

### SCHEDULE 3

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998*

4.—(1) The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998(1) shall be amended in accordance with the following sub-paragraphs.

(2) Unless otherwise expressly amended, for references throughout the Regulations to “assumed pensionable employee”, the “LGSS”, “LGSS employer” and “the Superannuation Regulations” substitute respectively a reference to “assumed member”, “the Scheme”, “LGPS employer” and “the LGPS Regulations”.

(3) For references throughout the Regulations to “pensionable employee”, except the third and fourth such references in regulation 2(4), substitute “LGPS member”.

(4) In regulation 2—

(a) in paragraph (1)—

(i) after the definition of “the 1996 Act” insert—

““the 1987 Regulations” means the Local Government Superannuation (Scotland) Regulations 1987;”

(ii) in the definition of “employing authority” omit the words “or (b)”;

(iii) after the definition of “employment” insert—

““LGPS employer” means—

(a) a Scheme employer as defined in the LGPS Regulations;

(b) in relation to any person who is an admission agreement employee (as so defined), his employing body;

“LGPS member” means a member of the Scheme (as defined in the LGPS Regulations);

“LGPS Regulations” means the Local Government Pension Scheme (Scotland) Regulations 1998;

“pensionable remuneration” means pay within the meaning of regulation 12 of the LGPS Regulations;

“the Scheme” has the meaning given in the LGPS Regulations;

“the Transitional Regulations” means the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998.”;

(iv) omit the definitions of “LGSS”, “LGSS employer” and “the Superannuation Regulations”;

(b) at the end of paragraph (3) add the words “or, if the expression is not defined in those Regulations, in the 1987 Regulations”;

(c) in paragraph (4) after the words “Regulations 1974” in both places where they appear insert the words “or, as the case may be, the 1987 Regulations”.

(5) In regulation 5—

(a) in paragraph (1)—

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- (i) in paragraph (a) of the definition of “effective service” for the words “any period of reckonable service” substitute the words “any period of membership counting towards a person’s total membership within the meaning of LGPS Regulations (including any period of reckonable service within the meaning of the 1987 Regulations)”;
  - (ii) in the definition of “occupational pension” for the words “Superannuation Regulations” substitute “LGPS Regulations or the 1987 Regulations”;
  - (iii) in the definition of “relevant English or Welsh employer” for “1995” substitute “1997”;
  - (b) in paragraph (3) for the words “regulation B8 of the Superannuation Regulations” substitute the words “regulation 130(1) of the LGPS Regulations”;
  - (c) in paragraph (4) for the words “regulation B7 (returning officers etc) of the Superannuation Regulations” substitute the words “regulation 130(2) (returning officers etc.) of the LGPS Regulations”.
- (6) In regulation 6(1)–
- (a) in sub-paragraph (b)(i) for the words “regulation E2(4)(a) of the Superannuation Regulations” substitute the words “regulation 25(1)(b) of the LGPS Regulations”;
  - (b) for sub-paragraph (e)(ii) substitute–
    - “(ii) any periods of superannuable membership (as defined in regulation 9 of the LGPS Regulations) and any increase in membership under regulation 13 of the Transitional Regulations.”.
- (7) In regulation 7(2)–
- (a) in sub-paragraph (c)–
    - (i) for the words “Superannuation Regulations” substitute the words “1987 Regulations”;
    - (ii) in head (ii) after the words “those Regulations” insert the words “or regulation 21 or 22 of the LGPS Regulations”;
  - (b) in sub-paragraph (d) for the words “those Regulations” substitute the words “the 1987 Regulations”.
- (8) In regulation 8(1)–
- (a) in sub-paragraph (c) for the words “to which regulations D2, D10, D11, D12 and E28 of the Superannuation Regulations apply” and “would apply” substitute respectively the words “which count as periods of superannuable membership (as defined in regulation 9 of the LGPS Regulations) and any increase in membership under regulation 13 of the Transitional Regulations” and “would count or, as the case may be, would apply or be awarded”;
  - (b) at the end add– “,  
but no person may be credited with a period of service under this regulation in respect of a former employment in respect of the cessation of which an additional period of membership may be counted under regulation 51 of the LGPS Regulations”.
- (9) In regulations 9(2) and 10(2)–
- (a) in paragraph (a) for the words from “regulation E2(1)(b)(iii)” to “satisfied” substitute the words “regulation 25 of the LGPS Regulations”;
  - (b) in paragraph (b) for the words “regulation E2(4)(a)” substitute the words “regulation 25(1)(b)”.

- (10) In regulation 11–
- (a) in paragraph (1)(c)(ii) for the words “regulation E2(1)(b)(iii) of the Superannuation Regulations” substitute the words “regulation 25 of the LGPS Regulations”;
  - (b) in paragraph (2)(a) for the words “Part E of the Superannuation Regulations” substitute the words “Part II of the LGPS Regulations”.
- (11) In regulation 16–
- (a) for paragraph (3)(a) substitute–
    - “(a) a pension under regulation 24, 25, 26 or 30 of the LGPS Regulations (including a single pension under regulation 28 of those Regulations);”;
  - (b) in paragraph (7) for the words from “paragraphs (6) to (9)” to the end substitute the words “no regard shall be had to regulation 110 (abatement) of the LGPS Regulations”.
- (12) In regulation 17–
- (a) in paragraph (3) for the words “Part E of the Superannuation Regulations” substitute the words “Part II of the LGPS Regulations”;
  - (b) in paragraph (4) for the words “regulation D3(6) of the Superannuation Regulations” substitute the words “regulation 8(4) of the LGPS Regulations”.
- (13) In regulation 18(4) for the words “regulation E3(1) to (3) of the Superannuation Regulations” substitute the words “regulations 19 and 53 of the LGPS Regulations”.
- (14) In regulation 19–
- (a) in paragraph (1) for the words “regulation E20 of and Schedule 13 to the Superannuation Regulations” substitute the words “regulation 32 of the LGPS Regulations”;
  - (b) in paragraph (3) for the words “regulation E2(1)(b)(iii) and (3)(a) of the Superannuation Regulations” substitute the words “regulation 25 of the LGPS Regulations”;
  - (c) in paragraph (6) for the words “regulation E20 of the Superannuation Regulations” substitute the words “regulation 32 of the LGPS Regulations”.
- (15) In regulation 20(1)(a) for the words “regulation E5 of the Superannuation Regulations” substitute the words “regulations 39 to 42 of the LGPS Regulations”.
- (16) In regulation 21(2)(b) for the words “regulation E2(1)(b)(i) of the Superannuation Regulations” substitute the words “regulation 26(1) of the LGPS Regulations”.
- (17) In regulation 22(1)(a) and (2)(a) for the words “regulation E8 of the Superannuation Regulations” substitute the words “regulation 44 of the LGPS Regulations”.
- (18) In regulation 24(1)(a) and (2)(a) for the words “regulation E8 of the Superannuation Regulations” substitute the words “regulation 45 of the LGPS Regulations”.
- (19) In regulation 25–
- (a) in paragraph (3)(b) for the words “regulation E2(1)(b)(i) of the Superannuation Regulations” substitute the words “regulation 26(1) of the LGPS Regulations”;
  - (b) in paragraph 5(i) for the words “regulation E9(5) of the Superannuation Regulations” substitute the words “regulation 45(9) of the LGPS Regulations”.
- (20) In regulation 26(1) and (2) for the words “regulation E9(7) of the Superannuation Regulations” substitute the words “regulation 46 of the LGPS Regulations”.
- (21) In regulation 31(3) and (4) for the words “superannuation fund” substitute the words “pension fund”.
- (22) In regulation 37(4) in paragraph (d)(i) of the definition of “relevant disqualification” for the words “the Superannuation Regulations” substitute the words “the 1987 Regulations”.

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(23) In regulation 38(1)(b) for the words “regulation B6 of the Superannuation Regulations” substitute the words “regulation 4 of the LGPS Regulations”.

(24) In regulation 41(1)–

- (a) in sub-paragraph (b) for the words “Part E of the Superannuation Regulations” and “regulation E22(4)” substitute respectively the words “Part II of the LGPS Regulations” and “regulation 22”;
- (b) in sub-paragraph (c) for the words “relevant period for the purposes of regulation E22 of the Superannuation Regulations” substitute the words “final pay period for the LGPS Regulations”.

(25) In regulation 44(3) for the words “the Superannuation Regulations” substitute the words “the 1987 Regulations”.

(26) In regulation 45–

(a) in paragraph (3)–

- (i) in sub-paragraphs (c) and (e) for the words “the Superannuation Regulations” substitute the words “the 1987 Regulations”;
- (ii) in sub-paragraph (d) for the words “regulation B4(1) of the Superannuation Regulations” and “regulation B4(2) or B4A” substitute respectively the words “regulation 6 of the LGPS Regulations” and “regulation 6(5) or 7”;

(b) in paragraph 5(b) for the words “the Superannuation Regulations” substitute the words “the 1987 Regulations”.

(27) In regulation 46–

(a) in paragraph (4)(a) for the words “the Superannuation Regulations” substitute the words “the 1987 Regulations”;

(b) in paragraph (5) for the words “paragraphs 4 and 5 of Part III of Schedule 16 to the Superannuation Regulations” substitute the words “regulations 20 to 22 of the LGPS Regulations”;

(c) in paragraph 7–

- (i) in sub-paragraph (a) for the words “the Superannuation Regulations” substitute the words “the 1987 Regulations”;
- (ii) in sub-paragraph (b)(ii) for the words “regulation B4A of the Superannuation Regulations” substitute the words “regulation 7 of the LGPS Regulations”.

(28) In regulation 48(1)(c)(i) for the words “regulation E2(4)(a) of the Superannuation Regulations” substitute the words “regulation 25(1)(b) of the LGPS Regulations”.