
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the Local Government Superannuation (Scotland) Scheme (“the LGSS”) constituted under the Local Government Superannuation (Scotland) Regulations 1987 (“the principal Regulations”) in connection with the establishment of the Scottish Environment Protection Agency (“SEPA”), and the transfer of staff to the Agency from the Civil Service. The Regulations have retrospective effect from 1st April 1996, as authorised by section 12(1) of the Superannuation Act 1972.

Regulations 2 and 4 add new regulation G5 and Schedule 16A to the principal Regulations. They deal with adjustments to be made to the Scheme and to benefits under it in respect of persons who become employees of SEPA on a transfer from employment in respect of which they were members, or were eligible to be members, of the Principal Civil Service Pension Scheme (“the PCSPS”), and who as employees of SEPA are members of the LGSS.

The main amendments provide that—

- (a) members of the PCSPS (or those eligible to be members) joining the LGSS will retain the right to retire at age 60 with no actuarial reduction to pension even where they have less than 25 years actual membership of the LGSS;
- (b) where a person opts to preserve his accrued PCSPS service he will nonetheless be entitled to treat such service as qualifying service for the purpose of certain provisions of the LGSS and as reckonable service for the purpose of early retirement on grounds of ill-health;
- (c) members of the PCSPS joining the LGSS and who subsequently cease to hold a local government employment before age 50 will retain the right to take actuarially reduced pensions in respect of their SEPA service (including any service transferred from the PCSPS) on attainment of that age or, at their option, at any time between the ages of 50 and 60. Similarly, persons ceasing to hold a local government employment after attaining age 50 can either take a reduced pension in respect of their SEPA service (including any service transferred from the PCSPS) immediately or, at their option, at any time before age 60. The factors used in calculating the pensions will be determined by the Government Actuary’s Department;
- (d) contracts for the purchase of added years of service and for in-house additional voluntary contributions under the PCSPS will, for so long as the persons concerned are in the continuous pensionable employment of SEPA, continue at no disadvantage to the individuals;
- (e) members of the PCSPS joining the LGSS will, for so long as they are in continuous pensionable employment of SEPA, retain the right to count earlier service abroad as increased service;
- (f) where a person opts to preserve his accrued PCSPS service he will nonetheless be entitled to treat such service as a period of pensionable employment with SEPA for the purpose of calculating his pensionable remuneration;
- (g) the provisions of the PCSPS Rules dealing with calculation of pensionable pay will continue to apply for the purpose of determining the pensionable remuneration on which a person’s pension is based.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 5 makes provision for the calculation of transfer values to the LGSS from the PCSPS in respect of members whose employment transfers to SEPA. Where a transfer value in respect of accrued PCSPS service has been requested by an eligible person within the appropriate time limits (whether on bulk or individual terms), the transfer value will be calculated so as to provide year for year service credit in the LGSS.