
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 164

The Local Government Pension
Scheme (Scotland) Regulations 2014

PART 2

Administration

Forfeiture

Protection of guaranteed minimum pension rights

92.—(1) The power to direct forfeiture of benefits under regulation 89 (forfeiture of pension rights after conviction for employment-related offences) or to recover or retain amounts under regulation 90 (recovery or retention where former member has misconduct obligation) may not be exercised so as to deprive a person of the guaranteed minimum pension or any widow's, widower's or surviving civil partner's guaranteed minimum pension.

(2) But such a power may be exercised if the person is convicted—

- (a) of the offence of treason; or
- (b) of one or more offences under the Official Secrets Acts 1911 to 1989⁽¹⁾ for which the person has been sentenced on the same occasion—
 - (i) to a term of imprisonment of at least 10 years, or
 - (ii) to two or more consecutive terms amounting in the aggregate to at least 10 years.

⁽¹⁾ Section 16(2) of the Official Secrets Act 1989 (c.6) provides that that Act and the Official Secrets Acts 1911 to 1989 may be cited together as the Official Secrets Acts 1911 to 1989.