

## SCHEDULE M4

### TRANSITIONAL AND TRANSITORY PROVISIONS

#### PART III

#### CONTINUATION OF SAVINGS IN STATUTORY INSTRUMENTS AMENDING THE 1986 REGULATIONS

**15.**—(1) No provision of these regulations which is derived from a provision of the Local Government Superannuation (Amendment) Regulations 1989<sup>(1)</sup> (“the original provision”) shall apply to any person who duly elected under regulation 30 of those regulations that the original provision should not apply to him.

(2) Where any person has duly made an election under regulation 27(2) of those regulations, then, notwithstanding the revocation of that regulation, he shall be treated for the purposes of these regulations as if—

(a) regulation 5 of the Local Government Superannuation (Local Government Reorganisation) Regulations 1985<sup>(2)</sup> had not applied to him and he had accordingly become entitled to preserved benefits, and

(b) he had elected under regulation D12(1)(c) to remain entitled to them.

**16.** No provision of these regulations which is derived from a provision of the Local Government Superannuation (Valuation and Community Charge Tribunals) Regulations 1989<sup>(3)</sup> (“the original provision”) shall apply to any person who duly elected under regulation 5 of those regulations that the original provision should not apply to him.

**17.**—(1) Nothing in the Local Government Superannuation (Interchange) Regulations 1991<sup>(4)</sup> which is derived from amendments made by regulations 10 to 15 and 19 and 20 of those regulations shall have effect—

(a) as respects any person to whom paragraph 25(1) of those regulations (pre-1986 leavers) applied, so as to allow him to exercise an option under regulation K2 (outwards transfers) which would not have been available to him had these regulations not been made; or

(b) in relation to any payments to which paragraph 25(1)(b) of those regulations (payments made or in process at the commencement of those regulations) applied, unless both the fund authority and the scheme managers agree otherwise.

(2) Subject to sub-paragraph (3), no provision of these regulations which is derived from a provision of those regulations (“the original provision”) shall apply to any person in relation to any benefit if he duly elected under regulation 27 of those regulations that the original provision should not apply to him in relation to that benefit.

(3) Where such an election was made in relation to a benefit which was being paid or became or might have become payable in respect of a person who is employed in a local government employment, or if he subsequently recommences service in such an employment, then—

(a) The election has effect in relation to the benefit only to the extent that it accrues by virtue of—

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(1) S.I. 1989/371.  
(2) S.I. 1985/1515.  
(3) S.I. 1989/1624.  
(4) S.I. 1991/2471.

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- (i) periods of service rendered before he ceased (before 25th November 1991) to hold the employment in respect of which he was a member (or last so ceased before that date); or
- (ii) contributions paid in respect of any such periods of service; and
- (b) without prejudice to the application of this paragraph, in determining entitlement to, or the amount of, the benefit to that extent, he shall be treated as if he had never recommenced service in such employment at any time after that cessation (or that last cessation);

and the provision in question shall apply accordingly.

**18.**—(1) Subject to sub-paragraph (2), where any person duly elected under regulation 43 of the Local Government Superannuation (Amendment) Regulations 1992<sup>(5)</sup> that in relation to a benefit the 1986 regulations should apply to him as if they had not been amended by those regulations of 1992, the provisions of these regulations deriving from provisions of the 1986 regulations which were so amended shall apply in relation to that person and that benefit as if those regulations of 1992 had not been made.

(2) Where such an election was made in relation to a benefit which was or might have become payable in respect of a person who is employed in a local government employment, or if he subsequently recommences service in such an employment, then—

- (a) the election has effect in relation to the benefit only to the extent that it accrues by virtue of—
  - (i) periods of service rendered before he ceased (before 28th February 1992) to hold the employment in respect of which he was member (or last so ceased before that date); or
  - (ii) contributions paid in respect of any such periods of service; and
- (b) without prejudice to the application of this paragraph, in determining entitlement to, or the amount of, the benefit to that extent, he shall be treated as if he had never recommenced service in such employment at any time after that cessation (or that last cessation);

and these regulations shall apply accordingly.

**19.**—(1) Subject to sub-paragraph (2), where any person duly elected under regulation 3(2) of the Local Government Superannuation (Maternity Absence) Regulations 1993<sup>(6)</sup> that in relation to a relevant benefit the 1986 regulations should apply to a relevant beneficiary as if they had not been amended by those regulations of 1993, the provisions of these regulations deriving from provisions of the 1986 regulations which were so amended shall apply in relation to that beneficiary and that benefit as if those regulations of 1993 had not been made.

(2) Where such an election was made in relation to a benefit which was or might have become payable in respect of a person who is employed in a local government employment, or if she subsequently recommences service in such an employment, then—

- (a) the election has effect in relation to the benefit only to the extent that it accrues by virtue of—
  - (i) periods of service rendered before she ceased (before 16th November 1993) to hold the employment in respect of which she was a member (or last so ceased before that date); or
  - (ii) contributions paid in respect of any such periods of service; and

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(5) S.I. 1992/172.

(6) S.I. 1993/2531; relevant amending instrument is S.I. 1995/901.

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(b) without prejudice to the application of this paragraph, in determining entitlement to, or the amount of, the benefit to that extent, she shall be treated as if she had never recommenced service in such employment at any time after that cessation (or that last cessation); and these regulations shall apply accordingly.

**20.**—(1) Where an administering authority made an admission agreement under regulation B3 of the 1986 regulations at any time before 1st January 1994 with a body (“the employing body”) which immediately before that date was either—

- (a) specified in regulation B3(8)(c) or (d) of those regulations, or
- (b) deemed to be specified in regulation B3(8) of those regulations by virtue of regulation B4 of those regulations,

and immediately before the commencement date that agreement was treated as an admission agreement by virtue of regulation 2(2) of the Local Government Superannuation (Membership) Regulations 1993(7), it shall, subject to sub-paragraph (2), continue to be so treated.

(2) Where—

- (a) immediately before 1st January 1994 the employing body was a company under the control of a body described in Part I of Schedule B1, and
- (b) that body ceases to be such a company,

then—

- (i) the admission agreement shall cease to have effect when the body so ceases, and
- (ii) any employee of the employing body shall no longer be entitled to participate in the benefits of the pension fund maintained by the administering authority with whom the agreement was made (and accordingly shall no longer be an admission agreement employee).

**21.** Nothing in these regulations shall affect the right of any person to given notice under regulation 9(2)(b) of the Local Government Superannuation (Amendment) Regulations 1994(8) or the effect of such a notice.

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(7) S.I. 1993/3043.

(8) S.I. 1994/3026; relevant amending instrument is S.I. 1995/963.