
STATUTORY INSTRUMENTS

1997 No. 1613

**The Local Government Pension Scheme
(Transitional Provisions) Regulations 1997**

Preliminary provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Transitional Provisions) Regulations 1997.

(2) They shall come into force on 1st April 1998.

(3) They shall apply to the Isles of Scilly as if they were a district in the county of Cornwall and the council of the Isles of Scilly were a council of that district.

Interpretation

2.—(1) In these Regulations—

“the 1997 provisions” means the 1997 regulations, these Regulations and the Investment Regulations;

“the 1997 regulations” means the Local Government Pension Scheme Regulations 1997(1);

“the commencement date” means 1st April 1998;

“the common provisions” means regulations 49 and 50 and Part IV of the 1997 regulations and the Investment Regulations;

“the Investment Regulations” means regulations L4 to L8 of the 1995 regulations;

“the old provisions” means the 1995 regulations, the additional regulations specified in Schedule 1 (so far as they relate to the Scheme) and any other regulations relating to the Scheme and made under section 7 or 12 of the Superannuation Act 1972, so far as they continue in effect;

“the replaced provisions” means regulations C1, C21, H1, H3 to H7, M4, M5, M6 and Parts J, K and L of and Schedules C1, K1, K2 and L1 to the 1995 regulations (but not including the Investment Regulations);

“the saved provisions” means the old provisions (other than the replaced provisions), in so far as they remain capable of having effect and subject to the provisions of these Regulations and, in particular, the amendments specified in Schedule 3.

(2) For these Regulations, a member must be treated as remaining an active member throughout—

(a) a period of maternity absence (as defined in regulation C6(5) of the 1995 regulations);

(b) any period which is treated as membership by virtue of regulation B14(1)(b) of those regulations (absence for illness or injury); and

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- (c) any period as respects which a notice under regulation C7(2) of those regulations (trade disputes absence) is served,
whether or not he or she otherwise would be so treated.
- (3) Paragraph (2) shall not apply as respects any part of such a period which falls after a time when the member ceases to be an active member by virtue of regulation B12 of the 1995 regulations (leaving the Scheme).
- (4) Subject to the previous provisions of this regulation, expressions used in these Regulations and in the 1997 regulations have the same meaning as in those regulations (unless the context indicates otherwise).