

SCHEDULE 2

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

Amendments to Part II: Primary provisions

1. In regulation 8(1A)(1) (periods of membership: “total membership”) after “surviving spouse's” insert “or civil partner's”.
2. In regulation 18(2)(b) (general qualification for benefits) after “surviving spouse's”, in both places in which it occurs, insert “or civil partner's”.
3. In regulation 20(4)(2) (final pay) after “surviving spouse's” insert “or civil partner's”.
4. In regulation 32(1) (surrenders of pension) after “spouse” insert “, civil partner”.
5. In regulation 37(4) (death grants) after “marriage” insert “or on the formation of the member’s subsequent civil partnership”.
6. For the italicised heading relating to regulations 39 to 42 substitute–

“Surviving spouses' or civil partners' pensions”.

7. Regulation 39 (surviving spouse’s short term pension) is amended in accordance with paragraphs 8 to 11.
8. In the heading after “surviving spouse's” insert “or civil partner's”.
9. In paragraph (1) after “spouse”, in both places in which it occurs, insert “or civil partner”.
10. In paragraph (3) after “spouse's” insert “or civil partner's”.
11. In the heading to regulation 40 (surviving spouse’s long term pension) after “Surviving spouse's” insert “or civil partner's”.
12. In regulation 40(1)–
 - (a) after “spouse”, in both places in which it occurs, insert “or civil partner”; and
 - (b) after “spouse's” insert “or civil partner's”.
13. In the heading to regulation 41 (reduction of some surviving spouses' pensions) after “surviving spouses” insert “or civil partners”.
14. After regulation 41(3) insert–
 - “(3A) Except in the case of a short-term pension payable to the surviving civil partner of an active member, the pension to which a surviving civil partner is entitled under regulation 39 or 40 (surviving spouse’s or civil partner’s short-term or long-term pension) is calculated as if the member’s retirement pension were only so much of his actual pension as is attributable to his membership after 5th April 1988.
 - (3B) For the purpose of paragraph (3A) relevant additional membership counts as membership after 5th April 1988.”.
15. In the heading to regulation 42 (surviving spouse’s guaranteed minimum pension) after “surviving spouse's” insert “or civil partner's”.
16. In regulation 42(1) after “surviving spouse's” insert “or civil partner's”.

(1) Regulation 8 was amended by [S.S.I. 2000/199](#), regulation 11.

(2) Regulation 20 was amended by [S.S.I. 2000/199](#), regulation 18.

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

17. In regulation 44 (children’s short term pensions)–
 - (a) in paragraph (2) after “surviving spouse” insert “or civil partner”; and
 - (b) in paragraph (6)**(3)**–
 - (i) after “surviving spouse's” insert “or civil partner's”; and
 - (ii) after “surviving spouse” insert “or civil partner”.
18. In regulation 45(9) (children’s long term pensions) after “surviving spouse's”, in both places in which it occurs, insert “or civil partner's”.
19. In regulation 48 (commutation: small pensions) –
 - (a) in paragraph (2) after “surviving spouse” insert “or civil partner”; and
 - (b) in paragraph (6) after “spouse”, in both places in which it occurs, insert “or civil partner”.

(3) Regulation 44(6) was amended by [S.S.I. 2000/199](#), regulation 26.