
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 230

**The Local Government Pension Scheme (Benefits,
Membership and Contributions) (Scotland) Regulations 2008**

Early payment of pension: ill-health

31.—(1) Subject to paragraph (2), if a member who has left his or her employment before the member is entitled to the immediate payment of retirement benefits (apart from this regulation) becomes permanently incapable of discharging efficiently the duties of that employment because of ill-health or infirmity of mind or body the member may request to receive payment of the retirement benefits immediately, whatever the member's age.

(2) Before determining whether to agree to a request under paragraph (1), an authority must obtain a certificate from an independent registered medical practitioner qualified in occupational health medicine as to whether in that practitioner's opinion the member is permanently incapable of discharging efficiently the duties of the relevant employment because of ill-health or infirmity of mind or body and, if so, whether that condition is likely to prevent the member from obtaining gainful employment (whether in local government or otherwise) before reaching the member's normal retirement age, or for at least three years, whichever is the sooner.

(3) A request under paragraph (1) must be made in writing to the member's administering authority.

(4) In this regulation "gainful employment", "permanently incapable" and "qualified in occupational health" have the same meaning given in regulation 20(7).