

SCHEDULE 13

Revocations, savings and transitional provisions

Part III

Transitional Provisions

2.—(1) Where—

- (a) a provision of these Regulations (“the new provision”) re-enacts with any modification a provision revoked by these Regulations (“the former provision”); and
- (b) the effect of the general rule is that a person to whom a protected benefit was being paid or might become payable is placed in a worse position than he would have been in if the former provision had continued to have effect,

he may by giving written notice to the Department within 3 months after 2nd November 1998 elect that the new provision is to apply in relation to the benefit as if it had re-enacted the former provision without modification.

(2) A protected benefit is one paid, or capable of becoming payable, to or in respect of a person who before 2nd November 1998 ceased to be in pensionable employment or died.