SCOTTISH STATUTORY INSTRUMENTS

2008 No. 230

The Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008

Meaning of "eligible child"

26.—(1) Subject to paragraph (3), the child of a deceased member is an eligible child if the child is wholly or mainly dependent on the member, and is less than 17 years of age, at the date of the member's death.

(2) But a child who is born on or after the first anniversary of the date of the member's death is not an eligible child.

(3) A dependent child who has reached the age of 17 but has not reached the age of 23 and is in full time education or undertaking vocational training at the date of the member's death is an eligible child.

(4) An appropriate administering authority may treat a dependent child who commences full time education or vocational training after the date of the member's death as an eligible child after the child reaches the age of 17 and until the child reaches the age of 23.

(5) In the case of a dependent child falling within paragraph (4), an appropriate administering authority may–

(a) treat education or training as continuous despite a break; and

(b) suspend payment of any entitlement to benefits under regulation 28 (children's pensions: active members), 34 (children's pensions: deferred members) or 37 (children's pensions: pensioner members) during such a break.

(6) An appropriate administering authority may treat a dependent child who is disabled within the meaning of the Disability Discrimination Act 1995(**1**) as an eligible child.

(**1**) 1995 c. 50.