

SCHEDULE 3

Regulation 47.

TRANSITIONAL PROVISIONS AND SAVINGS

General

1.—(1) Where—

- (a) immediately before the coming into operation of these Regulations the employment or former employment of a person by any body (“the former authority”) was employment by virtue of which any provision revoked by these Regulations (“the revoked provision”) applied;
- (b) the former authority has ceased to exist by virtue of the Local Government Act 1992⁽¹⁾ or the Local Government (Wales) Act 1994⁽²⁾;
- (c) the liabilities of the former authority in respect of that employment which were relevant for the purposes of the revoked provision have been transferred to another body (“the new authority”),

then, if it would not do so apart from this paragraph, any provision of these Regulations corresponding to the revoked provision shall apply as if that employment had been employment with the new authority and as if that provision of these Regulations applied to it and to that authority.

(2) In determining for the purposes of these Regulations whether any employment at a time before these Regulations came into operation is employment with a LGPS employer, that employment shall be regarded as such employment if the employer was at that time a body mentioned in column 1 of Part 2 of Schedule 1 to the Local Government (Compensation for Premature Retirement) Regulations 1982⁽³⁾ (educational bodies).

Part II

2. Regulation 4 does not apply if the cessation of employment referred to in paragraph (1) of that regulation occurred before 1st July 1984.

Part III

3. Nothing in Part III applies to a person who ceased to hold his employment with an employing authority as mentioned in regulation 6(1)(a) before 29th March 1976.

4. Where the employment by reference to the cessation of which a period might fall to be credited ceased to be held before 6th April 1988, Part III shall have effect as if the amendments made by the local Government (Superannuation and Compensation) (Amendment) Regulations 1988 had not been made (and, in particular, that Part shall have effect with such modifications as are necessary for the omission of references to assumed members and the expressions defined in regulation 7).

5. If the material date was before 6th September 1982, regulation 8 shall have effect with the substitution for any reference to the material date of a reference to that date.

6.—(1) Subject to paragraph (2), regulations 13 and 14 do not apply to the compensation payable to a person whose material date is before 6th September 1982.

(1) 1992 c. 19.

(2) 1994 c. 19.

(3) S.I.1982/1009; amended by S.I. 1984/740, 1986/151, 1988/466, 1989/372, 1989/1815, 1990/2380, 1992/2432, 1993/2890, 1994/3025 and 1995/817.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) If the employing authority of a person whose material date falls after 14th July 1980 and before 6th September 1982 have before 6th September 1982 determined that any lump sum compensation or annual compensation which might become payable to him under Part III should be reduced, regulation 13(1) applies to the compensation payable to him; but, if his employing authority determined to reduce by an amount less than the reduction required by that regulation, that regulation applies with the substitution for any references to a reduction in compensation of references to the determined reduction.

7. In a case where the death occurs on or before 5th April 1988, regulation 20(2) applies with the omission of paragraph (a)(i) and the word “otherwise” in paragraph (a)(ii).

8. Regulation 21(4), 23(2) and 25(4) do not apply if the material date in relation to the deceased was before 6th September 1982.

9. As respects any female employee who—

- (a) duly elected under regulation E12(1)(b) or (2)(b) of the 1986 Regulations (election by wife of dependent and permanently incapacitated husband);
- (b) duly elected under regulation 12(2) of the 1982 Regulations (similar elections and elections by unmarried women with potentially eligible children); or
- (c) immediately before these Regulations came into force was a person to whom regulation 12(3) of the 1982 Regulations applied,

these Regulations have effect as if references in them to provisions in Parts D, F and G of the LGPS Regulations were references to those provisions as modified by paragraphs 2 and 3 of Schedule F1 to those Regulations.

Part IV

10.—(1) Regulation 32 does not apply if the cessation of employment referred to in paragraph (1) of that regulation occurred before 28 December 1994.

(2) Nothing in these Regulations shall affect the operation of regulation 7 of the Local Government (Compensation for Redundancy) (Amendment) Regulations 1996⁽⁴⁾ (savings for those placed in a worse position by virtue of the retrospectivity of those Regulations and those who had received an estimate of their compensation before the making of those Regulations).

Part V

11.—(1) Subject to the following provisions of this paragraph, Part V applies even if the injury or disease was sustained or contracted before the date on which these Regulations come into force.

(2) Regulations 34 and 36 do not apply if the cessation of the employment occurred before 31st March 1972, regulation 35 does not apply if the reduction of remuneration occurred before that date and regulation 37 does not apply if the death occurred before that date.

(3) Anything treated by virtue of regulation L9(4) of the 1986 Regulations (which saved payments made in anticipation of the commencement of Part L of those Regulations) as done under Part L of those Regulations shall be treated as if it had been done under Part V of these Regulations.

(4) If adequate provision has already been made for a person under regulation 7 of the Benefits regulations, Part V does not apply to him.

(5) Where—

(4) S.I. 1996/456.

- (a) by virtue of paragraph (2) regulation 34, 35, 36 or 37 applies in a case where the cessation of the employment, the reduction of remuneration or, as the case may be, the death occurred before 1st March 1986; and

- (b) paragraphs (3) and (4) do not apply,

the relevant employer shall decide what allowance or lump sum (if any) is to be granted in accordance with Part V for any past or future period (but in making that decision the relevant employer shall take into account any allowance to which the person is or was entitled under regulation 7 of the Benefits regulations).

(6) Regulation 38(2)(c) has effect in cases where the cessation of employment, reduction in remuneration or death in question occurred before 6th April 1988 with the insertion after the word “otherwise)” of the words “out of any fund to which any body which employed him in relevant employment has made any contributions in respect of him or out of any fund to which assets of any such fund were transferred”.