
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 228

**The Local Government Pension Scheme
(Administration) (Scotland) Regulations 2008**

PART 2

MEMBERSHIP OF SCHEME

Periods of membership

12.—(1) A person may not count any period of membership if the person's contributions for that period have been returned to the person.

(2) A person may not count any period of membership if the person's rights in respect of it have been transferred by payment of a transfer value (see Part 9).

(3) A person may not count as a period of membership for the purpose of calculating any benefit under regulations 16 (retirement benefits) to 20 (early leavers: ill health) or 29 (calculation on leaving early) to 31 (early payment of pensions: ill-health) of the Benefits Regulations so much of that person's membership as requires to be excluded to reduce the value referred to in regulation 68(2)(b) of these Regulations by the amount recovered or retained under regulation 68 (recovery or retention where former member has misconduct obligation) of these Regulations.

(4) Where a person pays contributions under regulation 17 (contribution during trade dispute absence) for any period, that period counts as a period within regulation 7 of the Benefits Regulations (periods of membership) even if the person's contract of employment did not subsist throughout that period.

(5) A period of membership under regulation 7(1)(a) of the Benefits Regulations includes any period for which a member is treated as having paid contributions under regulation 14 (concurrent employments) and regulation 41(4) (rights to return of contribution) of these Regulations.