

SCHEDULE M2

Regulation M6

Transitional and Transitory Provisions

Part I

General Provisions

1. In this Schedule “the revoked instruments” means the statutory instruments revoked by these regulations.

2.—(1) The substitution of these regulations for the revoked instruments does not affect the continuity of the law.

(2) Anything done or having effect as if done under or for the purposes of a provision of the revoked instruments has effect, if it could have been done under or for the purposes of the corresponding provision of these regulations, as if done under or for the purposes of that corresponding provision.

(3) Any reference, whether express or implied, in these regulations or any other instrument or document to a provision of these regulations shall, so far as the context permits, be construed as including, in relation to the times, circumstances and purposes in relation to which the corresponding provision of the revoked instruments has effect, a reference to that corresponding provision.

(4) Any reference, whether express or implied, in any instrument or document to a provision of the revoked instruments shall be construed, so far as is required for continuing its effect, as including a reference to the corresponding provision of these regulations.

(5) Any document made, served or issued on or after the commencement date which contains a reference to any of the revoked instruments shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of these regulations.

(6) Where any provision of the revoked instruments (“the replacement provision”) re-enacted, with or without modification, a previous provision revoked by the revoked instruments (“the previous provision”), then, so far as is necessary to prevent the continuity of the law from being affected, any reference in these regulations to the replacement provision shall, so far as the context permits, be construed as including a reference to that previous provision.

3. Where—

(a) these regulations revoke a provision (“the commencement provision”) relating to the coming into force of another provision (including a commencement provision deeming another provision to have had effect from a date earlier than that which would otherwise apply), and

(b) the effect of that other provision is reproduced in a corresponding provision of these regulations,

the revocation does not affect the operation of the commencement provision, in so far as it is not specifically reproduced in these regulations but remains capable of having effect, in relation to the corresponding provision of these regulations.

4.—(1) The revocation by these regulations of any provision previously revoked subject to savings does not affect the continued operation of those savings.

(2) The revocation by these regulations of a saving to which a previous revocation of a provision is subject does not affect the operation of the saving in so far as it is not specifically reproduced in these regulations but remains capable of having effect.

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(3) The revocation by these regulations of a provision which has effect as respects another provision of the revoked instruments (being a provision which is not reproduced in these regulations but continues in effect by virtue of this Schedule or the Interpretation Act (Northern Ireland) 1954 does not affect its operation as respects that other provision.

5. Where by virtue of Part II a reference in these regulations to anything has effect as respects any time before the commencement date as if it were a reference to another thing, then where any provision of the revoked instruments continues in effect (by virtue of this Schedule or otherwise) on and after that date, any reference in that provision to that other thing shall, so far as is necessary to give effect to it, have effect on and after that date with the appropriate modification.

Part II

Specific Provisions

Membership

6.—(1) References in these regulations to a member shall have effect as respects any time before the commencement date as references to a pensionable employee (and related expressions shall have effect accordingly).

(2) Nothing in these regulations affects the date of the commencement of the membership of any person who is a member immediately before the commencement date.

(3) Where immediately before the commencement date any person—

- (a) is eligible to be and is a member of the Scheme, or
- (b) has the right to make an election to join the Scheme,

by virtue of any provision of the 1992 regulations which is revoked by these regulations and is not re-enacted by them or is re-enacted with modifications, he shall notwithstanding the revocation or modification remain eligible to be a member, or as the case may be to make such an election, subject to the same terms and conditions as under that provision.

(4) Without prejudice to the previous provisions of this paragraph—

- (a) no person who is a member of the Scheme immediately before the commencement date shall be ineligible for membership of the Scheme by virtue of anything in regulation B3 (definitions of whole-time, part-time and variable-time employment);
- (b) notwithstanding the revocation of paragraph 3 of Part III of Schedule 2 to the 1992 regulations, any person to whom that paragraph applied immediately before the commencement date shall continue to be treated as there mentioned.

Existing reckonable service etc.

7. Without prejudice to any other provision in these regulations, any period which immediately before the commencement date counted as a period of reckonable service for any purpose of the Scheme (including any period which counted by virtue of regulation E25 or E27 of the 1992 regulations)—

- (a) shall continue to be counted for that purpose as a period of membership of the same length as it then counted for that purpose,
- (b) if it counted as service in whole-time employment or part-time employment, shall count as membership in whole-time employment or, as the case may be, membership in part-time employment, and

- (c) if it counted as service before or after a particular date, shall count as membership before or, as the case may be, after that date.

War service

8. The revocation of Part F (war service) and regulation N4 (decisions by the Committee as to such service) of the 1992 regulations shall not affect—

- (a) any right to which a person is or would apart from the revocation become entitled under or by virtue of that Part; or
- (b) any decision made under that regulation or under regulation N8 (appeals) of those regulations as respects such a decision;

but, in so far as they continue to have effect by virtue of this paragraph, references in those provisions to reckonable service shall be taken, where appropriate, to be references to periods of membership.

Remuneration

9.—(1) Nothing in these regulations shall affect the meaning of “remuneration” as respects the calculation of any benefit in respect of a person who has ceased to be a member of the Scheme before the commencement date.

(2) Where, apart from paragraph 7(b), a period of reckonable service in whole-time employment before the commencement date would count on and after that date as a period of membership in part-time employment, then for the purpose of calculating any benefit by reference to that period of service, paragraph 7 of Schedule D1 shall not apply (and accordingly the benefit shall be calculated, in so far as it relates to that period, by reference to pensionable remuneration which has not been increased by virtue of that paragraph).

Continuation of options under regulation S2 of the 1992 regulations

10. Nothing in these regulations shall affect the rights of any person who duly elected under regulation S2 of the 1992 regulations (application of those regulations to benefits in respect of former employments).

Resolutions

11. Where by virtue of any provision of these regulations which is not derived from a corresponding provision of the 1992 regulations, a resolution under these regulations is to make any particular provision or to be made in accordance with any procedure, then any corresponding resolution made under those regulations and continuing to have effect after the commencement date—

- (a) shall be deemed to have complied with that procedure, and
- (b) may be varied so as to make that particular provision.