

## SCHEDULE 4

# TRANSITIONAL PROVISIONS

### *Preliminary*

**1.** In this Schedule—

“the pre-commencement period” means the period beginning with 6th October 1996 and ending with the day before the commencement date;

“section 16 scheme” means a trust scheme to which section 16 applies or would apply if sections 16 to 21 and all these regulations were in force;

“section 18 company” means a company to which section 18 applies or would apply if sections 16 to 21 and all these regulations were in force.

### *General disregard of action taken before commencement date*

**2.** Except as provided in this Schedule, anything done before the commencement date shall not be treated as done under or in compliance with any requirements imposed by or under sections 16 to 21.

### *Waiver of employer’s rights under sections 17 and 19*

**3.—(1)** If at any time during the pre-commencement period the employer gave notice in writing to the trustees of a section 16 scheme that he did not intend to propose alternative arrangements under section 17(1) in respect of the scheme before 6th May 1997, no such proposals may be made in respect of the scheme by him or any other person before that date (and paragraph 5 does not apply to any notice given in respect of the scheme in the pre-commencement period).

(2) Where such a notice was given, regulation 9(2)(a) (permitted notice time for first notice of proposals of alternative arrangements) shall have effect in relation to the scheme with the omission of paragraph (i) and the substitution in paragraph (iii) for the words “the date applicable under paragraph (i)” of the words “the commencement date”.

**4.—(1)** If at any time during the pre-commencement period the employer gave notice in writing to a section 18 company that he did not intend to propose alternative arrangements under section 19(1) in respect of the company before 6th May 1997, no such proposals may be made in respect of the company by him or any other person before that date (and paragraph 6 does not apply to any notice given in respect of the company in the pre-commencement period).

(2) Where such a notice was given, regulation 15(2)(a) (permitted notice time for first notice of proposals of alternative arrangements) shall have effect in relation to the company with the omission of paragraph (i) and the substitution in paragraph (iii) for the words “the date applicable under paragraph (i)” of the words “the commencement date”.

### *Pre-commencement period proposals by the employer*

**5.** If during the pre-commencement period the employer gave notice in writing to the trustees of a section 16 scheme that he intended to propose alternative arrangements in respect of the scheme, then these regulations shall apply—

(a) as if that notice had been given under regulation 9(1)(a) at a permitted notice time (within the meaning of that regulation);

*Status: This is the original version (as it was originally made).*

- (b) as if the approval period for the purposes of regulation 9(1)(b) were the period of six months beginning with the date on which the notice was given; and
- (c) in any case where the employer gave notice in writing to the trustees before the commencement date that he was not proceeding with those proposals, as if regulation 7(2)(d) were omitted.

6. If during the pre-commencement period the employer gave notice in writing to a section 18 company that he intended to propose alternative arrangements in respect of the company, then these regulations shall apply—

- (a) as if that notice had been given under regulation 15(1)(a) at a permitted notice time (within the meaning of that regulation);
- (b) as if the approval period for the purposes of regulation 15(1)(b) were the period of six months beginning with the date on which the notice was given; and
- (c) in any case where the employer gave notice in writing to the company before the commencement date that he was not proceeding with those proposals, as if regulation 13(2)(d) were omitted.

*Pre-commencement period action*

7.—(1) Where such a notice as is mentioned in paragraph 3(1), 4(1), 5 or 6 was given, then for the purposes of determining whether the requirements of sections 16 to 21 and these regulations have been complied with in respect of the section 16 scheme or, as the case may be, the section 18 company in question, things done on or after the date that notice was given have the same effect as if sections 16, 17(1) to (4), 18, 19(1) to (4), 20 and 21(3) to (8) and all these regulations had come into force on that date.

(2) Nothing in paragraph (1) shall be taken to imply—

- (a) that section 10 (civil penalties) applies to any act or omission occurring before the commencement date; or
- (b) that the meaning of “the commencement date” in these regulations is altered.

*Scheme alterations, overriding provisions and records*

8.—(1) Where such a notice as is mentioned in paragraph 3(1) or 5 is given, sections 21(3), 68 and 117 and regulations 11 and 22 have effect, in relation to the section 16 scheme and to the employer in relation to that scheme, as if sections 16 to 21 and the remainder of these regulations were in force.

(2) Where such a notice as is mentioned in paragraph 4(1), or 6 is given, regulation 22 has effect in relation—

- (a) to the section 18 company; and
- (b) to the person who is the employer in relation to the scheme which is the relevant scheme in relation to the section 18 company,

as if sections 16 to 21 and the remainder of these regulations were in force.

(3) This paragraph shall be construed before 6th April 1997 as it is construed on and after that date.