SCHEDULE 1

Regulation 2(1)

ADDITIONAL REGULATIONS WHICH ARE "OLD PROVISIONS"

The Local Government Superannuation (Scotland) Amendment Regulations 1988(**1**)

The Housing (Scotland) Superannuation Fund Regulations 1989(**2**)

The Local Government Superannuation (Scotland) Amendment Regulations 1989(**3**)

The Local Government Superannuation (Scotland) Amendment (No. 2) Regulations 1989(**4**)

The Local Government Superannuation (Scotland) Amendment Regulations 1990(**5**)

The Local Government Superannuation (Scotland) (No. 2) Regulations 1990(**6**)

The Local Government Superannuation (Scotland) Amendment Regulations 1991(**7**)

The Local Government Superannuation (Reserve Forces) (Scotland) Regulations 1992(**8**)

The Local Government Superannuation (Scotland) Amendment Regulations 1992(**9**)

The Local Government Superannuation (Scotland) Amendment Regulations 1993(**10**)

The Local Government Superannuation (Scotland) Amendment (No. 2) Regulations 1993(**11**)

The Local Government Superannuation (Scotland) Amendment (No. 3) Regulations 1993(**12**)

The Local Government Superannuation (Scotland) Amendment Regulations 1994(**13**)

The Local Government Superannuation (Scotland) Amendment Regulations 1995(**14**)

The Local Government (Superannuation and Compensation for Premature Retirement (Scotland) Amendment Regulations 1995(**15**)

The Local Government (Compensation for Reduction of Remuneration on Reorganisation (Scotland) Regulations 1995(**16**)

The Local Government (Superannuation and Compensation for Redundancy or Premature Retirement) (Scotland) Amendment Regulations 1995(**17**)

The Local Government Superannuation (Scotland) Amendment Regulations 1996(**18**)

The Local Government (Superannuation and Compensation for Premature Retirement) (Scotland) Amendment Regulations 1996(**19**)

The Local Government Superannuation (Scotland) Amendment Regulations 1997(**20**)

The Local Government Superannuation (Scottish Environment Protection Agency) (Scotland) Regulations 1997(**21**)

(**1**) S.I.1988/625.
(**2**) S.I. 1989/422.
(**3**) S.I. 1989/802.
(**4**) S.I. 1989/967.
(**5**) S.I. 1990/422.
(**6**) S.I. 1990/1284.
(**7**) S.I. 1991/78.
(**8**) S.I. 1992/1220.
(**9**) S.I. 1992/3025.
(**10**) S.I. 1993/1593.
(**11**) S.I. 1993/2013.
(**12**) S.I. 1993/3044.
(**13**) S.I. 1994/531.
(**14**) S.I. 1995/214.
(**15**) S.I. 1995/750.
(**16**) S.I. 1995/2865.
(**17**) S.I. 1995/3294.
(**18**) S.I. 1996/414.
(**19**) S.I. 1996/1241.
(**20**) S.I. 1997/674.
(**21**) S.I. 1997/1143.

The Local Government Superannuation (Scotland) Amendment (No. 2) Regulations 1997(**22**)

The Local Government Superannuation (Scotland) Amendment (No. 3) Regulations 1997(**23**)

The Local Government Superannuation (Scotland) Amendment (No. 4) Regulations 1997(**24**)

SCHEDULE 2

Regulation 5

RE-EMPLOYMENT OF MEMBERS

Interpretation

1. In this Schedule–

"active pensioner" means a person who was a pensioner member and an active member immediately before the commencement date and continues as an active member on that date by virtue of regulation 3;

"rejoining pensioner" means a person who was a pensioner member but not an active member immediately before the commencement date, and becomes an active member again on or after that date (otherwise than in an employment which is a new employment to which paragraph 3(1) applies);

"rejoining deferred member" means any person who–

(a) immediately before the commencement date was a deferred member (or would have been apart from being a pensioner member) but was not an active member; and

(b) becomes an active member again on or after that date.

Active and rejoining pensioners: general

2. Despite regulation 3–

(a) the saved provisions shall continue to apply; and

(b) Part II (except regulations 48 and 49) and Parts III and V of the 1998 Regulations shall not apply,

in relation to an active pensioner or a rejoining pensioner in his capacity as a pensioner member as respects his membership before the commencement date, except where the following provisions of this Schedule provide otherwise.

Re-employment and abatement

3.—(1) Where immediately before the commencement date regulation E15 of the 1987 Regulations (reduction of retirement pensions) applies to any person by virtue of one or more new employments with Scheme employers which continue on that date–

(a) that regulation shall cease to apply to him if after that date there is a period of more than one month during which he is not employed by any of those Scheme employers; and

(b) if after such a period the member enters employment with any Scheme employer, regulations 109 and 110 of the 1998 Regulations (abatement) shall apply instead as respects that employment.

(**22**) S.I. 1997/1373.
(**23**) S.I. 1997/1435.
(**24**) S.I. 1997/3048.

(2) Regulations 109 and 110 of the 1998 Regulations shall apply instead of regulation E15 of the 1987 Regulations to a rejoining pensioner and a rejoining deferred member.

Combined benefits

4.—(1) An active pensioner or a former active pensioner may not make an election under regulation E16 of the 1987 Regulations on or after the commencement date, but he may make an election under regulation 28(1) of the 1998 Regulations.

(2) A rejoining pensioner or a rejoining deferred member or a former such person may not make an election under regulation E16 of the 1987 Regulations on or after the date on which he becomes an active member again, but he may make an election under regulation 28(1) of the 1998 Regulations.

(3) Where an election has been made under regulation E16 of the 1987 Regulations on or after the commencement date by a person who later becomes unable to make such an election by virtue of sub-paragraph (2)–

(a) that election shall continue to have effect, and

(b) that regulation shall continue to apply,

unless he makes an election under regulation 28(1) of the 1998 Regulations affecting the pension in question.

(4) If he does so, regulation 28(1) to (8) of those Regulations shall apply and the saved provisions shall cease to apply to him as respects the pension in question.

Separate benefits and dependants' benefits

5.—(1) This paragraph applies where an active pensioner, a rejoining pensioner or rejoining deferred member or a former such person does not make an election under regulation 28(1) of the 1998 Regulations.

(2) Regulation 28(9) of those Regulations shall apply in relation to him instead of regulation E17(2) and (3) of the 1987 Regulations.

(3) When he dies, regulation 47 of the 1998 Regulations (dependants of re-employed pensioners) shall apply instead of regulations E6(1)(c), (2)(e) and (3)(b) and E18 of the 1987 Regulations.

(4) However, if he made an election under regulation E16(1) of the 1987 Regulations which continues in effect until his death, regulation 47 of the 1998 Regulations shall apply as if the single pension to which he became entitled by virtue of that election was an unreduced retirement pension within regulation 47(1) of those Regulations.

(5) Regulation 38 (reduction of death grants: re-employed pensioners) of the 1998 Regulations shall apply in relation to him, instead of regulation E17(4), (5) and (6) of the 1987 Regulations, unless sub-paragraph (6) applies.

(6) This sub-paragraph applies if when he dies, by virtue of regulation 47 of the 1998 Regulations, all the benefits payable on his death (except short-term pensions payable under the old provisions or the 1998 Regulations) are calculated on the assumption that he has made an election under regulation 28(1)).

Members with preserved rights

6.—(1) Where immediately before the commencement date there is an election in force in respect of a member's benefits under regulation E2(9)(c) of the 1987 Regulations (elections to remain entitled to preserved benefits), for these Regulations he shall be treated as a deferred member (and

not as an active member) as respects his rights to preserved benefits and the membership in question (but see the following provisions of this paragraph).

(2) Sub-paragraph (1) is without prejudice to regulation 31(5) of the 1998 Regulations and applies despite the fact that the member–

(a) continues as an active member by virtue of regulation 3; or

(b) becomes an active member again on or after the commencement date (whether immediately before he does so he is a deferred member or a pensioner member).

(3) Sub-paragraph (1) ceases to apply to a person falling within paragraph (2)(b) as respects any part of his former membership which he elects under regulation 31(1) of the 1998 Regulations to aggregate with later membership.

(4) Sub-paragraph (1) also ceases to apply if any person falling within that sub-paragraph makes an election under regulation 28(1) of the 1998 Regulations.

(5) Where sub-paragraph (4) applies, the member shall cease to be entitled to count under the saved provisions any period of membership to which he is entitled under the old provisions but as respects which he elected under regulation E2(9)(c) of the 1987 Regulations to remain entitled to preserved benefits.

(6) He shall instead be entitled to count that period of membership for the purposes of regulation 8(1)(d) of the 1998 Regulations.

(7) However, regulations 8 to 12 shall apply as to the adjustment of the length of that period as if it had been a period which he was entitled to count by virtue of regulation 6.

Elections for aggregation: members rejoining immediately before commencement

7. Where immediately before the commencement date a member was eligible to make an election under regulation E2(9)(c) of the 1987 Regulations by reason of having re-entered local government employment in the period of three months ending at that time, but had not done so–

(a) he may make an election under regulation 31(1) of the 1998 Regulations at any time whilst he remains an active member in that employment; but

(b) if he does not make such an election before he ceases to be such a member in that employment, he shall be treated for the purposes of these Regulations as if he had made an election under regulation E2(9)(c) of the 1987 Regulations immediately before the commencement date as respects all the membership as to which he could have made that election.

Limitations on benefits

8.—(1) Where an active pensioner, a rejoining pensioner or a rejoining deferred member has not made an election under regulation 28(1) of the 1998 Regulations–

(a) regulations E11(2) and (13) and E30(1) to (4) of the 1987 Regulations (limitations on benefits) shall continue to apply as respects the benefits derived from his membership before the commencement date; and

(b) Schedule 4 to the 1998 Regulations shall only apply as respects his membership after that date.

(2) Sub-paragraph (1) ceases to apply to a rejoining deferred member as respects any part of his former membership which he elects under regulation 31(1) of the 1998 Regulations to aggregate with later membership, and accordingly Schedule 4 to the 1998 Regulations shall apply as respects all benefits payable to or in respect of him in relation to the membership aggregated.

Continuity of elections by certain rejoining deferred members

9.—(1) This sub-paragraph applies where a rejoining deferred member–

(a) becomes an active member again–

(i) before the expiry of the period of 12 months beginning with the date he ceased to be an active member, and

(ii) before becoming entitled to the immediate payment of benefits under the 1987 Regulations;

(b) immediately before ceasing to be an active member was making payments under an election made under regulation C6 or C8 of the 1987 Regulations; and

(c) elects under regulation 31(1) of the 1998 Regulations.

(2) Where sub-paragraph (1) applies the member may pay his employing authority in the employment in which he is an active member an amount equal to the amount which would have been payable if he had continued to be an active member and to make those payments.

(3) That amount must be paid before the expiry of the period of three months beginning with the date he becomes an active member again.

(4) If he pays them that amount–

(a) that payment shall be treated as having been made under regulation 54 of the 1998 Regulations; and

(b) the election made under regulation C6 or C8 of the 1987 Regulations shall be treated as having been made under that regulation as respects so much of the period of membership as he may not count by virtue of regulation 7 of these Regulations (and accordingly the amounts of his additional contributions shall be determined under regulation 54 of the 1998 Regulations).

(5) Sub-paragraph (1) does not apply if the member–

(a) has received a return of contributions which includes additional contributions under regulation C6 of the 1987 Regulations made under the election mentioned in sub-paragraph (1)(b); or

(b) has requested such a return of contributions.

SCHEDULE 3

Regulations 2(1) and 25

MINOR AND CONSEQUENTIAL AMENDMENTS

The Local Government Superannuation (Scotland) Regulations 1987

1.—(1) The Local Government Superannuation (Scotland) Regulations 1987(**25**) are amended in accordance with the following sub-paragraphs.

(2) In regulation D3(1), (2), (3) and (4) after the words "regulation E16" insert the words "or, as the case may be, regulation 28(1) to (9) of the 1998 Regulations".

(3) In regulation E1(2) for the words from "that is inconsistent" to the end substitute–

(**25**) S.I. 1987/1850, amended by S.I. 1988/625, 1989/422, 802 and 967, 1990/422 and 1284, 1991/78, 1992/1220, 1597 and 3025, 1993/1593, 2018 and 3044, 1994/531, 1995/214, 750, 2865 and 3294, 1996/414 and 1241 and 1997/674, 1143, 1373, 1435 and 3048.

"or any provision of the 1998 Regulations or the Transitional Regulations that is inconsistent with it, except–

(a) regulation E15 of these Regulations (reduction of retirement pension for certain re-employed pensioners) or regulation 109 or 110 of the 1998 Regulations (abatement) or any provision of the Transitional Regulations relating to those provisions;

(b) regulation E21 of these Regulations or regulation 48 of the 1998 Regulations (commutation of small pensions);

(c) regulation M1 of these Regulations or regulation 111 of the 1998 Regulations (forfeiture of rights) or regulation 114 of those Regulations (so far as it relates to regulation 111).".

(4) In regulation E2(9)(a)–

(a) after the words "that regulation" insert the words "or regulation 86 of the 1998 Regulations";

(b) after the words "regulation J8" insert the words "or regulation 121 of the 1998 Regulations".

(5) In regulation E4(4) after the words "regulation N5 or N6" insert the words "or regulation 96 of the 1998 Regulations (first instance decisions)".

(6) At the end of regulations E8(1)(b) and E9(4)(c)(ii) add the words "of these Regulations or regulation 110 of the 1998 Regulations".

(7) In regulation E11(1)(c) after the words "regulation E15" insert the words "to these Regulations or regulation 110 of the 1998 Regulations".

(8) At the end of regulation P6 add the following paragraph:–

"(11) This regulation shall apply to Scottish Homes as if paragraph (2)(b) were deleted.".

(9) In Schedule 1–

(a) for the definition of "appropriate superannuation fund" substitute–

""Appropriate superannuation fund"	The appropriate fund within the meaning of the 1998 Regulations.";"

(b) after the definition of "The 1974 Regulations" insert–

""The 1998 Regulations"	The Local Government Pension Scheme (Scotland) Regulations 1998.";"

(c) after the definition of "The Transitional Provisions Regulations" insert–

""The Transitional Regulations"	The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998.".

The Local Government, Teachers' and National Health Service (Scotland) Pension Schemes (Provision of Information and Administrative Expenses etc.) Regulations 1996

2. The Local Government Teachers' and National Health Service (Scotland) Pensions Schemes (Provision of Information and Administrative Expenses etc.) Regulations 1996(**26**) are amended as follows:–

(**26**) S.I. 1996/2809.

(a) in regulation 2(a) at the end insert the words "or the Local Government Pension Scheme (Scotland) Regulations 1998, as the case may be";

(b) in regulation 3–

(i) after the words "Regulations 1987" insert the words "or under the Local Government Pension Scheme (Scotland) Regulations 1998"; and

(ii) at the end insert the words "of 1987 or 1998, as the case may be".

The Local Government Superannuation (Scottish Environment Protection Agency) (Scotland) Regulations 1997

3.—(1) The Local Government Superannuation (Scottish Environment Protection Agency) Regulations 1997(**27**) are amended in accordance with the following sub-paragraphs.

(2) In regulation 1(2) before the definition of "the Principal Civil Service Pension Scheme" insert–

""the 1998 Regulations" means the Local Government Pension Scheme (Scotland) Regulations 1998;".

(3) In regulation 5–

(a) in paragraph (1) after the words "these Regulations)" insert the words "or, as the case may be, regulation 21 of the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998";

(b) in paragraph (3)–

(i) after the words "regulation J9(1)(a) of the principal Regulations" and the words "regulation J9(1)(a)" insert respectively the words "or, as the case may be, regulation 122(1) of the 1998 Regulations" and "or, as the case may be, regulation 122";

(ii) after the words "paragraph 2(1) of Schedule 17 to those Regulations" insert the words "or, as the case may be, regulation 122 of the 1998 Regulations"; and

(c) in paragraph (4) after the words "the principal Regulations" insert the words "or, as the case may be, regulation 21 of the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998".

The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998

4.—(1) The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998(**28**) shall be amended in accordance with the following sub-paragraphs.

(2) Unless otherwise expressly amended, for references throughout the Regulations to "assumed pensionable employee", the "LGSS", "LGSS employer" and "the Superannuation Regulations" substitute respectively a reference to "assumed member", "the Scheme", "LGPS employer" and "the LGPS Regulations".

(3) For references throughout the Regulations to "pensionable employee", except the third and fourth such references in regulation 2(4), substitute "LGPS member".

(4) In regulation 2–

(a) in paragraph (1)–

(i) after the definition of "the 1996 Act" insert–

(**27**) S.I. 1997/1143.
(**28**) S.I. 1998/192.

""the 1987 Regulations" means the Local Government Superannuation (Scotland) Regulations 1987;"

(ii) in the definition of "employing authority" omit the words "or (b)";

(iii) after the definition of "employment" insert–

""LGPS employer" means–

(a) a Scheme employer as defined in the LGPS Regulations;

(b) in relation to any person who is an admission agreement employee (as so defined), his employing body;

"LGPS member" means a member of the Scheme (as defined in the LGPS Regulations);

"LGPS Regulations" means the Local Government Pension Scheme (Scotland) Regulations 1998;

"pensionable remuneration" means pay within the meaning of regulation 12 of the LGPS Regulations;

"the Scheme" has the meaning given in the LGPS Regulations;

"the Transitional Regulations" means the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998.";

(iv) omit the definitions of "LGSS", "LGSS employer" and "the Superannuation Regulations";

(b) at the end of paragraph (3) add the words "or, if the expression is not defined in those Regulations, in the 1987 Regulations";

(c) in paragraph (4) after the words "Regulations 1974" in both places where they appear insert the words "or, as the case may be, the 1987 Regulations".

(5) In regulation 5–

(a) in paragraph (1)–

(i) in paragraph (a) of the definition of "effective service" for the words "any period of reckonable service" substitute the words "any period of membership counting towards a person's total membership within the meaning of LGPS Regulations (including any period of reckonable service within the meaning of the 1987 Regulations)";

(ii) in the definition of "occupational pension" for the words "Superannuation Regulations" substitute "LGPS Regulations or the 1987 Regulations";

(iii) in the definition of "relevant English or Welsh employer" for "1995" substitute "1997";

(b) in paragraph (3) for the words "regulation B8 of the Superannuation Regulations" substitute the words "regulation 130(1) of the LGPS Regulations";

(c) in paragraph (4) for the words "regulation B7 (returning officers etc) of the Superannuation Regulations" substitute the words "regulation 130(2) (returning officers etc.) of the LGPS Regulations".

(6) In regulation 6(1)–

(a) in sub-paragraph (b)(i) for the words "regulation E2(4)(a) of the Superannuation Regulations" substitute the words "regulation 25(1)(b) of the LGPS Regulations";

(b) for sub-paragraph (e)(ii) substitute–

"(ii) any periods of superannuable membership (as defined in regulation 9 of the LGPS Regulations) and any increase in membership under regulation 13 of the Transitional Regulations,".

(7) In regulation 7(2)–

(a) in sub-paragraph (c)–

(i) for the words "Superannuation Regulations" substitute the words "1987 Regulations";

(ii) in head (ii) after the words "those Regulations" insert the words "or regulation 21 or 22 of the LGPS Regulations";

(b) in sub-paragraph (d) for the words "those Regulations" substitute the words "the 1987 Regulations".

(8) In regulation 8(1)–

(a) in sub-paragraph (c) for the words "to which regulations D2, D10, D11, D12 and E28 of the Superannuation Regulations apply" and "would apply" substitute respectively the words "which count as periods of superannuable membership (as defined in regulation 9 of the LGPS Regulations) and any increase in membership under regulation 13 of the Transitional Regulations" and "would count or, as the case may be, would apply or be awarded";

(b) at the end add– ",

but no person may be credited with a period of service under this regulation in respect of a former employment in respect of the cessation of which an additional period of membership may be counted under regulation 51 of the LGPS Regulations".

(9) In regulations 9(2) and 10(2)–

(a) in paragraph (a) for the words from "regulation E2(1)(b)(iii)" to "satisfied" substitute the words "regulation 25 of the LGPS Regulations";

(b) in paragraph (b) for the words "regulation E2(4)(a)" substitute the words "regulation 25(1)(b)".

(10) In regulation 11–

(a) in paragraph (1)(c)(ii) for the words "regulation E2(1)(b)(iii) of the Superannuation Regulations" substitute the words "regulation 25 of the LGPS Regulations";

(b) in paragraph (2)(a) for the words "Part E of the Superannuation Regulations" substitute the words "Part II of the LGPS Regulations".

(11) In regulation 16–

(a) for paragraph (3)(a) substitute–

"(a) a pension under regulation 24, 25, 26 or 30 of the LGPS Regulations (including a single pension under regulation 28 of those Regulations);";

(b) in paragraph (7) for the words from "paragraphs (6) to (9)" to the end substitute the words "no regard shall be had to regulation 110 (abatement) of the LGPS Regulations)".

(12) In regulation 17–

(a) in paragraph (3) for the words "Part E of the Superannuation Regulations" substitute the words "Part II of the LGPS Regulations";

(b) in paragraph (4) for the words "regulation D3(6) of the Superannuation Regulations" substitute the words "regulation 8(4) of the LGPS Regulations".

(13) In regulation 18(4) for the words "regulation E3(1) to (3) of the Superannuation Regulations" substitute the words "regulations 19 and 53 of the LGPS Regulations".

(14) In regulation 19–

(a) in paragraph (1) for the words "regulation E20 of and Schedule 13 to the Superannuation Regulations" substitute the words "regulation 32 of the LGPS Regulations";

(b) in paragraph (3) for the words "regulation E2(1)(b)(iii) and (3)(a) of the Superannuation Regulations" substitute the words "regulation 25 of the LGPS Regulations";

(c) in paragraph (6) for the words "regulation E20 of the Superannuation Regulations" substitute the words "regulation 32 of the LGPS Regulations".

(15) In regulation 20(1)(a) for the words "regulation E5 of the Superannuation Regulations" substitute the words "regulations 39 to 42 of the LGPS Regulations".

(16) In regulation 21(2)(b) for the words "regulation E2(1)(b)(i) of the Superannuation Regulations" substitute the words "regulation 26(1) of the LGPS Regulations".

(17) In regulation 22(1)(a) and (2)(a) for the words "regulation E8 of the Superannuation Regulations" substitute the words "regulation 44 of the LGPS Regulations".

(18) In regulation 24(1)(a) and (2)(a) for the words "regulation E8 of the Superannuation Regulations" substitute the words "regulation 45 of the LGPS Regulations".

(19) In regulation 25–

(a) in paragraph (3)(b) for the words "regulation E2(1)(b)(i) of the Superannuation Regulations" substitute the words "regulation 26(1) of the LGPS Regulations";

(b) in paragraph 5(i) for the words "regulation E9(5) of the Superannuation Regulations" substitute the words "regulation 45(9) of the LGPS Regulations".

(20) In regulation 26(1) and (2) for the words "regulation E9(7) of the Superannuation Regulations" substitute the words "regulation 46 of the LGPS Regulations".

(21) In regulation 31(3) and (4) for the words "superannuation fund" substitute the words "pension fund".

(22) In regulation 37(4) in paragraph (d)(i) of the definition of "relevant disqualification" for the words "the Superannuation Regulations" substitute the words "the 1987 Regulations".

(23) In regulation 38(1)(b) for the words "regulation B6 of the Superannuation Regulations" substitute the words "regulation 4 of the LGPS Regulations".

(24) In regulation 41(1)–

(a) in sub-paragraph (b) for the words "Part E of the Superannuation Regulations" and "regulation E22(4)" substitute respectively the words "Part II of the LGPS Regulations" and "regulation 22";

(b) in sub-paragraph (c) for the words "relevant period for the purposes of regulation E22 of the Superannuation Regulations" substitute the words "final pay period for the LGPS Regulations".

(25) In regulation 44(3) for the words "the Superannuation Regulations" substitute the words "the 1987 Regulations".

(26) In regulation 45–

(a) in paragraph (3)–

(i) in sub-paragraphs (c) and (e) for the words "the Superannuation Regulations" substitute the words "the 1987 Regulations";

(ii) in sub-paragraph (d) for the words "regulation B4(1) of the Superannuation Regulations" and "regulation B4(2) or B4A" substitute respectively the words "regulation 6 of the LGPS Regulations" and "regulation 6(5) or 7";

(b) in paragraph 5(b) for the words "the Superannuation Regulations" substitute the words "the 1987 Regulations".

(27) In regulation 46–

(a) in paragraph (4)(a) for the words "the Superannuation Regulations" substitute the words "the 1987 Regulations";

(b) in paragraph (5) for the words "paragraphs 4 and 5 of Part III of Schedule 16 to the Superannuation Regulations" substitute the words "regulations 20 to 22 of the LGPS Regulations";

(c) in paragraph 7–

(i) in sub-paragraph (a) for the words "the Superannuation Regulations" substitute the words "the 1987 Regulations";

(ii) in sub-paragraph (b)(ii) for the words "regulation B4A of the Superannuation Regulations" substitute the words "regulation 7 of the LGPS Regulations".

(28) In regulation 48(1)(c)(i) for the words "regulation E2(4)(a) of the Superannuation Regulations" substitute the words "regulation 25(1)(b) of the LGPS Regulations".

SCHEDULE 4

Regulation 26

TRANSITIONAL PROVISIONS AND SAVINGS

1. In this Schedule–

(a) "the former provisions" means any provisions which by virtue of these Regulations cease to apply to any person at any time; and

(b) references to the revocation of any provision shall be taken to include its ceasing to apply to any person or in any situation (and related expressions shall be construed accordingly).

2.—(1) The substitution of the 1998 provisions for the former provisions does not affect the continuity of the law.

(2) Anything done or having effect as if done under or for the purposes of any of the former provisions has effect, if it could have been done under or for the purposes of the corresponding provision of the 1998 provisions, as if done also under or for the purposes of that corresponding provision.

(3) Any reference, whether express or implied, in the 1998 provisions or any other instrument or document to a provision of the 1998 provisions 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 former provisions has effect, a reference to that corresponding provision.

(4) Any reference, whether express or implied, in any provision of the former provisions or in any other instrument or document to a provision of the former provisions shall be construed, so far as is required for continuing its effect, as including a reference to the corresponding provision of the 1998 provisions.

(5) Any document made, served or issued after the 1998 provisions come into force in relation to any person which contains a reference to any of the former provisions 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 the 1998 provisions.

(6) Where any provision of the former provisions ("the re-enacting provision") re-enacted, with or without modification, a previous provision revoked by the 1987 Regulations or any other former provision, then, so far as is necessary to prevent the continuity of the law from being affected, any

reference in the 1998 provisions or in any other instrument or document to the re-enacting provision shall, so far as the context permits, be construed as including a reference to that previous provision.

3.—(1) Where–

(a) any provision continues to have effect in relation to any person by virtue of these Regulations; and

(b) immediately before the commencement date it has effect in relation to him subject to any saving, transitional provision or modification,

nothing in these Regulations affects the operation of that saving, transitional provision or modification.

(2) The revocation by these Regulations of any provision previously revoked subject to savings does not affect the continued operation of those savings, in so far as they remain capable of having effect.

4.—(1) Without prejudice to the generality of the previous provisions of this Schedule, nothing in the 1998 provisions affects the operation of regulations H6, H7 and T6 of the 1987 Regulations (continuation of savings for gratuities and policy schemes) so far as they remain capable of having effect.

(2) However, nothing in sub-paragraph (1) affects any transfer of responsibilities or anything else which has affected the matters mentioned in those regulations since they came into force.

5. No provision in the 1998 Regulations derived from a provision of the 1987 Regulations, or any provision amending those Regulations, ("the original provision") shall apply to any person if he duly elected under the old provisions that the original provision should not apply to him.

6. These Regulations do not affect the time before or after which any period of membership is to be treated as falling, except as provided in regulation 9(3).

7. Despite regulation 3(1), regulation E2A(1) of the 1987 Regulations shall continue to apply to a person who is an active member of the Scheme immediately before the commencement date and who continues to be an active member on that date.

8. Despite regulation 4, regulation 92 of the 1998 Regulations shall not apply to any pension payable to any person under the saved provisions.

9.—(1) If any person to whom a relevant benefit is or may become payable would, apart from this paragraph, be placed in a worse position in relation to that benefit than that he would have been in had these Regulations not been made and makes an election under this paragraph, these Regulations shall have effect, in relation to him and to that benefit, as if they had provided for his position to continue without amendment (but see paragraph (4)).

(2) An election under sub-paragraph (1) must be made by notice in writing given to the appropriate administering authority before the expiry of the period of six months beginning with the commencement date.

(3) In this paragraph–

"relevant benefit" means a benefit payable to, or in respect of, a person who before the commencement date–

(a) left an employment in which he was an active member (whether or not he has subsequently become an active member again); or

(b) died while in such employment; and

"benefit" includes a return of contributions and any pension payable to a widow, widower or any dependant by virtue of a surrender.

(4) If an election under sub-paragraph (1) is made in relation to a benefit in respect of a person who is an active member, or subsequently becomes an active member again–

(a) the election shall have effect in relation to the benefit only to the extent that it accrues or has accrued by virtue–

(i) of periods of membership before he left the employment referred to in paragraph (3) (a) (or, if he left such an employment more than once, the last time he left before the commencement date); or

(ii) of contributions paid in respect of such periods of membership; and

(b) in determining entitlement to, or the amount of, the benefit to that extent, he shall be treated as if he had never become an active member again at any time after he so left (but without prejudice to the application of this paragraph);

and these Regulations shall have effect accordingly.