

2009 No. 93

PENSIONS

**The Local Government Pension Scheme Amendment (Scotland)
Regulations 2009**

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| <i>Made</i> - - - - | <i>5th March 2009</i> |
| <i>Laid before the Scottish Parliament</i> | <i>9th March 2009</i> |
| <i>Coming into force</i> - - | <i>1st April 2009</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 7 and 24 of the Superannuation Act 1972(a) and of all other powers enabling them to do so.

In accordance with section 7(5) of that Act, they have consulted such associations of local authorities as appeared to them to be concerned, such local authorities with whom consultation appeared to them to be desirable, and such representatives of other persons likely to be affected by the proposed regulations as appeared to them to be appropriate.

Citation and commencement

1. These Regulations may be cited as the Local Government Pension Scheme Amendment (Scotland) Regulations 2009 and shall come into force on 1st April 2009.

Amendment of the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008

2. The Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008(b) are amended in accordance with regulations 3 to 7.

3. In regulation 2 (interpretation), for ““pension member”” substitute ““pensioner member””.

4. In regulation 3(3) (active members), for “a contract of employment of more than three months’ duration” substitute “a contract of employment of a duration of three months or more”.

5. In regulation 11(2) (final pay: fees) for “ending 31st March” substitute “on the anniversary of the date on which the member left the employment”.

6. In regulation 29(4) (calculation on leaving early), for “regulation 7(2)” substitute “regulation 7”.

7. In regulation 31(2) (early payment of pension: ill health), before “authority” insert “administering”.

(a) 1972 c.11. The functions of the Secretary of State exercised in the making of these Regulations were transferred to the Scottish Ministers as regards Scotland by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, article 2 and Schedule 1 (S.I. 1999/1750).

(b) S.S.I. 2008/230.

Amendment of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008

8. The Local Government Pension Scheme (Administration) (Scotland) Regulations 2008(a) are amended in accordance with regulations 9 to 12.

9. In the entry of the list of contents relating to regulation 25, for “regulation 24(4)” substitute “regulation 23(4)”.

10. In regulation 3(1)(b) (general eligibility for membership), for “regulation 3(3)” substitute “regulation 3(2)”.

11. For regulation 8(3)(b) (separate employments etc.) substitute—

“(b) a returning officer (including as a regional or local returning officer at a European Parliamentary election) (b).”.

12. In regulation 12(5) (periods of membership), for “regulation 7(1)(a)” substitute “regulation 7(a)”.

Amendment of the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008

13. The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008(c) are amended in accordance with regulations 14 and 15.

14. In regulation 15(2)(b) (communities scheme transferees), for “the 1987 Regulations” substitute “the 1987 Scheme”.

15. In Schedule 2 (the 85 year rule: transitional provisions and savings)—

(a) in paragraph 1—

(i) omit “Subject to paragraph 7,”; and

(ii) for “regulation 18(2)” substitute “regulation 18(3)”;

(b) in paragraph 4(1), for “regulation 14” substitute “regulation 13”; and

(c) omit paragraph 6(3).

JOHN SWINNEY

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
5th March 2009

(a) S.S.I. 2008/228.

(b) The European Parliamentary Elections Act 2002 makes provision governing returning officers at European Parliamentary elections. Section 6(5) of that Act allows for regulations to be made conferring functions on returning officers.

(c) S.S.I. 2008/229.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make corrections and minor amendments to the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008 (“the Benefits Regulations”), the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 (“the Administration Regulations”) and the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 (“the Transitional Regulations”), which together make up the Local Government Pension Scheme 2008.

Regulations 3 to 7 amend the Benefits Regulations; regulations 9 to 12 amend the Administration Regulations and regulations 14 and 15 amend the Transitional Regulations.

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