
STATUTORY INSTRUMENTS

1998 No. 364

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

Special provisions about rights relating to old membership

Continuity of elections within regulation 11(1)

14.—(1) The appropriate administering authority of an active member who has given or is deemed to have given a notice which ceases to have effect under regulation 11(1) must inform him in writing that they propose to treat the notice—

- (a) as having been given under the corresponding provision of the 1998 Regulations; and
- (b) as if the notice related only—
 - (i) to so much of the amount remaining to be paid in pursuance of the notice as has not been paid before the commencement date, and
 - (ii) to so much of the period as respects which he gave the notice as he may not count by virtue of regulation 11(4); and
- (c) as enabling the member to make additional contributions at the protected rate.

(2) Where a member is so informed, the notice is to be so treated as from the commencement date unless the member (or, in a case where the member has died, his executor) has informed his appropriate administering authority in writing before the expiry of the period of three months beginning with that date (or such longer period as they may allow) that he does not wish it to be so treated.

(3) Any election by a member to whom regulation 3(1) applies which—

- (a) was made or had effect as if made under regulation C9A of the 1987 Regulations (additional voluntary contributions); and
- (b) was in effect immediately before the commencement date,

shall continue to have effect as if it had been under the 1998 Regulations.

(4) The protected rate is the rate at which the member was making payments by virtue of the notice immediately before the commencement date, expressed as a percentage of his remuneration at that time.