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STATUTORY INSTRUMENTS

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**1998 No. 364**

**The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998**

*Augmentation*

**Duty of employing authority to increase total membership of members with membership before the commencement date**

13.—(1) Where a relevant event occurs—

- (a) in relation to a member who is entitled to count membership by virtue of regulation 6 or 7; or
- (b) in relation to a member to whom paragraph 6(6) of Schedule 2 applies as respects a period of membership,

the relevant authority must determine whether his rights under the Scheme in respect of that membership are at least equal in value to the rights to which he was entitled immediately before the commencement date (“his 1987 rights”).

(2) If the relevant authority determine that a member’s 1987 rights were of a greater value than his rights under the Scheme in respect of the membership mentioned in paragraph (1), they must resolve to increase the member’s total membership for the 1998 Regulations by an additional period so that his rights under the Scheme in respect of the membership mentioned in paragraph (1) are at least equal in value to his 1987 rights.

(3) However, if that additional period would exceed the period which would be the maximum addition under Schedule 4 to the 1998 Regulations if the resolution were made under regulation 52 of those Regulations—

- (a) it must be reduced to the amount of the maximum addition; and
- (b) the relevant authority must resolve that the appropriate multiplier for one or both of the purposes mentioned in regulation 19(2) and (3) of those Regulations (calculations of pensions and retirement grants) must be increased accordingly so that (taking the effects of the reduced additional period and the increase in any such multiplier together) his rights under the Scheme in respect of the membership mentioned in paragraph (1) are at least equal in value to his 1987 rights.

(4) Before—

- (a) making a determination under paragraph (1); or
- (b) determining the additional period under paragraph (2) or the increase in any appropriate multiplier under paragraph (3)(b),

the authority must consider the advice of an actuary if they consider it appropriate.

(5) Where the relevant authority have passed a resolution under paragraph (2), the additional period counts as part of the member’s total membership for regulation 8(1)(d) of the 1998 Regulations.

- (6) The relevant authority must give notice of the making of such a resolution to the member before the expiry of the period of six months beginning with the relevant date.
- (7) The relevant authority is—
- (a) in the case of a member who is an active member when the relevant event occurs, his Scheme employer; and
  - (b) otherwise, his appropriate administering authority or, if there is more than one, the appropriate administering authority in respect of the employment which he left last.
- (8) A relevant event occurs in relation to a member if—
- (a) he becomes immediately entitled to payment of a benefit under the 1998 Regulations or any other person whose entitlement is in respect of him becomes so entitled; or
  - (b) he applies under section 93A of the Pension Schemes Act 1993<sup>(1)</sup> for a statement of entitlement; or
  - (c) he is provided with such information as is mentioned in regulation 119(3) of the 1998 Regulations (bulk transfers etc.).
- (9) The relevant date is—
- (a) in the case mentioned in paragraph (8)(a), the date on which the amount of the benefit is determined;
  - (b) in the case mentioned in paragraph (8)(b) or (c), the date the member's membership ceases.

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(1) 1993 c. 48; section 93A was inserted by the Pensions Act 1995 (c. 26), section 153.