
STATUTORY INSTRUMENTS

1998 No. 364

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

Application of 1998 Regulations and old provisions

Cessation of old provisions for active members

3.—(1) Any person who is an active member of the Scheme immediately before the commencement date shall continue to be an active member on that date and, subject to the provisions of these Regulations, the old provisions (other than the Investment Regulations) shall cease to apply to him.

(2) Paragraph (1) shall not apply to any person who ceases to be an active member on March 31st 1998—

- (a) by virtue of regulation B4A of the 1987 Regulations (opting out); or
- (b) by virtue of leaving local government employment on that date and becoming a pensioner member on the commencement date,

and these Regulations shall apply to any such person as if he had already so ceased immediately before the commencement date.

(3) If any person has notified his employer under regulation B4A(1) of the 1987 Regulations before the commencement date that he does not wish to be an active member, but would not (apart from this paragraph) have ceased to be an active member immediately before the commencement date—

- (a) paragraph (1) shall not apply to him;
- (b) he shall cease to be such a member on March 31st 1998; and
- (c) these Regulations shall apply to him as if he had already so ceased immediately before the commencement date.

(4) Where (apart from these Regulations) a person away on relevant reserve forces service would be treated under the 1987 Regulations as an active member on the commencement date, paragraph (1) shall apply to him, unless as a result of a cancelling notice his relevant reserve forces services on and after the commencement date is not to be treated as such service.

(5) Where such a notice is served, these Regulations shall apply to such a person as if he had already ceased to be an active member immediately before the commencement date.

Deferred members and pensioners: general

4.—(1) Except where these Regulations provide otherwise, in relation to the persons specified in paragraph (2)—

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

- (c) Part II (except regulations 48 and 49) and Parts III and V of the 1998 Regulations shall not apply (except in so far as they affect the common provisions).
- (2) Those persons are—
 - (a) any person who immediately before the commencement date was a deferred member or a pensioner member and does not on or after that date become an active member;
 - (b) any person who is or may become entitled to any benefit under the Scheme in respect of such a person;
 - (c) any other person whose entitlement to the payment of any pension or other benefit has arisen before that date or who may become so entitled by virtue of the death of any person who has died before that date.
 - (d) any person who becomes a deferred member after the commencement date by virtue of an election made under regulation E2A(1) of the 1987 Regulations.

Re-employment of members

5. Schedule 2 shall have effect for the purpose of making provision concerning cases where members are re-employed and regulations 3(1) and 4 are subject to that Schedule.