

SCHEDULE 2

Regulation 3

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”.

Amendments to Part IV: Administration

20. In regulation 87(2) (exclusion of rights to return of contributions) after “spouse” insert “or civil partner”.

21. In regulation 98(2)(b) (appointment of persons to resolve disputes) after “widower” insert “, surviving civil partner”.

22. In regulation 99(2)(a) (right to apply for an appointed person to decide a disagreement) after “widower” insert “, surviving civil partner”.

23. In regulation 114(1) (protection of guaranteed minimum pension rights) for “widow’s or widower’s” substitute “widow’s, widower’s or surviving civil partner’s”.

24. In regulation 115(5)(b) (transfer of sums from the pension fund to compensate for former member’s misconduct) after “spouse” insert “or civil partner”.

25. In regulation 118(5)(a) (contracting-out requirements affecting transfers out) after “surviving spouse’s” insert “or civil partner’s”.

26. In regulation 123(2)(c) (rights as to service not matched by credited period) after “surviving spouse’s” insert “or civil partner’s”.

27. In regulation 125(1) (Community scheme transferees) after “spouses” insert “or civil partners”.

Amendments to Part VI: Pension Sharing

28. In regulation 139(2)(4) (pension sharing mechanism in the Scheme) after “surviving spouse” insert “or civil partner”.

29. In regulation 144(5) (discharge of pension credit liability) after “ex spouse”, where it occurs in paragraphs (1), (2) and (4), insert “or ex civil partner”.

30. In regulation 148(6) (“implementation period” for discharge of pension credit)–

- (a) in paragraphs (1)(b)(i) and (2) omit the word “matrimonial”; and
- (b) in paragraph (2)(b) after “divorce” insert “, dissolution”.

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

(4) Regulation 139 was inserted by [S.S.I. 2001/23](#), regulation 4.

(5) Regulation 144 was inserted by [S.S.I. 2001/23](#), regulation 4.

(6) Regulation 148 was inserted by [S.S.I. 2001/23](#), regulation 4.

31. In regulation 149(7) (failure to discharge liability within implementation period)–

- (a) in the heading after “ex spouse” insert “or ex civil partner”; and
- (b) in paragraph (5) after “ex spouse” insert “or ex civil partner”.

32. In regulation 156(4)(8) (charges in respect of pension sharing costs) for “the member or his spouse”, in both places in which it occurs, substitute “the member, his spouse or his civil partner”.

Amendments to Schedules 1 and 1A: Interpretation

33. In the definition of “guaranteed minimum” in Schedule 1 for “widows and widowers” substitute “widows, widowers and surviving civil partners”.

34. In Schedule 1A–

- (a) after the definition of “contracted out rights” insert–
““ex civil partner” means a former civil partner to whom pension credit rights under the Scheme have been or are to be allocated following a pension sharing order;”; and
- (b) in the definition of “ex spouse” for “individual” substitute “former spouse”.

Amendments to Schedule 4: Revenue Restrictions

35. In Schedule 4 (revenue restrictions)–

- (a) in paragraph 2(12) after “surviving spouse”, in both places in which it occurs, insert “, civil partner”;
- (b) in paragraph 2(13) after “surviving spouse” insert “or civil partner”;
- (c) in paragraph 4(8) after “surviving spouse”, in both places in which it occurs, insert “, civil partner”; and
- (d) in paragraph 4(9) after “surviving spouse” insert “or civil partner”.

(7) Regulation 149 was inserted by [S.S.I. 2001/23](#), regulation 4.

(8) Regulation 156 was inserted by [S.S.I. 2001/23](#), regulation 4.