

SCHEDULE 3

Regulation 4

AMENDMENTS TO THE LOCAL GOVERNMENT PENSION SCHEME (TRANSITIONAL PROVISIONS) (SCOTLAND) REGULATIONS 1998

1. After regulation 4 (deferred members and pensioners: general) insert—

“Deferred members and pensioners: civil partners

4A.—(1) Where a person who immediately before the commencement date was a deferred member or a pensioner member and does not on or after that date become an active member (“the member”) forms a civil partnership—

- (a) the member’s civil partner shall be treated for the purpose of regulation 4(2)(b) as a person who is or may become entitled to any benefit under the Scheme in respect of the member; and
- (b) subject to paragraph (2), the saved provisions shall entitle the civil partner to such benefits as would, if the member had been married, have been payable to the member’s spouse.

(2) For the purpose of calculating the benefit to which the civil partner is entitled under paragraph (1) account shall only be taken of the member’s membership after 5th April 1988.

(3) For the purpose of paragraph (2) any period referred to in regulation E6(3A) of the 1987 Regulations⁽¹⁾ also counts as membership after 5th April 1988.”

2. In regulation 23(1) (Community scheme transferees) after “surviving spouses” insert “or civil partners”.

(1) S.I.1987/1850; amended by S.I. 1993/1593 and other amendments not relevant to these Regulations.