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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 554**

**The Local Government Pensions Etc. (Civil Partnership) (Scotland) Amendment Regulations 2005**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Local Government Pensions Etc. (Civil Partnership) (Scotland) Amendment Regulations 2005 and shall come into force on 5th December 2005.

(2) These Regulations extend to Scotland only.

**The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998**

2. The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998(1) are amended in accordance with Schedule 1.

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

3. The Local Government Pension Scheme (Scotland) Regulations 1998(2) are amended in accordance with Schedule 2.

**Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998**

4. The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998(3) are amended in accordance with Schedule 3.

**Right to opt out**

5.—(1) Where—

- (a) apart from this regulation, the amendments made by regulation 3 and Schedule 2 would place any relevant beneficiary in a worse position than that in which he or she would otherwise be; and
- (b) that relevant beneficiary so elects by notice in writing given to the Scottish Ministers before 5th June 2006,

then the Local Government Pension Scheme (Scotland) Regulations 1998 shall have effect in relation to him or her as if those amendments had never been made.

(2) For the purposes of paragraph (1), a relevant beneficiary is a person to whom any benefit is or may become payable being a benefit payable to or in respect of a person who—

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(1) S.I.1998/192; the relevant amending instruments are S.I. 1998/364 and S.S.I. 2000/77.

(2) S.I. 1998/366; the relevant amending instruments are S.I. 1998/1129 and 1999/787, and S.S.I. 2000/199 and 460, 2002/311, 2005/293 and 2005/315; and as modified for particular purposes by S.I. 1998/364.

(3) S.I. 1998/364; to which there are amendments not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) ceased to hold an employment or office in respect of which he or she was a member or qualified to participate in benefits (whether or not he or she had subsequently recommenced any such employment or office); or
  - (b) died while in such employment or office,
- before the date on which these Regulations come into force.

St Andrew's House, Edinburgh  
8th November 2005

*GEORGE LYON*  
Authorised to sign by the Scottish Ministers