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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 554**

**PENSIONS**

The Local Government Pensions Etc. (Civil Partnership) (Scotland) Amendment Regulations 2005

Made - - - - 8th November 2005  
Laid before the Scottish  
Parliament - - 9th November 2005  
Coming into force 5th December 2005

THE LOCAL GOVERNMENT PENSIONS ETC. (CIVIL PARTNERSHIP) (SCOTLAND) AMENDMENT REGULATIONS 2005

1. Citation, commencement and extent
2. The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998
3. The Local Government Pension Scheme (Scotland) Regulations 1998
4. Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998
5. Right to opt out  
Signature

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SCHEDULE 1 AMENDMENT TO THE LOCAL GOVERNMENT (DISCRETIONARY PAYMENTS AND INJURY BENEFITS) (SCOTLAND) REGULATIONS 1998

*Amendments to Part III: Compensation for Premature Retirement*

1. In regulation 5 (interpretation of Part III)–
2. For the italicised heading relating to regulations 20 and 21...
3. Regulation 20 (entitlement to surviving spouse's short-term and long-term compensation)...
4. In the heading after "surviving spouse's" insert "or civil partner's"....
5. In paragraph (1)– (a) for "a spouse or spouses" substitute...
6. In paragraph (2)– (a) after "surviving spouse", in both places...
7. In paragraph (3)– (a) after "marriage" insert "or formation of..."
8. In paragraph (4)– (a) after "surviving spouse", in both places...

*Status: This is the original version (as it was originally made).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

9. For paragraph (5) substitute– (5) Where two persons referred to...
10. Regulation 21 (amount of surviving spouse’s short term and long...
11. In the heading, after “surviving spouse's” insert “or civil partner's”....
12. In paragraph (1) after “Surviving spouse's” insert “or civil partner's”....
13. In paragraph (2) after “Surviving spouse's” insert “or civil partner's”....
14. In paragraph (4)– (a) after “surviving spouse” insert “or civil...
15. In paragraph (5) after “surviving spouse” insert “or civil partner”....
16. In regulation 22(3) (entitlement to children’s short-term compensation)–
17. In regulation 25(2) (amount of children’s long term compensation)–

*Amendments to Part V: Injury Allowances etc.*

18. Regulation 42 (death benefits) is amended in accordance with paragraphs...
19. In paragraph (1)(b)(i) omit “and”.
20. After paragraph (1)(b)(i) insert– (ia) subject to paragraph (2), if...
21. In paragraph (2)– (a) after “surviving spouse” insert “or civil...
22. In paragraph (4) for the words from “an allowance” to...
23. For paragraph (5) substitute– (5) Where the person whom the...

*Amendments to Part VI: Gratuities as Respects Non-Pensionable Service*

24. In regulation 46(1) (death in service gratuities) after “spouse” insert...
25. In regulation 47(4) (retirement gratuities) after “spouse” insert “or civil...
26. In regulation 48 (redundancy gratuities)– (a) in paragraph (3) after...

SCHEDULE 2 AMENDMENTS TO THE LOCAL GOVERNMENT  
PENSION SCHEME (SCOTLAND) REGULATIONS  
1998

*Amendments to Part II: Primary provisions*

1. In regulation 8(1A) (periods of membership: “total membership”) after “surviving...
2. In regulation 18(2)(b) (general qualification for benefits) after “surviving spouse's”,...
3. In regulation 20(4) (final pay) after “surviving spouse's” insert “or...
4. In regulation 32(1) (surrenders of pension) after “spouse” insert “,...
5. In regulation 37(4) (death grants) after “marriage” insert “or on...
6. For the italicised heading relating to regulations 39 to 42...
7. Regulation 39 (surviving spouse’s short term pension) is amended in...
8. In the heading after “surviving spouse's” insert “or civil partner's”....
9. In paragraph (1) after “spouse”, in both places in which...
10. In paragraph (3) after “spouse's” insert “or civil partner's”.
11. In the heading to regulation 40 (surviving spouse’s long term...
12. In regulation 40(1)– (a) after “spouse”, in both places in...
13. In the heading to regulation 41 (reduction of some surviving...
14. After regulation 41(3) insert– (3A) Except in the case of...
15. In the heading to regulation 42 (surviving spouse’s guaranteed minimum...
16. In regulation 42(1) after “surviving spouse's” insert “or civil partner's”....
17. In regulation 44 (children’s short term pensions)–
18. In regulation 45(9) (children’s long term pensions) after “surviving spouse's”,...
19. In regulation 48 (commutation: small pensions) –

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*Amendments to Part IV: Administration*

20. In regulation 87(2) (exclusion of rights to return of contributions)...
21. In regulation 98(2)(b) (appointment of persons to resolve disputes) after...
22. In regulation 99(2)(a) (right to apply for an appointed person...
23. In regulation 114(1) (protection of guaranteed minimum pension rights) for...
24. In regulation 115(5)(b) (transfer of sums from the pension fund...
25. In regulation 118(5)(a) (contracting-out requirements affecting transfers out) after “surviving...
26. In regulation 123(2)(c) (rights as to service not matched by...
27. In regulation 125(1) (Community scheme transferees) after “spouses” insert “or...

*Amendments to Part VI: Pension Sharing*

28. In regulation 139(2) (pension sharing mechanism in the Scheme) after...
29. In regulation 144 (discharge of pension credit liability) after “ex...
30. In regulation 148 (“implementation period” for discharge of pension credit)–...
31. In regulation 149 (failure to discharge liability within implementation period)–...
32. In regulation 156(4) (charges in respect of pension sharing costs)...

*Amendments to Schedules 1 and 1A: Interpretation*

33. In the definition of “guaranteed minimum” in Schedule 1 for...
34. In Schedule 1A– (a) after the definition of “contracted out...

*Amendments to Schedule 4: Revenue Restrictions*

35. In Schedule 4 (revenue restrictions)– (a) in paragraph 2(12) after...  
SCHEDULE 3 AMENDMENTS TO THE LOCAL GOVERNMENT  
PENSION SCHEME (TRANSITIONAL PROVISIONS)  
(SCOTLAND) REGULATIONS 1998
  1. After regulation 4 (deferred members and pensioners: general) insert–  
Deferred...
  2. In regulation 23(1) (Community scheme transferees) after “surviving  
spouses” insert...  
Explanatory Note