 September 2006, you may be protected under the 85-year rule when you retire. From the 1 October 2006, the rule was phased out.

The 85-year rule is a tool used to determine whether a member's benefits should be reduced, where benefits are paid early.

You satisfy the 85-year rule when your age and length of LGPS membership add up to 85. Your age and Scheme membership are both measured in full years for this purpose. If you work part time, your membership counts towards the 85-year rule at its full calendar length.



The 85-year rule will apply if you are over age 60 when you retire. If you fully retire between age 55 and 60, the 85-year rule will not automatically apply and your benefits will be reduced. Your employer can choose to allow the 85-year rule to apply. This is a [discretion](#). You can ask your employer about their policy on this.

If you take flexible retirement, the 85-year rule will apply to the benefits you have built up to the date you first take flexible retirement, even if you are under 60. The 85-year rule will not protect any benefits you build up after you first take flexible retirement.

## What does the 85-year rule mean for me?

What the 85-year rule means for you depends on your age, the date you meet the 85-year threshold and the date you take your LGPS benefits.

If you are protected:

- and you take your benefits after you satisfy the 85-year rule, some or all of your benefits will be paid without reduction
- and you take your benefits before you satisfy the 85-year rule, your benefits will be reduced but the early payment reduction will be lower than the normal reduction that applies to a member who is not protected.

The rules governing how the 85-year rule works and the level of protection you will get are complex. If you are thinking of retiring, you should contact us (details below) for an estimate of the benefits you will be entitled to. If you are thinking about flexible retirement, you should contact your employer to check their policies on flexible retirement.

The table below indicates the level of 85-year rule protection applicable to all the possible situations.

	Pension built up before 31 March 2008	Pension built up between 1 April 2008 and 31 March 2014	Pension built up between 1 April 2014 and 31 March 2016	Pension built up between 1 April 2016 and 31 March 2020	Pension Built up after 1 April 2020
Members born before 1 April 1956	Protected	Protected	Protected	No protection	No protection
Members born between 1 April 1956 and 31 March 1960	Protected	Partial protection	Partial protection	Partial protection	No protection
Members born on or after 1 April 1960	Protected	No protection	No protection	No protection	No protection

You can run an estimate at a specific retirement age using [‘My Pension’](#), our member self-service website. This will show the pension benefits payable with any 85-year protection applicable to you applied.

## Contact us

Email: [pensions@eastsussex.gov.uk](mailto:pensions@eastsussex.gov.uk)

Call: 0300 200 1022 (lines open from 9 am until 4 pm)

Write: Pension Services, East Sussex County Council, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE

## Rule of 85 Factsheet