

SCHEDULE 4

Regulation 24

Transitional Provisions

Preliminary

1. In this Schedule—

“the pre-commencement period” means the period beginning with 13th October 1996 and ending with the day before the commencement date;

“Article 16 scheme” means a trust scheme to which Article 16 applies or would apply if Articles 16 to 21 and all these Regulations were in operation;

“Article 18 company” means a company to which Article 18 applies or would apply if Articles 16 to 21 and all these Regulations were in operation.

General disregard of action taken before commencement date

2. Except as provided in this Schedule, anything done before the commencement date shall not be treated as done under, or in compliance with, any requirements imposed by or under Articles 16 to 21.

Waiver of employer’s rights under Articles 17 and 19

3.—(1) If at any time during the pre-commencement period the employer gave notice in writing to the trustees of an Article 16 scheme that he did not intend to propose alternative arrangements under Article 17(1) in respect of the scheme before 6th May 1997, no such proposals may be made in respect of the scheme by him or any other person before that date (and paragraph 5 does not apply to any notice given in respect of the scheme in the pre-commencement period).

(2) Where such a notice was given, regulation 9(2)(a) (permitted notice time for first notice of proposals of alternative arrangements) shall have effect in relation to the scheme with the omission of head (i) and the substitution in head (iii) for “the date applicable under head (i)” of “the commencement date”.

4.—(1) If at any time during the pre-commencement period the employer gave notice in writing to an Article 18 company that he did not intend to propose alternative arrangements under Article 19(1) in respect of the company before 6th May 1997, no such proposals may be made in respect of the company by him or any other person before that date (and paragraph 6 does not apply to any notice given in respect of the company in the pre-commencement period).

(2) Where such a notice was given, regulation 15(2)(a) (permitted notice time for first notice of proposals of alternative arrangements) shall have effect in relation to the company with the omission of head (i) and the substitution in head (iii) for “the date applicable under head (i)” of “the commencement date”.

Pre-commencement period proposals by the employer

5. If during the pre-commencement period the employer gave notice in writing to the trustees of an Article 16 scheme that he intended to propose alternative arrangements in respect of the scheme, then these Regulations shall apply—

(a) as if that notice had been given under regulation 9(1)(a) at a permitted notice time (within the meaning of that regulation);

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

- (b) as if the approval period for the purposes of regulation 9(1)(b) were the period of 6 months beginning with the date on which the notice was given, and
- (c) in any case where the employer gave notice in writing to the trustees before the commencement date that he was not proceeding with those proposals, as if regulation 7(2)(d) were omitted.

6. If during the pre-commencement period the employer gave notice in writing to an Article 18 company that he intended to propose alternative arrangements in respect of the company, then these Regulations shall apply—

- (a) as if that notice had been given under regulation 15(1)(a) at a permitted notice time (within the meaning of that regulation);
- (b) as if the approval period for the purposes of regulation 15(1)(b) were the period of 6 months beginning with the date on which the notice was given, and
- (c) in any case where the employer gave notice in writing to the company before the commencement date that he was not proceeding with those proposals, as if regulation 13(2)(d) were omitted.

Pre-commencement period action

7.—(1) Where such a notice as is mentioned in paragraph 3(1), 4(1), 5 or 6 was given, then for the purposes of determining whether the requirements of Articles 16 to 21 and these Regulations have been complied with in respect of the Article 16 scheme or, as the case may be, the Article 18 company in question, things done on or after the date that notice was given have the same effect as if Articles 16, 17(1) to (4), 18, 19(1) to (4), 20 and 21 (3) to (7) and all these Regulations had come into operation on that date.

(2) Nothing in sub-paragraph (1) shall be taken to imply—

- (a) that Article 10 (civil penalties) applies to any act or omission occurring before the commencement date, or
- (b) that the meaning of “the commencement date” in these Regulations is altered.

Scheme alterations, overriding provisions and records

8.—(1) Where such a notice as is mentioned in paragraph 3(1) or 5 is given, Articles 68 and 114 and regulations 11 and 22 shall have effect, in relation to the Article 16 scheme and to the employer in relation to that scheme, as if Articles 16 to 21 and the remainder of these Regulations were in operation.

(2) Where such a notice as is mentioned in paragraph 4(1) or 6 is given, regulation 22 has effect in relation—

- (a) to the Article 18 company, and
- (b) to the person who is the employer in relation to the scheme which is the relevant scheme in relation to the Article 18 company,

as if Articles 16 to 21 and the remainder of these Regulations were in operation.

(3) This paragraph shall be construed before 6th April 1997 as it is construed on and after that date.