

SCHEDULE 15

SAVINGS AND TRANSITIONAL PROVISIONS

PART III

OTHER SPECIFIC PROVISIONS

10.—(1) The revocation of regulation C1 of the 1988 Regulations shall not affect an election made under paragraph (6) of that regulation and such election continues to have effect in accordance with paragraphs (7) to (11) of that regulation.

(2) Regulation C3(3) shall not apply in relation to such an election (whether or not it would otherwise apply apart from this sub-paragraph).

11. The revocation of regulation D3 of the 1988 Regulations shall not affect the entitlement of a person who, before 1 May 1994, paid additional contributions for a past period in accordance with Part IV of Schedule 4 to the 1988 Regulations to count the past period as reckonable service.

12.—(1) The revocation by these Regulations of the 1988 Regulations does not extend to regulations D5 and D6 and Schedule 8 so far as they are required for the purposes of claims made after the commencement date in the circumstances specified in those regulations.

(2) Where however a period related to war service counted as reckonable service by virtue of regulation 4(1)(d) or regulations 7 and 72(1)(a) of the 1976 Regulations, regulations D5 and D6 of the 1988 Regulations do not apply.

13. The revocation of regulation E4(3) and (4) of the 1988 Regulations shall not affect the qualification for retirement benefits of any person who, before the commencement date, qualified for retirement benefits by virtue of the said regulation E4(3) or (4).

14. Without prejudice to the provisions of paragraph 3, in relation to a provision to or for the benefit of a child of a person who—

(a) died, or

(b) was employed in pensionable employment but ceased to be so employed,

before 1 May 1994, regulation E22(6) (which gives the meaning of the expression “child”) shall have effect as if in sub-paragraph (b) the words “and he has been receiving such education or attending such a course of training or both continuously since having attained that age without a break at any one time of longer than a year” were omitted.

15.—(1) The revocation of regulation E29(2)(c) of the 1988 Regulations shall not prevent any period referred to in regulation E29(2)(c) which had elapsed before the commencement date from comprising average salary service.

(2) The revocation of regulation E29(3) of the 1988 Regulations shall not affect the validity of any election made under that paragraph before the commencement date.

16.—(1) Regulation E29 of the 1988 Regulations shall continue to apply for the purposes of the calculation of the average salary of a person who became entitled to payment of retirement benefits before the commencement date (whether or not he subsequently becomes entitled to such benefits by virtue of regulation E15 after that date) and accordingly regulation E31 shall not apply in relation to such a person.

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(2) Where a person who becomes entitled to payment of retirement benefits after the commencement date received an increase in salary such as is referred to in regulation E29(9) or (10) of the 1988 Regulations which took effect before the commencement date—

- (a) regulation E29(9) to (11) and (12) or (13) of the 1988 Regulations shall continue to apply for the purposes of determining the person's average salary, and
- (b) accordingly regulation E31(11) shall not apply where the material date within the meaning of regulation E31(13) fell before the commencement date.

17. The revocation by these Regulations of the 1988 Regulations does not extend to regulations F2 and F3(4) and Part II of Schedule 12 so far as they are required for the purposes of providing for the payment of an additional transfer value in the circumstances specified in those regulations.

18.—(1) Where a person made an election under regulation C3(2) of the 1988 Regulations before the commencement date—

- (a) Table 1 in paragraph 3 of Schedule 4 to the 1988 Regulations or, as the case may be, Table 3 in paragraph 9 of that Schedule shall continue to apply for the purpose of the calculation of additional contributions payable by that person (and accordingly neither Table 1 in paragraph 3 of Schedule 4 to these Regulations nor Table 3 in paragraph 13 of that Schedule shall apply);
- (b) Table 2 in paragraph 5 of Schedule 4 to the 1988 Regulations shall continue to apply in relation to a person who has made an election under paragraph 5 of Schedule 4 to the 1988 Regulations or paragraph 8 of Schedule 4 to these Regulations and accordingly Table 2 in paragraph 8 of Schedule 4 to these Regulations shall not apply; and
- (c) Table 3 in paragraph 9 of Schedule 4 to the 1988 Regulations shall continue to apply for the purposes of determining an amount payable where an election is made under paragraph 5(5B)(a) of Schedule 4 to the 1988 Regulations⁽¹⁾ (and accordingly Table 3 in paragraph 13 of these Regulations shall not apply).

(2) Table 1 in paragraph 3 of Schedule 4 to the 1988 Regulations shall continue to apply in accordance with sub-paragraph (1)(a) irrespective of whether the person elects (after the commencement date) to vary the contribution period under paragraph 4 or 5 of Schedule 4 to these Regulations.

(1) Paragraph 5(5B) was inserted by [S.I. 1996/2269](#).