INSTRUMENT NO 2 OF 1992

MILITARY SUPERANNUATION AND BENEFITS ACT 1991

INSTRUMENT UNDER SUBSECTION 5(1)

I, Robert Francis RAY, the Minister of State for Defence, hereby make the following Instrument under subsection 5(1) of the Military Superannuation and Benefits Act 1991.

Dated 1992

[Signature]

Minister of State for Defence

MILITARY SUPERANNUATION AND BENEFITS TRUST DEED (AMENDMENT)

1. Interpretation

1.1 In this Instrument:

"rule" means a rule set out in the Schedule to the Trust Deed;

"Trust Deed" means the Trust Deed made, and in force, under section 4 of the Military Superannuation and Benefits Act 1991.

2. Amendment

2.1 The Rules in the Schedule to the Trust Deed are amended as set out in this Instrument.

3. Schedule 1(GLOSSARY)

3.1 Paragraph 1: Definition of "previous contributions":
Omit the definition, substitute:
"'previous contributions', in relation to a person, means contributions made by him or her under the previous legislation, other than:

(a) any such contributions refunded to him or her under that legislation; and

(b) an additional contribution payable to the Commonwealth under subsection 21(3), 64(2), 87(3) or 89(4) of the 1973 Act, or a refunded contribution repayable to the Commonwealth under subsection 63(2) of that Act, which the person paid or repaid to the Commonwealth after 30 September 1991; and

(c) in the case of a person who, immediately before he or she transferred from the 1973 Scheme, was rendering continuous full-time service (in this paragraph called the "relevant service") and who, before he or she began to render the relevant service, was a 1973 Scheme retirement pensioner - any such contributions made in respect of service rendered by the member before the member began to render the relevant service; and

(d) any such contributions in respect of which a transfer value was paid under section 82ZA of the 1948 Act or section 77 of the 1973 Act;".

4. Application

4.1 The amendment made to the Trust Deed by this Instrument does not apply to or in relation to a member who transferred to the MSB scheme under Part XIII of the 1973 Act before the date of commencement of this Instrument.