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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 311**

**PENSIONS**

**The Local Government Pension Scheme  
(Scotland) Amendment Regulations 2002**

<i>Made</i>	- - - -	<i>25th June 2002</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>27th June 2002 23rd September 2002</i>
<i>Coming into force</i>	- -	

The Scottish Ministers, in exercise of the powers conferred by sections 7 and 12 of the Superannuation Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, after consultation with such associations of local authorities as appeared to them to be concerned and such representatives of other persons likely to be affected by the proposed regulations as appeared to them to be appropriate, and not having considered consultation with any individual local authority to be desirable, all in accordance with section 7(5) of that Act, hereby make the following Regulations:

**Citation, commencement and effect**

1. These regulations may be cited as the Local Government Pension Scheme (Scotland) Amendment Regulations 2002, shall come into force on 23rd September 2002 and shall have effect from 1st April 2002.

**Amendments to the Local Government Pension Scheme (Scotland) Regulations 1998**

2.—(1) The Local Government Pension Scheme (Scotland) Regulations 1998<sup>(2)</sup> are amended in accordance with this regulation.

(2) In regulation 5—

- (a) in paragraph (1A)<sup>(3)</sup> for “paragraph (1B)” substitute “paragraphs (1B) or (1C)”; and
- (b) after paragraph (1B)<sup>(4)</sup> insert—

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(1) 1972 c. 11; section 12 was amended by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), section 10. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, article 2 and Schedule 2 (S.I.1999/1750).

(2) S.I. 1998/366, as amended by S.I. 1998/1129 and 1999/787 and S.S.I. 2000/199, 2001/23 and 460; and as modified for particular purposes by S.I. 1998/364.

(3) Paragraph (1A) was inserted by S.S.I. 2001/460.

(4) Paragraph (1B) was inserted by S.S.I. 2001/460.

“(1C) Any person who–

- (a) was, or was eligible to be, an active member of the Scheme; and
- (b) on 1st April 2002 became employed by Scottish Enterprise or Highlands and Islands Enterprise,

is a person for the purposes of paragraph (1A).”.

(3) In Schedule 2 for paragraph 3 substitute–

“**3.** The body known as Scottish Water established under section 20 of the Water Industry (Scotland) Act 2002(**5**).”.

(4) In Part II of Schedule 5–

(a) for “1. Employee of East of Scotland Water Authority” substitute–

“**1A.** Former employee of East of Scotland Water Authority who transferred to Scottish Water on 1st April 2002.

**1B.** Employee of Scottish Water who commenced employment on or after 1st April 2002 and whose pay notice is prepared in the Edinburgh premises of Scottish Water.”;

(b) for “2. Employee of West of Scotland Water Authority” substitute–

“**2A.** Former employee of West of Scotland Water Authority who transferred to Scottish Water on 1st April 2002.

**2B.** Employee of Scottish Water who commenced employment on or after 1st April 2002 and whose pay notice is prepared in the Glasgow premises of Scottish Water.”; and

(c) for “3. Employee of North of Scotland Water Authority” substitute–

“**3A.** Former employee of North of Scotland Water Authority who transferred to Scottish Water on 1st April 2002.

**3B.** Employee of Scottish Water who commenced employment on or after 1st April 2002 and whose pay notice is prepared in the Inverness premises of Scottish Water.”.

St Andrew’s House,  
Edinburgh  
25th June 2002

*ANDREW P KERR*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the Local Government Pension Scheme (Scotland) Regulations 1998 (“the 1998 Regulations”) which are necessary as a result of the creation of Careers Scotland and Scottish Water.

Regulation 2 amends the 1998 Regulations in relation to the employees of careers service companies, adult guidance networks, education business partnerships and lifelong learning partnerships who transferred into the employment of Scottish Enterprise and Highlands and Islands Enterprise on 1st April 2002 due to the creation of Careers Scotland. Careers Scotland is a new national careers guidance service. Regulation 2 provides that notwithstanding their transfer, they may be members of the Local Government Pension Scheme and the terms of paragraph 1 of regulation 5 (which restricts eligibility for membership) shall not apply.

Regulation 2 also amends the 1998 Regulations in relation to the former employees of the North of Scotland Water Authority, the East of Scotland Water Authority and the West of Scotland Water Authority who transferred into the employment of Scottish Water on 1st April 2002. The effect of the amendments is to allow continued access to the Local Government Pension Scheme for the former employees of the old Water Authorities who transferred to the new body on that date and to allow access to the Scheme for new employees of the body.

Schedule 2 to the 1998 Regulations is amended to provide for Scottish Water to be added to that Schedule as a Scheme Employer. Schedule 5 to the 1998 Regulations is amended to specify the appropriate fund for former employees of the Water Authorities. It is also amended to specify the appropriate fund for new employees of Scottish Water.

Although the Regulations come into force on 23rd September 2002, the amendments have retrospective effect from 1st April 2002. The Regulations are made under a power in section 7 of the Superannuation Act 1972 and section 12 of that Act provides that regulations made under section 7 may be framed so as to have effect from a date earlier than the making of the regulations.