
EXPLANATORY NOTE

(This note is not part of the Regulations)

The amendments in these Regulations provide survivor benefits for same sex partners of Local Government Pension Scheme members or eligible persons where the same sex partners have formed a civil partnership under the terms of the Civil Partnership Act 2004. The Regulations amend—

(1) the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 (“the Discretionary Payments & Injury Benefits Regulations”);

(2) the Local Government Pension Scheme (Scotland) Regulations 1998 (“the 1998 Regulations”); and

(3) the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998 (“the Transitional Provisions Regulations”).

The changes to the Discretionary Payments & Injury Benefits Regulations provide that surviving civil partners will qualify for survivor benefits in the same way as spouses where a person who has been in pensionable employment after 5th April 1988 dies.

The changes to the 1998 Regulations and the Transitional Provisions Regulations are as follows—

surviving civil partners will qualify for survivor benefits in the same circumstances as spouses; where a surviving civil partner is eligible for benefits and a person’s “membership” is relevant to the eligibility and level of those benefits, only such “membership” after 5th April 1988 is taken into account.

In addition, the changes to the 1998 Regulations include minor amendments dealing with pension sharing on divorce and its application to the dissolution of a civil partnership.

Some bodies within the business, charity and voluntary sectors are employers within the Local Government Pension Scheme. An assessment of the impact on these sectors together with the cost implications to public sector pension schemes of the provision of this instrument is included in the regulatory impact assessment published with the Civil Partnership Act 2004. A copy of that assessment can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>.