

## SCHEDULE 13

### REVOCATIONS, SAVINGS AND TRANSITIONAL PROVISIONS

#### PART III

#### TRANSITIONAL PROVISIONS

**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.