STATUTORY INSTRUMENTS

1998 No. 366

The Local Government Pension Scheme (Scotland) Regulations 1998

PART III

OPTIONAL ADDITIONAL BENEFITS

CHAPTER II

INCREASE OF MEMBERSHIP BY EMPLOYING AUTHORITY

Power of employing authority to increase total membership of members leaving employment at or after 50

51.—(1) An employing authority may resolve to increase the total membership of a member who leaves his employment on or after his 50th birthday.

(2) The additional period of membership must not exceed–

(a) the member's total membership on the date he leaves his employment ("the relevant date");

(b) the period by which that period falls short of 40 years;

(c) the period by which that period would have been increased if he had continued as an active member until he was 65; or

(d) 6 243/365 years,

whichever is the shortest.

(3) A resolution under paragraph (1) may be passed only during the period–

(a) beginning one month before the relevant date; and

(b) ending 6 months after that date.

(4) If such a resolution is passed before the relevant date it is conditional on the satisfaction on that date of the conditions for its making.

(5) The death of the member after the relevant date does not affect his former employing authority's power under this regulation.

(6) The relevant additional period may be counted as a period of membership only if–

(a) the administering authority and the employing authority agree before the expiry of the relevant period that the employing authority will pay increased contributions under regulation 78 to meet the cost of the increase in membership; or

(b) the employing authority make the payment required by regulation 79(1) by reason of the resolution within that period.

(7) The relevant period is the period of one month beginning–

(a) with the date the resolution was passed; or

(b) if by virtue of paragraph (4) the resolution was conditional, with the date on which the member leaves his employment.

(8) If neither paragraph (6)(a) nor (6)(b) applies, the resolution shall cease to have effect.

(9) If a person has been credited with a period of service under regulation 8 of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 in respect of a cessation of employment, no resolution may be passed under this regulation by reason of that cessation.

(10) If a person becomes entitled on leaving an employment to an ill-health pension under regulation 26 calculated by reference to an enhanced membership period, no resolution may be passed under this regulation by reason of his leaving that employment.

Power of employing authority to increase total membership of new members

52.—(1) An employing authority may resolve to increase a member's total membership.

(2) Such a resolution may be passed only before the expiry of the period of six months beginning with the day on which he becomes a member.

(3) The member must be aged less than 59 when he becomes a member.

(4) The resolution must specify the additional period of membership.

(5) That period must not exceed the maximum addition under Schedule 4.

(6) Where the employing authority have passed a resolution under paragraph (1) the additional period may be counted as part of the member's total membership.

(7) However, if when the member leaves his employment with the employing authority no person becomes immediately entitled to a pension in respect of his membership, the additional period may not be so counted.

Effect of increases under this Chapter for older members

53.—(1) This regulation applies where a member–

(a) is entitled under this Chapter to count an additional period as a period of membership; and

(b) was aged at least 45 on the first day of the earliest period of membership he is entitled to count.

(2) Where this regulation applies, the retirement pension–

(a) to which the member would otherwise be entitled under regulation 24; or

(b) to which he would otherwise be entitled under regulation 30 (before applying any reduction under paragraph (4) of that regulation),

is increased by adding to it an amount which equals–

$$\frac{\text{(the member's final pay x length of additional period (in years)}}{240}.$$

(3) The additional period does not count in the calculation of the standard retirement grant.