
STATUTORY INSTRUMENTS

1998 No. 364

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

Preliminary provisions

Citation and commencement

1. These Regulations may be cited as the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998 and shall come into force on 1st April 1998.

Interpretation

2.—(1) In these Regulations—

“the 1998 provisions” means the 1998 Regulations, these Regulations and the Investment Regulations;

“the 1998 Regulations” means the Local Government Pension Scheme (Scotland) Regulations 1998;

“the commencement date” means 1st April 1998;

“the common provisions” means regulations 48 and 49 and Part IV of the 1998 Regulations and the Investment Regulations;

“the Investment Regulations” means regulations P5, P6, P12(4) and P15(3) of the 1987 Regulations;

“the old provisions” means the 1987 Regulations, the additional regulations specified in Schedule 1 (so far as they relate to the Scheme) and any other regulations relating to the Scheme and made under section 7 or 12 of the Superannuation Act 1972, so far as they continue in effect;

“the replaced provisions” means regulations C1, C12, E11A, E21, E33, E35, M1, R1, R2, R3, R5 and Parts J, N and P of and Schedules 16, 19 and 20 to the 1987 Regulations (but not including the Investment Regulations);

“the saved provisions” means the old provisions (other than the replaced provisions), in so far as they remain capable of having effect and subject to the provisions of these Regulations and, in particular, the amendments specified in Schedule 3.

(2) For these Regulations, a member must be treated as remaining an active member throughout—

(a) a period of maternity absence (as defined in regulation C3A(6) of the 1987 Regulations);

(b) any period which is treated as membership by virtue of regulation D1(2)(aa) of those Regulations (absence for illness or injury); and

(c) any period as respects which a notice under regulation C4(3) of those Regulations (trade disputes absence) is served,

whether or not he or she otherwise would be so treated.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) Paragraph (2) shall not apply as respects any part of such a period which falls after a time when the member ceases to be an active member by virtue of regulation B4A of the 1987 Regulations (opting out).

(4) Subject to the previous provisions of this regulation, expressions used in these Regulations and in the 1998 Regulations have the same meaning as in those Regulations (unless the context indicates otherwise).