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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 233**

**The Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014**

**Special cases**

**24.**—(1) A person who was an active member of the 2009 Scheme on 31st March 2015 by virtue of or subject to the terms of any statutory provision which varied the application of the generality of any of the Earlier Regulations continues to be an active member in the 2015 Scheme from 1st April 2015 on the same terms as provided for in that Scheme, provided that person is eligible for membership on that date and, subject to this regulation, any variation of the application of any of those Regulations to that person applies in respect of the application of the 2014 Regulations to that person, with any necessary modifications.

(2) Subject to paragraph (4), the normal pension age in the 2015 Scheme for a person to whom paragraph (1) applies is the pensionable age of that person as specified from time to time in Schedule 4 to the Pensions Act 1995<sup>(1)</sup> or if higher, 65, and any provisions in the Earlier Regulations which provide for references to normal pension age, or to a person's 65th birthday, to be construed as references to age 60, cease to have effect.

(3) Notwithstanding the revocations effected by regulation 2 (revocation of Regulations), regulation 38 (pension increases under the Pensions (Increase) Acts) of the Benefits Regulations and regulation 36 of the Administration Regulations (employer's payment following resolution to increase membership or award additional pension) continue to have effect.

(4) For a person to whom regulations 16A to 16D of the Benefit Regulations (normal retirement age: Learning and Teaching Scotland, Skills Development Scotland, Scottish Legal Complaints Commission, Social Care and Social Work Improvement Scotland) apply—

- (a) the normal pension age for the purposes of regulation 4 (statutory underpin) is age 60; and
- (b) regulation 18 and Schedule 2 (the 85 year rule) do not apply.

(5) The right, except if otherwise lost through a previous break in membership, in regulation 19(3) of the Benefits Regulations (notwithstanding paragraph (1)) is lost in the case of a break in membership after 1st April 2015.

(6) Notwithstanding the revocation of regulation 22 of the 1998 Transitional Regulations (former NHS scheme members) and regulation 128 of the 1998 Regulations (transport employees) by the 2009 Scheme Transitional Regulations, those regulations have effect as if they had never been revoked.