

SCHEDULE 15

Regulation H12

SAVINGS AND TRANSITIONAL PROVISIONS

PART I—

GENERAL PROVISIONS

1. In this Schedule—

“the revoked instruments” means the statutory instruments revoked by these Regulations; and
“the commencement date” means 3rd February 1998.

2.—(1) The substitution of these Regulations for the revoked instruments does not affect the continuity of the law.

(2) Anything done or having effect as if done under or for the purposes of a provision of the revoked instruments has effect, if it could have been done under or for the purposes of the corresponding provision of these Regulations, as if done under or for the purposes of that corresponding provision.

(3) Any reference, whether express or implied, in these Regulations or any other instrument or document to a provision of these regulations shall, so far as the context permits, be construed as including, in relation to the times, circumstances and purposes in relation to which the corresponding provision of the revoked instruments has effect, a reference to that corresponding provision.

(4) Any reference, whether express or implied, in any instrument or document to a provision of the revoked instruments shall be construed, so far as is required for continuing its effect, as including a reference to the corresponding provision of these Regulations.

(5) Any document made, served or issued on or after the commencement date which contains a reference to any of the revoked instruments shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of these Regulations.

(6) Where any provision of the revoked instruments (“the replacement provision”) re-enacted, with or without modification, a previous provision revoked by the revoked instruments (“the previous provision”), then, so far as is necessary to prevent the continuity of the law from being affected, any reference in these Regulations to the replacement provision shall, so far as the context permits, be construed as including a reference to that previous provision.

3. The revocation by these Regulations of a transitional provision relating to the coming into force of a provision re-enacted in these Regulations does not affect the operation of that transitional provision, so far as it remains capable of having effect, in relation to the provision as re-enacted.

4.—(1) The revocation by these Regulations of a provision previously revoked subject to savings does not affect the previous operation of those savings.

(2) The revocation by these Regulations of a saving made on the previous revocation of a provision does not affect the operation of the saving in so far as it remains capable of having effect.

PART II

SPECIFIC PROVISIONS RELATING TO PART G

5. In this Part—

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- (a) references to a numbered regulation prefixed by the word “old” are references to a regulation in Part G of the 1988 Regulations before the substitution effected by the Teachers' Superannuation (Amendment) Regulations 1997(1) (“the 1997 amendment regulations”) and references to the old Part II of Schedule 13 are references to Part II of Schedule 13 to the 1988 Regulations before the substitution effected by the 1997 amendment regulations;
 - (b) references to a numbered regulation prefixed by the word “substituted” are references to a regulation in Part G of the 1988 Regulations as substituted by the 1997 amendment regulations.
- 6.** The revocation of the 1988 Regulations shall not affect the obligation of the Secretary of State—
- (a) to prepare accounts under the provisions of old regulation G1 in the form set out in the old Part II of Schedule 13 for the financial years starting before 1st April 1996 (which obligations continue to have effect by virtue of substituted regulation G1(2));
 - (b) to prepare accounts under the provisions of substituted regulation G3(1) for the financial year ending with 31st March 1997; or
 - (c) to prepare shadow accounts in accordance with substituted regulation G3(2) for each financial year beginning in the period from 1st April 1991 to 1st April 1995;
- 7.** The revocation of the 1988 Regulations shall not affect—
- (a) the obligation of the Government Actuary to make an actuarial inquiry in accordance with old regulation G4 at the end of the financial year ending with 31st March 1996 and to make an alternative actuarial inquiry in accordance with substituted regulation G7;
 - (b) the obligation of the Government Actuary to report on those inquiries to the Secretary of State; or
 - (c) the obligation of the Secretary of State to lay such reports before Parliament.
- 8.** The revocation of the 1988 Regulations shall not affect the obligation to credit to the shadow account as to 1st April 1991 the initial credit in accordance with substituted regulation G5(1) and the amount referred to in regulation G5(2).
- 9.—(1)** In this paragraph—
- (a) references to the 1996 report are references to the report on the actuarial inquiry under old regulation G4 at the end of the financial year ending with 31st March 1996; and
 - (b) “relevant period” has the same meaning as in old regulation G4.
- (2)** For the purposes of regulation G5—
- (a) the required percentage for any period before the beginning of the relevant period starting on 1st April next following the 1996 report shall be 7.2%; and
 - (b) the required percentage for the relevant period starting on 1st April next following the 1996 report shall be determined in accordance with substituted regulation G7(10).

(1) S.I. 1997/312.

PART III

OTHER SPECIFIC PROVISIONS

10.—(1) The revocation of regulation C1 of the 1988 Regulations shall not affect an election made under paragraph (6) of that regulation and such election continues to have effect in accordance with paragraphs (7) to (11) of that regulation.

(2) Regulation C3(3) shall not apply in relation to such an election (whether or not it would otherwise apply apart from this sub-paragraph).

11. The revocation of regulation D3 of the 1988 Regulations shall not affect the entitlement of a person who, before 1 May 1994, paid additional contributions for a past period in accordance with Part IV of Schedule 4 to the 1988 Regulations to count the past period as reckonable service.

12.—(1) The revocation by these Regulations of the 1988 Regulations does not extend to regulations D5 and D6 and Schedule 8 so far as they are required for the purposes of claims made after the commencement date in the circumstances specified in those regulations.

(2) Where however a period related to war service counted as reckonable service by virtue of regulation 4(1)(d) or regulations 7 and 72(1)(a) of the 1976 Regulations, regulations D5 and D6 of the 1988 Regulations do not apply.

13. The revocation of regulation E4(3) and (4) of the 1988 Regulations shall not affect the qualification for retirement benefits of any person who, before the commencement date, qualified for retirement benefits by virtue of the said regulation E4(3) or (4).

14. Without prejudice to the provisions of paragraph 3, in relation to a provision to or for the benefit of a child of a person who—

(a) died, or

(b) was employed in pensionable employment but ceased to be so employed,

before 1 May 1994, regulation E22(6) (which gives the meaning of the expression “child”) shall have effect as if in sub-paragraph (b) the words “and he has been receiving such education or attending such a course of training or both continuously since having attained that age without a break at any one time of longer than a year” were omitted.

15.—(1) The revocation of regulation E29(2)(c) of the 1988 Regulations shall not prevent any period referred to in regulation E29(2)(c) which had elapsed before the commencement date from comprising average salary service.

(2) The revocation of regulation E29(3) of the 1988 Regulations shall not affect the validity of any election made under that paragraph before the commencement date.

16.—(1) Regulation E29 of the 1988 Regulations shall continue to apply for the purposes of the calculation of the average salary of a person who became entitled to payment of retirement benefits before the commencement date (whether or not he subsequently becomes entitled to such benefits by virtue of regulation E15 after that date) and accordingly regulation E31 shall not apply in relation to such a person.

(2) Where a person who becomes entitled to payment of retirement benefits after the commencement date received an increase in salary such as is referred to in regulation E29(9) or (10) of the 1988 Regulations which took effect before the commencement date—

(a) regulation E29(9) to (11) and (12) or (13) of the 1988 Regulations shall continue to apply for the purposes of determining the person’s average salary, and

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- (b) accordingly regulation E31(11) shall not apply where the material date within the meaning of regulation E31(13) fell before the commencement date.

17. The revocation by these Regulations of the 1988 Regulations does not extend to regulations F2 and F3(4) and Part II of Schedule 12 so far as they are required for the purposes of providing for the payment of an additional transfer value in the circumstances specified in those regulations.

18.—(1) Where a person made an election under regulation C3(2) of the 1988 Regulations before the commencement date—

- (a) Table 1 in paragraph 3 of Schedule 4 to the 1988 Regulations or, as the case may be, Table 3 in paragraph 9 of that Schedule shall continue to apply for the purpose of the calculation of additional contributions payable by that person (and accordingly neither Table 1 in paragraph 3 of Schedule 4 to these Regulations nor Table 3 in paragraph 13 of that Schedule shall apply);
- (b) Table 2 in paragraph 5 of Schedule 4 to the 1988 Regulations shall continue to apply in relation to a person who has made an election under paragraph 5 of Schedule 4 to the 1988 Regulations or paragraph 8 of Schedule 4 to these Regulations and accordingly Table 2 in paragraph 8 of Schedule 4 to these Regulations shall not apply; and
- (c) Table 3 in paragraph 9 of Schedule 4 to the 1988 Regulations shall continue to apply for the purposes of determining an amount payable where an election is made under paragraph 5(5B)(a) of Schedule 4 to the 1988 Regulations⁽²⁾ (and accordingly Table 3 in paragraph 13 of these Regulations shall not apply).

(2) Table 1 in paragraph 3 of Schedule 4 to the 1988 Regulations shall continue to apply in accordance with sub-paragraph (1)(a) irrespective of whether the person elects (after the commencement date) to vary the contribution period under paragraph 4 or 5 of Schedule 4 to these Regulations.

(2) Paragraph 5(5B) was inserted by [S.I. 1996/2269](#).