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STATUTORY INSTRUMENTS

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**1998 No. 366**

The Local Government Pension  
Scheme (Scotland) Regulations 1998

PART II

PRIMARY PROVISIONS

CHAPTER IV

BENEFITS

*Children's pensions*

**Meaning of “eligible child”**

- 43.**—(1) The eligible child of a deceased member is—
- (a) a child of the deceased's marriage or his adopted child; or
  - (b) a child who was wholly or mainly dependent on the deceased at the time of his death.
- (2) A person counts as a child only if—
- (a) he is aged under 17;
  - (b) since he became 17 he has been engaged continuously in full-time education or in training for a trade, profession or vocation; or
  - (c) he is physically or mentally incapacitated and became so whilst a child within sub-paragraph (a) or (b).
- (3) If an appropriate administering authority wish, they may treat education or training as continuous despite a break.