

SCHEDULE 13

REVOCATIONS, SAVINGS AND TRANSITIONAL PROVISIONS

PART III

TRANSITIONAL PROVISIONS

4.—(1) The re-enactment of provisions in these Regulations, and the consequent revocation of those provisions by these Regulations, does not affect the continuity of the law.

(2) The general rule is that the provisions of these Regulations apply, in accordance with sub paragraph (1), to matters arising before the commencement of these Regulations as to matters arising after that commencement.

(3) The general rule has effect subject to any express provision to the contrary, and to paragraph 2 of Part II.

(4) The general rule does not mean that the provisions of these Regulations apply to cases to which the corresponding revoked provisions did not apply by virtue of transitional provision made in connection with the commencement of the revoked provisions (such transitional provisions are saved by paragraph 1 of Part II).

5.—(1) Where—

- (a) a provision of these Regulations (“the new provision”) re-enacts with any modification a provision revoked by these Regulations (“the former provision”); and
- (b) the effect of the general rule is that a person to whom a protected benefit was being paid or might become payable is placed in a worse position than he or she would have been in if the former provision had continued to have effect,

he or she may by giving written notice to the Scottish Ministers within 3 months after the date on which these Regulations come into force elect that the new provision is to apply in relation to the benefit as if it had re-enacted the former provision without modification.

(2) A protected benefit is one paid, or capable of becoming payable, to or in respect of a person who before the date on which these Regulations come into force ceased to be in pensionable employment or died.

6. Where a period of time specified in a provision of any Regulations revoked by these Regulations is current at the commencement of these Regulations, these Regulations have effect as if the corresponding provision of these Regulations had been in force when that period began to run.