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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 230**

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

**Commutation: exceptional ill-health**

**40.**—(1) If, when a retirement pension first becomes payable to a member, the administering authority is satisfied that the member's life expectancy is less than one year, it may pay the member a lump sum equal to 5 times the amount of the member's annual rate of retirement pension, notwithstanding that such lump sum may exceed the member's lifetime allowance.

(2) An administering authority cannot be satisfied as mentioned in paragraph (1) unless it has first obtained a certificate from a fully registered person within the meaning of the Medical Act 1983(1) to the effect that the member's life expectancy is less than one year.

(3) Such a payment discharges the authority's liability for that provision and for any lump sum death grant calculated by reference to that pension under the Scheme.