

## SCHEDULE 2

### Transitional provisions

#### PART 3

#### Exceptions to section 18(1) of the Act: tapered protection members of an existing scheme

##### **Exception for tapered protection members during protection period**

**10.**—(1) The protection period for a tapered protection member of an existing scheme is the period which—

- (a) begins on the day after the scheme closing date; and
  - (b) ends when P ceases to be a tapered protection member of an existing scheme.
- (2) During the protection period—
- (a) P is eligible to be in pensionable service under an existing scheme;
  - (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
  - (c) benefits are to be provided under that scheme to or in respect of P in relation to that pensionable service.

##### **Tapered protection member not eligible to join this scheme**

**11.**—(1) While a person (P) is a tapered protection member of an existing scheme, P is not eligible to be an active member of this scheme.

(2) P ceases to be a tapered protection member of an existing scheme on whichever of the following days occurs first—

- (a) P's tapered protection closing date; or
- (b) the day on which P ceases to be in pensionable service under an existing scheme.

##### **Member of an existing scheme on scheme closing date**

**12.**—(1) A person (P) is a tapered protection member of an existing scheme if sub-paragraph (2) or sub-paragraph (3) applies—

- (2) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme on 31st March 2012;
  - (b) P was an active member of an existing scheme on the scheme closing date; and
  - (c) unless P dies, P would reach normal pension age during the period beginning with 2nd April 2022 and ending with 1st September 2025.
- (3) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme (“P’s transitional scheme”) on 31st March 2012;
  - (b) P was an active member of an existing scheme (“Scheme A”) on the scheme closing date; and
  - (c) P would, unless P dies, reach normal pension age under—

- (i) Scheme A during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
- (ii) P's transitional scheme on or before 1st September 2025.

**Members moving between schemes after the scheme closing date**

- 13.**—(1) A person (P) is a tapered protection member of an existing scheme if—
- (a) P was an active member of an existing scheme (“P’s transitional scheme”) on 31st March 2012 and on the closing date for that scheme;
  - (b) P begins pensionable service which is pensionable under an existing scheme (“Scheme A”), not more than 5 years after leaving pensionable service in P’s transitional scheme.
  - (c) P would have been a protected member of P’s transitional scheme had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under Scheme A; and
  - (d) P would, unless P dies, reach normal pension age under—
    - (i) Scheme A during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
    - (ii) P’s transitional scheme on or before 1st September 2025.
- (2) For the purposes of this paragraph—
- (a) the closing date for an existing scheme is the date referred to in section 18(4)(a) or (b) of the Act as applicable;
  - (b) “exception”, in relation to an existing scheme, means an exception under section 18(5) of the Act provided for in scheme regulations which relate to that scheme; and
  - (c) “protected member of P’s transitional scheme” means a person in respect of whom an exception applies for the purposes of that scheme.