

SCHEDULE 2

RE-EMPLOYMENT OF MEMBERS

Members with preserved rights

6.—(1) Where immediately before the commencement date there is an election in force in respect of a member's benefits under regulation E2(9)(c) of the 1987 Regulations (elections to remain entitled to preserved benefits), for these Regulations he shall be treated as a deferred member (and not as an active member) as respects his rights to preserved benefits and the membership in question (but see the following provisions of this paragraph).

(2) Sub-paragraph (1) is without prejudice to regulation 31(5) of the 1998 Regulations and applies despite the fact that the member—

(a) continues as an active member by virtue of regulation 3; or

(b) becomes an active member again on or after the commencement date (whether immediately before he does so he is a deferred member or a pensioner member).

(3) Sub-paragraph (1) ceases to apply to a person falling within paragraph (2)(b) as respects any part of his former membership which he elects under regulation 31(1) of the 1998 Regulations to aggregate with later membership.

(4) Sub-paragraph (1) also ceases to apply if any person falling within that sub-paragraph makes an election under regulation 28(1) of the 1998 Regulations.

(5) Where sub-paragraph (4) applies, the member shall cease to be entitled to count under the saved provisions any period of membership to which he is entitled under the old provisions but as respects which he elected under regulation E2(9)(c) of the 1987 Regulations to remain entitled to preserved benefits.

(6) He shall instead be entitled to count that period of membership for the purposes of regulation 8(1)(d) of the 1998 Regulations.

(7) However, regulations 8 to 12 shall apply as to the adjustment of the length of that period as if it had been a period which he was entitled to count by virtue of regulation 6.