
STATUTORY INSTRUMENTS

1998 No. 366

**The Local Government Pension
Scheme (Scotland) Regulations 1998**

PART II

PRIMARY PROVISIONS

CHAPTER IV

BENEFITS

Death grants

Death grants

37.—(1) If a member dies, the administering authority may make payments to or for the benefit of the member's nominee or executors or any person appearing to the authority to have been his relative or dependant at any time.

(2) A nomination must be made by notice in writing to the administering authority in such form as the administering authority may from time to time require and may be revoked in the same manner.

(3) A nomination is also revoked by any subsequent nomination which complies with the requirements referred to in paragraph (2).

(4) If not previously revoked, a nomination ceases to have effect on the member's subsequent marriage.

(5) The aggregate amount paid under paragraph (1) must not exceed the member's death grant.

(6) The amount of an active member's death grant is the greater of—

(a) $2 \times$ the member's final pay; or

(b) ~~$3 \times$ his final pay~~ \times his total membership.

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(7) The multiplier for a deferred member's death grant is the same as for his retirement grant.

(8) The multiplier for a pensioner member's death grant is 5, but the amount so calculated is reduced by the amounts of any retirement pension paid to him.

(9) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of the period of two years beginning with his death, they must pay an amount equal to the shortfall to the member's executors.

(10) For these Regulations, any payments made under paragraph (1) must be treated as payments made by way of death grant.

Reduction of death grants: re-employed pensioners

38.—(1) If—

- (a) after the deceased became entitled to a pension under the Scheme (“the previous pension”) he entered further local government employment;
- (b) on leaving the further employment he became entitled to a pension (“the additional pension”) (but not to a single pension by making an election under regulation 28); and
- (c) his entitlement to the previous or additional pension was by virtue of an election under regulation 30,

the death grant payable because of his membership in the further employment must be reduced (or extinguished) to the extent necessary to prevent his total pension benefits exceeding (or further exceeding) his relevant final pay.

(2) A person’s total pension benefits are the total of—

- (a) every death grant and all pension payments made as respects his previous pension (including increases under the Pensions (Increase) Act 1971⁽¹⁾ and the Pensions Increase Act 1974)⁽²⁾; and
- (b) all pension payments as respects of his additional pension (including such increases).

(3) A person’s relevant final pay is the greater of—

- (a) the final pay used for calculating his previous pension (adjusted for inflation); and
- (b) the final pay used for calculating his additional pension.

(4) The pay for an employment must be adjusted for inflation by calculating the amount to which it would have increased if it were an official pension becoming payable from the end of that employment.

(1) 1971 c. 56.

(2) 1974 c. 9.