

SCHEDULES

SCHEDULE 1

Regulation 2(4)

Interpretation

In these Regulations—

“active member” means a person who is in an employment, and—

- (a) paying contributions to the Scheme,
- (b) treated as paying contributions to the Scheme, or
- (c) absent from that employment for one of the reasons mentioned in regulation 11;

“actuarial guidance issued by the Scottish Ministers” means guidance identified by the Scottish Ministers as such which has been issued in accordance with regulation 2(3);

“additional maternity or adoption leave” means leave under section 73 or 75B of the Employment Rights Act 1996(1);

“additional paternity leave” means leave under the Additional Paternity Leave Regulations 2010(2);

“additional pension” means pension under these Regulations other than earned pension;

“administering authority” means a body listed in Schedule 3 which is required to hold a fund for the purposes of these Regulations;

“admission agreement” means an agreement between an administering authority and an admission body that named individuals, or all or any specified class of the admission body’s employees, may be members of the Scheme;

“admission body” has the meaning given in paragraph 1 of Part 2 of Schedule 2;

“amount of accrued pension” means the earned pension in a member’s pension account adjusted to take account of any revaluation adjustment applicable;

“amount of pension payable” means the earned and additional pension in a member’s pension account adjusted to take account of any revaluation adjustment, index rate adjustment, commutation amount or pension account adjustment applicable;

“annual allowance charge” has the meaning given to that expression by section 227 of the Finance Act 2004(3);

“assumed pensionable pay” has the meaning given by regulation 21;

“automatic enrolment date” means the automatic enrolment date within the meaning of section 3 of the Pensions Act 2008(4);

“automatic re-enrolment date” means—

- (a) for the purposes of regulation 3(5)(b), the automatic re-enrolment date chosen by a member’s employer in accordance with section 5 of the Pensions Act 2008

(1) 1996 c.18; section 73 was substituted by the Employment Relations Act 1999; section 75B was inserted by the Employment Act 2002.

(2) S.I. 2010/1055.

(3) 2004 c.12; section 227 has been amended by the Finance Act 2009 and the Finance Act 2011.

(4) 2008 c.30; section 3 was substituted by the Pensions Act 2011 and there have been further amendments which are not relevant to this instrument.

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and regulation 12 of the Occupational and Personal Pensions Schemes (Automatic Enrolment) Regulations 2010 for those of its eligible jobholders who are not active members; and

- (b) for the purposes of regulation 10(5)(a), the automatic re-enrolment date chosen by a member's employer in accordance with section 5 of the Pensions Act 2008 and regulation 12 of the Occupational and Personal Pensions Schemes (Automatic Enrolment) Regulations 2010 for those of its eligible jobholders who are not active members (or the date the employer would have chosen if the employer does not have any such employees);

“AVC” means a payment of additional voluntary contributions made under regulation 17;

“base rate” means the base rate for the time being quoted by the reference banks or, where there is for the time being more than one such base rate, the rate which, when the base rate quoted by each bank is ranked in a descending sequence of seven, is fourth in the sequence;

“benefit crystallisation event” has the meaning given by section 216 of the Finance Act 2004⁽⁵⁾;

“child-related leave” means—

- (a) ordinary adoption leave;
- (b) ordinary maternity leave;
- (c) additional maternity or adoption leave during which the member receives some pensionable pay;
- (d) paternity leave; or
- (e) additional paternity leave during which the member receives some pensionable pay.

“children's pension” means a pension payable to an eligible child in accordance with regulation 40, 43 or 46;

“cohabiting partner” means a person whom the appropriate administering authority is satisfied fulfils the following conditions—

- (a) the person (P) has fulfilled the condition in paragraph (b) for a continuous period of at least 2 years on the date the member (M) died; and
- (b) the condition is that—
 - (i) M is able to marry, or form a civil partnership with P,
 - (ii) M and P are living together as if they were husband and wife or as if they were civil partners,
 - (iii) neither M nor P is living with a third person as if they were husband and wife or as if they were civil partners, and
 - (iv) either P is financially dependent on M, or M and P are financially interdependent;

“commutation amount” means the amount of pension a member has elected to give up in return for a lump sum in accordance with regulation 32;

“deferred member” has the meaning given by regulation 6;

“deferred payment enhancement” means the amount by which a member's entitlement is increased pursuant to regulation 29(4) or (11);

“dependent” in relation to a person means that in the opinion of the administering authority, at the date of the member's death—

- (a) the person was financially dependent on the member;

(5) 2004 c.12; section 216 has been amended by the Finance Acts 2005, 2006, 2008 and 2011.

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- (b) the person’s financial relationship with the member was one of mutual dependence; or
 - (c) the person was dependent on the member because of physical or mental impairment;
- “early payment reduction” means the amount by which a member’s entitlement is reduced pursuant to regulation 29(5), (6) or (12);
- “earned pension” means pension accrued from the member’s pensionable pay pursuant to regulation 23(4) or (5) or credited pursuant to regulation 99(1) (effect of acceptance of transfer value);
- “eligible child”, in relation to a deceased member, means—
- (a) a natural or adopted child of a member who meets any of conditions A to C and who was born before, on, or in the case of a natural child, within 12 months of the member’s death; or
 - (b) a step-child or child accepted by the deceased as a member of the family (excluding a child sponsored by the member through a registered charity) who—
 - (i) meets any of conditions A to C; and
 - (ii) was dependent on the member at the date of death.

Condition A is that the person is aged under 18.

Condition B is that the person is in full-time education or vocational training and has not reached the age of 23 (but an administering authority may continue to treat a person as fulfilling Condition B notwithstanding any break in a course of education or vocational training, although the person does not fulfil Condition B during such a break).

Condition C is that the person is unable to engage in gainful employment because of physical or mental impairment and either—

- (i) has not reached the age of 23; or
- (ii) the impairment is in the opinion of an IRMP likely to be permanent and the person was dependent on the member at the date of the member’s death because of that physical or mental impairment.
- (iii) “employment” for the purposes of these Regulations only shall include holding an office, with necessary modifications to these Regulations, if any, in respect of a person holding an office;
- (iv) “enactment” has the same meaning as in section 126(1) of the Scotland Act 1998(6);

“European pensions institution” has the same meaning as in section 293(8) of the Pensions Act 2004(7);

“gainful employment” means paid employment for not less than 30 hours in each week for a period of not less than 12 months;

“index rate adjustment” means the percentage increase that would apply if the balance in the member’s account were a pension in payment eligible for increase under the Pensions (Increase) Act 1971(8);

“IRMP” means an independent registered medical practitioner who is registered with the General Medical Council and—

- (a) holds a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA state; and for the purposes of this

(6) 1998 c.46.

(7) 2004 c.35; section 293(8) was amended by S.I. 2007/3014.

(8) 1971 c.56.

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definition, “competent authority” has the meaning given by section 55(1) of the Medical Act 1983⁽⁹⁾; or

(b) is an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA state;

“joint liability amount” has the meaning given to that expression by section 237B(3) of the Finance Act 2004⁽¹⁰⁾;

“local government service” means an employment by virtue of which the person employed is or has been a member of the Scheme;

“membership” is to be construed in accordance with section 124(1) of the Pensions Act 1995⁽¹¹⁾;

“non-contractual overtime” means overtime above the hours of the standard full-time working week that the employee (part-time or full time) is not contracted to work;

“normal pension age” means the pensionable age of a person as specified from time to time in Schedule 4 to the Pensions Act 1995⁽¹²⁾, or if higher, age 65;

“occupational pension scheme” has the meaning given by section 1 of the Pensions Schemes Act 1993⁽¹³⁾;

“ordinary adoption leave” means leave under section 75A of the Employment Rights Act 1996⁽¹⁴⁾;

“ordinary maternity leave” means leave under section 71 of the Employment Rights Act 1996;

“partner” in relation to an active member means a spouse, civil partner or cohabiting partner;

“paternity leave” means leave under regulation 4 or 8 of the Paternity and Adoption Leave Regulations 2002⁽¹⁵⁾;

“payment period” means a period of service to which an employee’s wages or salary payments relate;

“pensionable age” has the meaning given in section 181 of the Pension Schemes Act 1993;

“pensionable pay” has the meaning given by regulation 20 but if the circumstances specified in regulation 21(2) apply, references in these Regulations to a member’s pensionable pay are references to that member’s assumed pensionable pay;

“pension account” means an account of the description in regulation 22;

“pension credit” means a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999⁽¹⁶⁾;

“pension credit member” has the meaning given by regulation 8(1);

“pension debit” means a debit under section 29(1)(a) of the Welfare Reform and Pensions Act 1999;

“pensioner member” has the meaning given by regulation 7(1);

“pensions board” means a board or committee established by an administering authority to discharge functions under regulation 51(4);

(9) 1983 c.54; the definition of “competent authority” was inserted by S.I. 2007/3101.

(10) 2004 c.12; section 237B was inserted by the Finance Act 2011.

(11) 1995 c.26.

(12) 1995 c.26.

(13) 1993 c.48; the definition of “occupational pension scheme” was substituted by the Pensions Act 2004 and was amended by S.I. 2007/3014.

(14) 1996 c.18; section 75A was inserted by the Employment Act 2002 and was amended by the Work and Families Act 2006.

(15) S.I. 2002/2788.

(16) 1999 c.30.

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“pension sharing order” means any provision or order specified in section 28 of the Welfare Reform and Pensions Act 1999;

“Pensions Regulator” means the body corporate established under section 1 of the Pensions Act 2004(17);

“permanently incapable” means that the member will, more likely than not, be incapable until at the earliest the member’s normal pension age;

“public service pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993(18);

“qualifying recognised overseas pension scheme” has the meaning given by section 169(2) of the Finance Act 2004(19);

“qualifying service for a period of two years” has the meaning given by regulation 3(6);

“reference banks” means the seven largest persons for the time being who—

- (a) have permission under Part 4A of the Financial Services and Markets Act 2000(20) to accept deposits;
- (b) are incorporated in the United Kingdom and carry on there a regulated activity of accepting deposits; and
- (c) quote a base rate in sterling,

and for the purposes of this definition, the size of the person at any time is to be determined by reference to the gross assets denominated in sterling of that person, together with any subsidiary (as defined in section 1159 of the Companies Act 2006(21)), as shown in the audited end-of-year accounts last published before that time;

“registered pension scheme” has the same meaning as in section 150(2) of the Finance Act 2004(22);

“reserve forces pay” means the total of—

- (a) pay for performing relevant reserve forces service (including marriage, family and similar allowances); and
- (b) any payments under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(23);

“reserve forces service leave” means absence from duty because of being called out or recalled for permanent service in Her Majesty’s armed forces pursuant to a call-out notice served, or a call-out or recall order made, under the Reserve Forces Act 1996(24);

“retirement pension” includes earned pension and additional pension;

“revaluation adjustment” means the percentage specified in the relevant Treasury order made under section 9(2) of the Public Service Pensions Act 2013(25) which is to be applied to the sum in a pension account at the beginning of the next scheme year;

“the Scheme” means the scheme established by these Regulations;

“Scheme employer” means a body listed in Schedule 2 employing an employee who is eligible to be a member and includes an admission body;

(17) 2004 c.35.

(18) 1993 c.48; section 1 has amendments which are not relevant to this instrument.

(19) 2004 c.12.

(20) 2000 c.8; Part 4A was inserted by the Financial Services Act 2012.

(21) 2006 c.46.

(22) 2004 c.12.

(23) 1951 c.65.

(24) 1996 c.14.

(25) 2013 c.25.

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“Scheme employer’s consent” includes the consent of the appropriate administering authority in circumstances where the member’s former employer is no longer a Scheme employer;

“Scheme employment” means an employment by virtue of which a person is entitled to be a member of this Scheme;

“Scheme pays election” means a member giving the administering authority notice of joint and several liability under section 237B of the Finance Act 2004⁽²⁶⁾ in respect of the member’s annual allowance charge;

“Scheme year” means a period of one year beginning with 1st April and ending with 31st March;

“statutory pay” means any statutory maternity, paternity, adoption pay, or sick pay payable under the Social Security Contributions and Benefits Act 1992⁽²⁷⁾;

“survivor member” means a person entitled to a survivor pension or a children’s pension;

“survivor pension” means a pension payable under regulation 39, 40, 42, 43, 45 or 46;

“SCAVC” means an arrangement established under regulation 17 to which the Scheme employer has chosen to contribute in addition to contributions that the active member contributes;

“Tier 1 benefits” has the meaning given by regulation 34(5) calculated in accordance with regulation 37;

“Tier 2 benefits” has the meaning given by regulation 34(6) calculated in accordance with regulation 37;

“trade dispute” has the meaning given in section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992⁽²⁸⁾;

“transferred in benefit” means a benefit in a member’s pension account deriving from a transfer value payment;

“transfer value payment” means a payment made from the Scheme to another registered pension scheme or qualifying recognised overseas pension scheme, or a payment received by the Scheme from a registered pension scheme or from a European pensions institution.

SCHEDULE 2

Regulation 3

Scheme employers

PART 1

A local authority.

A joint board or joint committee appointed under any enactment, order or scheme, all the constituent authorities of which are local authorities.

The body known as Scottish Water established under section 20 of the Water Industry (Scotland) Act 2002⁽²⁹⁾.

⁽²⁶⁾ 2004 c.12; section 237B was inserted by the Finance Act 2011.

⁽²⁷⁾ 1992 c.4.

⁽²⁸⁾ 1992 c.52.

⁽²⁹⁾ 2002 asp. 3.

The Scottish Children's Reporter established under section 128 of the Local Government etc. (Scotland) Act 1994⁽³⁰⁾ and continued in being by section 15 of the Children's Hearings (Scotland) Act 2011⁽³¹⁾.

The Scottish Environment Protection Agency established under section 20 of the Environment Act 1995⁽³²⁾.

A board of management of a college of further education established in terms of Part 1 of the Further and Higher Education (Scotland) Act 1992⁽³³⁾.

A board of management of a self-governing school constituted and incorporated under section 19(2) of the Self-governing Schools etc. (Scotland) Act 1989⁽³⁴⁾.

The Strathclyde Passenger Transport Authority established under section 40(1) of the Local Government etc. (Scotland) Act 1994.

The Strathclyde Passenger Transport Executive established under section 9(1) of the Transport Act 1968⁽³⁵⁾ or any subsidiary thereof.

Visit Scotland, established under section 1(1) of the Development of Tourism Act 1969⁽³⁶⁾.

A Transport Partnership created by virtue of an order under section 1 of the Transport (Scotland) Act 2005⁽³⁷⁾.

The Scottish Police Authority established under section 1 of the Police and Fire Reform (Scotland) Act 2012⁽³⁸⁾.

The Scottish Fire and Rescue Service established under section 1A(1) of the Fire (Scotland) Act 2005⁽³⁹⁾.

PART 2

1. The following bodies are admission bodies with whom an administering authority may make an admission agreement—

- (a) a body which provides a public service in the United Kingdom which operates otherwise than for the purposes of gain and has sufficient links with a Scheme employer for the body and the Scheme employer to be regarded as having a community of interest (whether because the operations of the body are dependent on the operations of the Scheme employer or otherwise);
- (b) a body, to the funds of which a Scheme employer contributes;
- (c) a body representative of—
 - (i) any Scheme employers, or
 - (ii) local authorities or officers of local authorities;
- (d) a body that is providing or will provide a service or assets in connection with the exercise of a function of a Scheme employer as a result of—
 - (i) the transfer of the service or assets by means of a contract or other arrangement, or

⁽³⁰⁾ 1994 c.39.

⁽³¹⁾ 2011 asp 1.

⁽³²⁾ 1995 c.25.

⁽³³⁾ 1992 c.37.

⁽³⁴⁾ 1989 c.39.

⁽³⁵⁾ 1968 c.73.

⁽³⁶⁾ 1969 c.51.

⁽³⁷⁾ 2005 asp. 12.

⁽³⁸⁾ S.S.I. 2012/236.

⁽³⁹⁾ S.S.I. 2012/336.

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- (ii) any provision in any enactment
 - (e) a body which provides a public service in the United Kingdom and is approved in writing by the Scottish Ministers for the purpose of admission to the Scheme.
2. An approval under paragraph 1(e) may be subject to such conditions as the Scottish Ministers think fit and the Scottish Ministers may withdraw an approval at any time if such conditions are not met.
3. The Scheme employer, if it is not also the administering authority, must be a party to the admission agreement with a body falling within the description in paragraph 1(d).
4. In the case of an admission body falling within the description in paragraph 1(b), where at the date of the admission agreement the contributions paid to the body by one or more Scheme employers equal in total 50% or less of the total amount it receives from all sources, the Scheme employer paying contributions (or, if more than one pays contributions, all of them) must guarantee the liability of the body to pay all amounts due from it under these Regulations.
5. If the admission body is exercising the functions of the Scheme employer in connection with more than one contract or other arrangement under paragraph 1(d)(i), the administering authority and the admission body shall enter into a separate admission agreement in respect of each contract or arrangement.
6. An admission agreement must require the admission body to carry out, to the satisfaction of the administering authority, and to the satisfaction of the Scheme employer in the case of a body falling within paragraph 1(d)(i), an assessment, taking account of actuarial advice, of the level of risk arising on premature termination of the provision of service or assets by reason of insolvency, winding up, or liquidation of the admission body.
7. Notwithstanding paragraph 6, and subject to paragraph 8, the admission agreement must further provide that where the level of risk identified by the assessment is such as to require it, the admission body shall enter into an indemnity or bond in a form approved by the administering authority with—
- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000⁽⁴⁰⁾ to accept deposits or to effect and carry out contracts of general insurance;
 - (b) a firm in an EEA state of the kind mentioned in paragraph 5(b) and (d) of Schedule 3 to that Act⁽⁴¹⁾, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule⁽⁴²⁾) to accept deposits or to effect and carry out contracts of general insurance; or
 - (c) a person who does not require permission under that Act to accept deposits, by way of business, in the United Kingdom.
8. Where, for any reason, it is not desirable for an admission body to enter into an indemnity or bond, the admission agreement must provide that the admission body secures a guarantee in a form satisfactory to the administering authority from—
- (a) a person who funds the admission body in whole or in part;
 - (b) in the case of an admission body falling within the description in paragraph 1(d), the Scheme employer referred to in that paragraph;
 - (c) a person who—
 - (i) owns, or

⁽⁴⁰⁾ 2000 c.8.

⁽⁴¹⁾ Paragraph 5(b) of Schedule 3 was amended by [S.I. 2006/3221](#), and paragraph 5(d) of that Schedule was amended by [S.I. 2004/3379](#).

⁽⁴²⁾ There are amendments to paragraphs 12 and 15 of the Schedule which are not relevant to these Regulations.

- (ii) controls the exercise of the functions of,
the admission body; or
 - (d) the Scottish Ministers in the case of an admission body—
 - (i) which is established by or under any enactment, and
 - (ii) where that enactment enables the Scottish Ministers to make financial provision for that admission body.
- 9.** An admission agreement must include—
- (a) provision for it to terminate if the admission body ceases to be such a body;
 - (b) a requirement that the admission body notify the administering authority of any matter which may affect its participation in the Scheme;
 - (c) a requirement that the admission body notify the administering authority of any actual or proposed change in its status, including a take-over, reconstruction or amalgamation, insolvency, winding up, receivership or liquidation and a material change to the body's business or constitution;
 - (d) a right for the administering authority to terminate the agreement in the event of—
 - (i) the insolvency, winding up or liquidation of the admission body,
 - (ii) a material breach by the admission body of any of its obligations under the admission agreement or these Regulations which has not been remedied within a reasonable time,
 - (iii) a failure by the admission body to pay any sums due to the fund within a reasonable period after receipt of a notice from the administering authority requiring it to do so.
- 10.** An admission agreement must include a requirement that the admission body will not do anything to prejudice the status of the Scheme as a registered scheme.
- 11.** When an administering authority makes an admission agreement it must make a copy of the agreement available for public inspection at its offices and must promptly inform the Scottish Ministers of—
- (a) the date the agreement takes effect;
 - (b) the admission body's name; and
 - (c) the name of any Scheme employer that is party to the agreement.
- 12.** Where an admission body is such a body by virtue of paragraph 1(d), an admission agreement must include—
- (a) a requirement that only employees of the body who are employed in connection with the provision of the service or assets referred to in that sub-paragraph may be members of the Scheme;
 - (b) details of the contract, other arrangement or statutory provision by which the body met the requirements of that sub-paragraph;
 - (c) a provision whereby the Scheme employer referred to in that sub-paragraph may set off against any payments due to the body, an amount equal to any overdue employer and employee contributions and other payments (including interest) due from the body under these Regulations;
 - (d) a provision requiring the admission body to keep under assessment, to the satisfaction of the bodies mentioned in paragraph 6, the level of risk arising as a result of the matters mentioned in that paragraph;

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- (e) a provision requiring copies of notifications due to the administering authority under paragraph 9(b) or (c) to be given to the Scheme employer referred to in that sub-paragraph; and
- (f) a provision requiring the Scheme employer referred to in that sub-paragraph to make a copy of the admission agreement available for public inspection at its offices.

13. Where an admission body of the description in paragraph 1(d) undertakes to meet the requirements of these Regulations, the appropriate administering authority must admit to the Scheme the eligible employees of that body.

SCHEDULE 3

Regulation 51(1)

Pension funds

The following bodies are required to maintain a pension fund and are administering authorities for the purposes of these Regulations—

- Aberdeen City Council
- Dumfries and Galloway Council
- Dundee City Council
- City of Edinburgh Council
- Falkirk Council
- Fife Council
- Glasgow City Council
- The Highland Council
- Orkney Islands Council
- Scottish Borders Council
- Shetland Islands Council

SCHEDULE 4

Regulation 51(3)

Appropriate Funds

PART 1

- 1.** The appropriate fund for a member is the fund specified in column 2 of the following Table for a member of such member’s description.
- 2.** But where a member is within paragraph 5 of that Table, the Scottish Ministers may by direction substitute another fund (“the substituted fund”).
- 3.** Before giving a direction under paragraph 2 Scottish Ministers must consult with any bodies appearing to them to be affected by the proposed direction.
- 4.** The direction may require the making of financial adjustments between the funds, whether by way of a payment to the substituted fund or of a transfer of assets or both.

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5. It may also contain provision as to the transfer of liabilities to the substituted fund and any other consequential and incidental matters.

6. Where an administering authority have established an admission agreement fund under regulation 52 (admission agreement funds)—

- (a) references in this Schedule and in regulation 51(3) (appropriate funds) to the fund are to the fund maintained by that authority under regulation 51(1) (pension funds); and
- (b) in relation to a member employed by a body specified in the notice required by regulation 52(3), the appropriate fund is the admission agreement fund.

TABLE

<i>Member</i>	<i>Appropriate fund</i>
1. An employee of an administering authority	Fund maintained by that authority
2. A member falling within the Table in Part II of this Schedule	Fund specified for him or her in that table
3. An employee of a company under the control of a Scheme employer specified in Schedule 2	Fund which is appropriate fund for employees of that Scheme employer
4. An admission agreement employee	Fund maintained by the administering authority with whom the admission agreement making him or her eligible for membership was made.
5. Members for whom no fund is specified by paragraphs 1-4	Fund maintained by the administering authority within whose local government area all or most of the member's employing authority's area lies

PART 2

Miscellaneous Authorities

<i>Member</i>	<i>Appropriate fund</i>
1. Former employee of East of Scotland Water Authority who transferred to Scottish Water on 1st April 2002.	Fund maintained by City of Edinburgh Council
2. Employee of Scottish Water who commenced employment on or after 1st April 2002 and whose pay notice is prepared in the Edinburgh premises of Scottish Water.	
3. Former employee of West of Scotland Water Authority who transferred to Scottish Water on 1st April 2002.	Fund maintained by Glasgow City Council
4. Employee of Scottish Water who commenced employment on or after 1st April 2002 and whose pay notice is prepared in the Glasgow premises of Scottish Water.	
5. Former employee of North of Scotland Water Authority who transferred to Scottish Water on 1st April 2002.	Fund maintained by Aberdeen City Council
6. Employee of Scottish Water who commenced employment on or after 1st April 2002 and whose pay notice is prepared in the Inverness premises of Scottish Water.	

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<i>Member</i>	<i>Appropriate fund</i>
7. Employee of Scottish Children's Reporter Administration.	Fund maintained by Falkirk Council
8. Employee of Scottish Environment Protection Agency.	Fund maintained by Falkirk Council
9. Employee of Strathclyde Passenger Transport Authority.	Fund maintained by Glasgow City Council
10. Employee of Strathclyde Passenger Transport Executive.	Fund maintained by Glasgow City Council
11. Former employee of Argyll, the Isles, Loch Lomond, Stirling and Trossachs Tourist Board.	Fund maintained by Falkirk Council
12. Former employee of Scottish Homes.	Fund maintained by City of Edinburgh Council
13. Former employee of the Scottish Special Housing Association.	Fund maintained by City of Edinburgh Council
14. Employee of the South East of Scotland Transport Partnership, other than an employee who falls within entries 15 to 17 below.	Fund maintained by City of Edinburgh Council
15. Former employee of Clackmannanshire Council or Falkirk Council who transferred to the South East of Scotland Transport Partnership as a consequence of an order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Falkirk Council
16. Former employee of Fife Council who transferred to the South East of Scotland Transport Partnership as a consequence of an order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Fife Council
17. Former employee of Scottish Borders Council who transferred to the South East of Scotland Transport Partnership as a consequence of an order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Scottish Borders Council.
18. Employee of the Central and Tay Transport Partnership, other than an employee who falls within entry 19 below.	Fund maintained by Dundee City Council
19. Former employee of Stirling Council who transferred to the Central and Tay Transport Partnership as a consequence of an order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Falkirk Council
20. Employee of the Highlands and Islands Transport Partnership other than an employee who falls within entries 21 to 23 below.	Fund maintained by Highland Council
21. Former employee of Argyll and Bute Council who transferred to the Highlands and Island Transport Partnership as a consequence of an order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by City of Glasgow Council
22. Former employee of Moray Council who transferred to the Highlands and Islands Transport Partnership as a	Fund maintained by Aberdeen City Council

<i>Member</i>	<i>Appropriate fund</i>
consequence of an order made under section 2 or 10 of the Transport (Scotland) Act 2005.	
23. Former employee of Orkney Islands Council who transferred to the Highlands and Islands Transport Partnership as a consequence of an order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Orkney Islands Council
24. Employee of the Scottish Police Services Authority, other than an employee who falls within entries 25 to 31 below.	Fund maintained by City of Glasgow Council
25. Former employee of Fife Police Authority who transferred to the Scottish Police Services Authority by virtue of a staff transfer order under paragraph 2 of Schedule 3 to the Police Public Order and Criminal Justice (Scotland) Act 2006.	Fund maintained by Fife Council
26. Former employee of Lothian and Borders Joint Police Board who transferred to the Scottish Police Services Authority by virtue of a staff transfer order under paragraph 2 of Schedule 3 to the Police Public Order and Criminal Justice (Scotland) Act 2006.	Fund maintained by City of Edinburgh Council
27. Former employee of Dumfries and Galloway Police Authority who transferred to the Scottish Police Services Authority by virtue of a staff transfer order under paragraph 2 of Schedule 3 to the Police Public Order and Criminal Justice (Scotland) Act 2006.	Fund maintained by Dumfries and Galloway Council
28. Former employee of Tayside Joint Police Board who transferred to the Scottish Police Services Authority by virtue of a staff transfer order under paragraph 2 of Schedule 3 to the Police Public Order and Criminal Justice (Scotland) Act 2006.	Fund maintained by Dundee City Council
29. Former employee of Central Scotland Joint Police Board who transferred to the Scottish Police Services Authority by virtue of a staff transfer order under paragraph 2 of Schedule 3 to the Police Public Order and Criminal Justice (Scotland) Act 2006.	Fund maintained by Falkirk Council
30. Former employee of Northern Joint Police Board who transferred to the Scottish Police Services Authority by virtue of a staff transfer order under paragraph 2 of Schedule 3 to the Police Public Order and Criminal Justice (Scotland) Act 2006.	Fund maintained by Highland Council
31. Former employee of Grampian Joint Police Board who transferred to the Scottish Police Services Authority by virtue of a staff transfer order under paragraph 2 of Schedule 3 to the Police Public Order and Criminal Justice (Scotland) Act 2006.	Fund maintained by Aberdeen City Council
32. Employee of VisitScotland, other than an employee who is a former employee of the Scottish Network 1 Tourist Board or the Scottish Network 2 Tourist Board who	Fund maintained by City of Edinburgh Council

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<i>Member</i>	<i>Appropriate fund</i>
transferred to VisitScotland by virtue of paragraph 1 of Schedule 1 to the Tourist Boards (Scotland) Act 2006 and who was a member of the Scheme at the date of that transfer, for whom the appropriate fund is set out at entries 33 to 43 below.	
33. Former employee of the Scottish Network 1 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Dumfries network area.	Fund maintained by Dumfries and Galloway Council
34. Former employee of the Scottish Network 1 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Edinburgh network area.	Fund maintained by City of Edinburgh Council
35. Former employee of the Scottish Network 1 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Glasgow or Prestwick network area.	Fund maintained by City of Glasgow Council
36. Former employee of the Scottish Network 1 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Selkirk network area.	Fund maintained by Scottish Borders Council
37. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Aberdeen network area.	Fund maintained by Aberdeen City Council
38. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Dundee or Perth network area.	Fund maintained by Dundee City Council
39. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Kirkwall network area.	Fund maintained by Orkney Islands Council
40. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Lerwick network area.	Fund maintained by Shetland Islands Council
41. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Markinch network area.	Fund maintained by Fife Council
42. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Stornoway or Strathpeffer network area.	Fund maintained by Highland Council
43. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Stirling network area.	Fund maintained by Falkirk Council
44. Former employee of Strathclyde Joint Police Board or constituent local authorities transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, any employee of the Scottish Police Authority who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Strathclyde Joint Police Board or constituent local authorities and any former employee of	Fund maintained by City of Glasgow Council

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<i>Member</i>	<i>Appropriate fund</i>
the Scottish Police Services Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, who immediately before the transfer was an active member of the fund in the corresponding right hand column(43).	
45. Former employee of Fife Police Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, any employee of the Scottish Police Authority who prior to the Police and Fire Reform(Scotland) Act 2012 would have been employed, if based on location of employment, by Fife Police Authority and any former employee of the Scottish Police Services Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, who immediately before the transfer was an active member of the fund in the corresponding right hand column (44).	Fund maintained by Fife Council
46. Former employee of Lothian and Borders Joint Police Board or constituent local authorities transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, any employee of the Scottish Police Authority who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Lothian and Borders Joint Police Board or constituent local authorities and any former employee of the Scottish Police Services Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, who immediately before the transfer was an active member of the fund in the corresponding right hand column(45).	Fund maintained by City of Edinburgh Council
47. Former employee of Dumfries and Galloway Police Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, any employee of the Scottish Police Authority who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Dumfries and Galloway Police Authority and any former employee of the Scottish Police Services Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, who immediately before the transfer was an active member of the fund in the corresponding right hand column(46).	Fund maintained by Dumfries and Galloway Council
48. Former employee of Tayside Joint Police Board or constituent local authorities transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, any employee of the Scottish Police Authority	Fund maintained by Dundee City Council

(43) [S.S.I. 2012/236](#).

(44) [S.S.I. 2012/236](#).

(45) [S.S.I. 2012/236](#).

(46) [S.S.I. 2012/236](#).

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<i>Member</i>	<i>Appropriate fund</i>
who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Tayside Joint Police Board or constituent local authorities and any former employee of the Scottish Police Services Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, who immediately before the transfer was an active member of the fund in the corresponding right hand column(47).	
49. Former employee of Central Scotland Joint Police Board or constituent local authorities transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, any employee of the Scottish Police Authority who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Central Scotland Joint Police Board or constituent local authorities and any former employee of the Scottish Police Services Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, who immediately before the transfer was an active member of the fund in the corresponding right hand column(48).	Fund maintained by Falkirk Council
50. Former employee of Northern Joint Police Board or constituent local authorities transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, any employee of the Scottish Police Authority who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Northern Joint Police Board or constituent local authorities and any former employee of the Scottish Police Services Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, who immediately before the transfer was an active member of the fund in the corresponding right hand column(49).	Fund maintained by Highland Council
51. Former employee of Grampian Joint Police Board or constituent local authorities transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, any employee of the Scottish Police Authority who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Grampian Joint Police Board or constituent local authorities and any former employee of the Scottish Police Services Authority transferred to the Scottish Police Authority by the Police and Fire Reform (Scotland) Act 2012, who immediately before the transfer was an active	Fund maintained by Aberdeen City Council

(47) [S.S.I. 2012/236](#).

(48) [S.S.I. 2012/236](#).

(49) [S.S.I. 2012/236](#).

<i>Member</i>	<i>Appropriate fund</i>
member of the fund in the corresponding right hand column (50) .	
52. Former employee of Strathclyde Joint Fire and Rescue Board or constituent local authorities transferred to the Scottish Fire and Rescue Service by the Police and Fire Reform (Scotland) Act 2012 and any employee of the Scottish Fire and Rescue Service who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Strathclyde Joint Fire and Rescue Board or constituent local authorities (51) .	Fund maintained by City of Glasgow Council
53. Former employee of Fife Council transferred to the Scottish Fire and Rescue Service by the Police and Fire Reform (Scotland) Act 2012 and any employee of the Scottish Fire and Rescue Service who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Fife Council (52) .	Fund maintained by Fife Council
54. Former employee of Lothian and Borders Joint Fire and Rescue Board or constituent local authorities transferred to the Scottish Fire and Rescue Service by the Police and Fire Reform (Scotland) Act 2012, any employee of the Scottish Fire and Rescue Service who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Lothian and Borders Joint Fire and Rescue Board or constituent local authorities, any former employee of the Fire College at Gullane transferred to the Scottish Fire and Rescue Service by the Police and Fire Reform (Scotland) Act 2012 and any employee of the Scottish Fire and Rescue Service employed at the Fire College at Gullane (53) .	Fund maintained by City of Edinburgh Council
55. Former employee of Dumfries and Galloway Council transferred to the Scottish Fire and Rescue Service by the Police and Fire Reform (Scotland) Act 2012 and any employee of the Scottish Fire and Rescue Service who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Dumfries and Galloway Council (54) .	Fund maintained by Dumfries and Galloway Council
56. Former employee of Tayside Joint Fire and Rescue Board or constituent local authorities transferred to the Scottish Fire and Rescue Service by the Police and Fire Reform (Scotland) Act 2012 and any employee of the Scottish Fire and Rescue Service who prior to the Police and Fire Reform (Scotland) Act 2012 would have	Fund maintained by Dundee City Council

(50) S.S.I. 2012/236.

(51) S.S.I. 2012/236.

(52) S.S.I. 2012/236.

(53) S.S.I. 2012/236.

(54) S.S.I. 2012/236.

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<i>Member</i>	<i>Appropriate fund</i>
been employed, if based on location of employment, by Tayside Joint Fire and Rescue Board or constituent local authorities(55).	
57. Former employee of Central Joint Fire and Rescue Board or constituent local authorities transferred to the Scottish Fire and Rescue Service by the Police and Fire Reform (Scotland) Act 2012 and any employee of the Scottish Fire and Rescue Service who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Central Joint Fire and Rescue Board or constituent local authorities(56).	Fund maintained by Falkirk Council
58. Former employee of Highlands and Islands Joint Fire and Rescue Board or constituent local authorities transferred to the Scottish Fire and Rescue Service by the Police and Fire Reform (Scotland) Act 2012 and any employee of the Scottish Fire and Rescue Service who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Highlands and Islands Joint Fire and Rescue Board or constituent local authorities(57).	Fund maintained by Highland Council
59. Former employee of Grampian Joint Fire and Rescue Board or constituent local authorities transferred to the Scottish Fire and Rescue Service by the Police and Fire Reform (Scotland) Act 2012 and any employee of the Scottish Fire and Rescue Service who prior to the Police and Fire Reform (Scotland) Act 2012 would have been employed, if based on location of employment, by Grampian Joint Fire and Rescue Board or constituent local authorities(58).	Fund maintained by Aberdeen City Council

SCHEDULE 5

Regulation 101

Councillor Members

BENEFITS

Preliminary

1. Omit regulation 93 (certificate of protection).

(55) S.S.I. 2012/236.

(56) S.S.I. 2012/236.

(57) S.S.I. 2012/236.

(58) S.S.I. 2012/236.

OPTIONAL ADDITIONAL BENEFITS

Shared Cost Schemes

2. In regulation 17 (additional voluntary contributions) omit the words “shared cost additional voluntary contributions” and the words “or SCAVCS” where they occur.

Increase of Pension

3. Omit regulation 30 (award of additional pension).

ADMINISTRATION

4. In regulation 16 omit paragraphs (2)(e) and (4)(d).

5. For regulation 20 substitute—

“20.—(1) A councillor member’s pensionable pay in any year is the total of all payments of remuneration to the councillor by the local authority under the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, including any payments made in respect of a councillor’s functions as convenor or vice-convenor of a joint board.

(2) All references to “pay” in these Regulations and in the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008(59) in respect of a councillor member and the councillor membership shall be construed in accordance with paragraph (1).”

6. Omit regulation 21 (assumed pensionable pay).

7. Omit regulation 29(6) (flexible retirement).

8. Omit regulation 30 (award of additional pension).

9. In regulation 34 (early leavers: ill-health)—

(a) for paragraph (1) substitute—

“(2) Where a councillor member ceases to be a member of the member’s local authority on the grounds of ill-health or infirmity of mind or body before reaching normal pension age, the member is entitled to and must take early payment of a retirement pension if that member satisfies the conditions in paragraph (3) of this regulation.”; and

(b) for paragraph (3) substitute—

“(3) The condition is that the member is, as a result of ill-health or infirmity of mind or body, permanently incapable of discharging efficiently the duties of that local authority office.”.