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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 514**

**The Local Government Pension Scheme  
(Scotland) Amendment Regulations 2007**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Scotland) Amendment Regulations 2007 and come into force on 15th December 2007.

(2) These Regulations extend to Scotland only.

**Amendment of the Local Government Pension Scheme (Scotland) Regulations 1998**

2. The Local Government Pension Scheme (Scotland) Regulations 1998<sup>(1)</sup> are amended in accordance with regulations 3 to 18.

**Further restrictions on eligibility**

3. In regulation 5 (further restrictions on eligibility), for paragraph (9) substitute—

“(9) A retained or volunteer firefighter employed by a relevant authority within the meaning of section 6 of the Fire (Scotland) Act 2005<sup>(2)</sup> on terms under which the retained or volunteer firefighter is or may be required to engage in fire-fighting does not entitle the retained or volunteer firefighter to be a member of the Scheme.”.

**Buy Back Facility for Civil Partners**

4. After regulation 17 (optional contributions during absences), insert—

**“Additional contributions – Civil Partners**

**17A.** Civil partners are eligible to make additional contributions in accordance with Schedule 8.”.

**Limit on total amount of benefits**

5. In regulation 18A (limit on total amount of benefits)—

- (a) at the beginning of paragraph (1) insert “Except as provided in regulation 49(1),”;
- (b) in paragraph (3), after “member’s benefits” insert “, for the purposes of this or any other regulation,”.

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(1) S.I.1998/366; relevant amending instruments are S.S.I. 2000/199, 2002/311, 315 and 554, 2006/123, 468, 514 and 2007/71.  
(2) 2005 asp 5.

### **Calculations**

6. In regulation 19 (calculations) in paragraph (3A) at the end add “but the entitlement to the benefit shall not arise until the date on which a member’s appropriate administering authority receives the information it requires to calculate the increase.”.

### **Retirement after age 65**

7. In regulation 24A (retirement after age 65)–

- (a) in paragraph (1), omit “with the consent of his employing authority”; and
- (b) after paragraph (2) insert–

“(3) A member is not entitled to count any period of service on or after the day before his 75th birthday as a period of membership and is not an active member after that day.”.

### **Amounts of ill-health pension and grant**

8. In regulation 27 (amounts of ill-health pension and grant), in paragraph (3) omit “40 years or” and “, whichever is the shorter”.

### **Re-employed pensioners**

9. In regulation 28 (re-employed pensioners)–

- (a) in paragraph (1)–
  - (i) omit “; and” after “enhanced membership period”; and
  - (ii) omit sub-paragraph (b); and
- (b) after paragraph (1) insert–

“(2) Where a member to whom benefits are paid in accordance with regulation 34(1A) continues to accrue membership after the date on which payment of such benefits takes effect (“the payment date”), his membership to the payment date shall only be taken into account after the payment date for the purposes of making the calculations referred to in paragraph (1)(a).”.

### **Death grant**

10. In regulation 37 (death grants), in paragraph (1) after “If a member dies” insert “before his 75th birthday”.

### **Commutation: small pensions**

11. In regulation 48 (commutation: small pensions)–

- (a) for paragraph (1) substitute–

“(1) A lump sum which is a trivial commutation lump sum within the meaning of section 166 of the Finance Act 2004 or a trivial commutation lump sum death benefit within the meaning of section 168 of that Act may be paid in accordance with the rules relating to the payment of such benefits under that Act.”; and

- (b) omit paragraph (3).

### **Commutation: exceptional ill-health**

12. In regulation 49 (commutation: exceptional ill-health), in paragraph 1 for “by which the annual rate of the retirement pension exceeds his guaranteed minimum” substitute “of his annual rate of retirement pension, notwithstanding that such lump sum may exceed his lifetime allowance”.

### **Elections to pay AVCs**

13. After paragraph (2) of regulation 59 (elections to pay AVCs) insert–

“(2A) An election may be made in respect of each employment in respect of which he is a member.”.

### **Payment of AVCs**

14. In regulation 60 (payment of AVCs), in paragraph (1) after the words “usual pay day” insert “and must be paid from his pay”.

### **Death benefits**

15. In regulation 62 (death benefits), at the end of paragraph (3) add “and meet the conditions imposed under Part 2 of Schedule 28 to the Finance Act 2004.”.

### **Employer’s further payments**

16. In regulation 79 (employer’s further payments), in paragraph (5) for the words “or regulation 30 (other early leavers etc)” substitute “, regulation 30 (other early leavers etc) or regulation 34 (requirements as to time of payment)”.

### **Interpretation**

17. In Schedule 1–

(a) after the definition of “reserve or auxiliary force” insert

““retained or volunteer firefighter” has the meaning given in the Firefighters' Pension Scheme (Scotland) Order 2007(3);”;

(b) in the definition of “Scheme managers”, in paragraph (a) for “police or fire authority” substitute “relevant authority”.

### **Additional contributions for Civil Partners**

18. After Schedule 7 (councillor members) insert, as Schedule 8, the Schedule to these Regulations.

### **Amendment of Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 1998**

19. The Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 1998(4) are amended in accordance with regulations 20 to 21.

20. In regulation 11A (requirements for increased limits)–

(a) after paragraph (3) insert–

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(3) S.S.I. 2007/199.

(4) S.I. 1998/2888 as amended by S.I. 2001/3649, S.S.I. 2000/74, 2003/138 and 2004/134.

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“(3A) Where there is a decision to use the increased limits under regulation 11(2A) in relation to row 11 of Schedule 1, Part I, the additional risks of the increased limit must be taken into account in addition to those factors set out in paragraph (3).”; and

(b) in paragraph (6)(a) for “(2) and (3)” substitute “(2), (3) and (3A)”.

**21.** In Schedule 1 (limits on investments), in Part I, row 11 (all securities transferred (or agreed to be transferred) by the authority under stock lending arrangements)–

(a) in column (1) of the table (limits under regulation 11(2)) for “25%”, substitute “35%”; and

(b) in column (2) of the table (increased limits under regulation 11(2A)), insert “35%”.

St Andrew’s House,  
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