
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 71

The Local Government Pensions Etc. (Councillors and VisitScotland) (Scotland) Amendment Regulations 2007

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Government Pensions Etc. (Councillors and VisitScotland) (Scotland) Amendment Regulations 2007.

(2) These Regulations extend to Scotland only.

(3) These Regulations shall come into force for the purposes of regulations 10 and 11 on 1st April 2007 and for all other purposes on 2nd May 2007.

Amendment of the Local Government Pension Scheme (Scotland) Regulations 1998

2. The Local Government Pension Scheme (Scotland) Regulations 1998⁽¹⁾ are amended in accordance with regulations 3 to 8, 10 and 11 of these Regulations.

PART 2

Councillors' pensions

Re-employed and rejoining deferred members

3. In regulation 31 (re-employed and rejoining deferred members)—

(a) at the beginning of paragraph (1) insert “Subject to paragraph (1A)”; and

(b) after paragraph (1) insert—

“(1A) In the case of a deferred member who has been a councillor member, an election under paragraph (1) may only aggregate councillor membership with former councillor membership and, as the case may be, membership which is not councillor membership with former membership which is not councillor membership.”.

Eligibility: members of local authorities

4. In regulation 129 (further cases of eligibility: non-employees)—

(a) in paragraph (2), after sub-paragraph (b) add the following—

(1) S.I.1998/366; the relevant amending instruments are S.S.I. 2000/199, 2001/23, 2002/311, 2005/293, 315 and 554, 2006/123, 468 and 514.

“; or

(c) a councillor.”; and

(b) after paragraph (7) add the following–

“(8) If a councillor member is an active member, he must be treated as being in the whole-time employment of the local authority of which he is a member and references to employment by or under such an employer and all similar expressions shall be construed accordingly.”.

Modifications for councillor members

5. After regulation 133 (transfers under the Local Government etc. (Scotland) Act 1994 etc: early leavers), insert the following–

“Members of local authorities – general

133A. These Regulations apply to councillor members in respect of their councillor membership with the modifications set out in Schedule 7.”.

6. After Schedule 6 (former contributors) insert as Schedule 7 the schedule set out in the Schedule to these Regulations.

Interpretation

7. In Schedule 1 (interpretation)–

(a) after the definition of “cancelling notice” insert–

““career average pay”, in relation to a councillor member, has the meaning given in regulation 12(3) (as that provision applies in relation to councillor members in respect of their councillor membership by virtue of Schedule 7);”;

(b) after the definition of “contributory employee” insert–

““councillor” means a member of a local authority elected in accordance with Part 1 of the Local Government etc. (Scotland) Act 1994⁽²⁾ and includes such a councillor when exercising functions as convener or vice-convenor of a joint board;

“councillor member” means a person who is a member of the Scheme by reason of being a councillor;

“councillor membership” means any period of membership which counts in respect of service as a member of a local authority and not other local government employment;”;

(c) after the definition of “the Insurance Acts” insert–

““joint board” means a body corporate, constituted for the purposes of a combination of local authorities under the Local Government (Scotland) Act 1973⁽³⁾ or by or under any other enactment, consisting exclusively of persons appointed by those local authorities;”;

(d) for the definition of “local authority” substitute–

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

(2) 1994 c. 39.

(3) 1973 c. 65.

Excluded Membership

8. In Schedule 3 (excluded membership)–

(a) at the end of the Table add–

“7. Membership which is not councillor membership.	Calculating total membership for a councillor member in respect of being entitled to or calculating any benefit in relation to his councillor membership.	(6) and (7)
8. Councillor membership.	Calculating total membership for a person in respect of being entitled to or calculating any benefit in relation to his membership which is not councillor membership.	(7)”; and

(b) at the end of the Notes to the Table add–

“6. Paragraph 7 shall be disregarded for the purposes of paragraph 1 of Schedule 7 (joining the Scheme).

7. Paragraphs 7 and 8 shall be disregarded for the purposes of paragraph 3.”.

Exclusion of councillors from the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998

9. After regulation 3 (general exclusion – teachers) of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998(4) insert–

“General exclusions – councillors

3A.—(1) References in these Regulations to employment with an employing authority or employment with a LGPS employer do not include service or holding office as a councillor.

(2) Part II does not apply to a person ceasing to serve or hold office as a councillor.

(3) In Part V “relevant employment” does not include service or holding office as a councillor.

(4) In regulations 46(1), 47(1) and 48(1) the references to employment do not include service or holding office as a councillor.

(5) In this regulation, “councillor” means a member of a local authority elected in accordance with Part 1 of the Local Government etc. (Scotland) Act 1994(5) and includes such a councillor when exercising functions as convenor or vice-convenor of a joint board.”.

(4) S.I. 1998/192; to which there are amendments not relevant to these Regulations.

(5) 1994 c. 39.

PART 3

Scheme employers: VisitScotland

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10. For paragraph 10 of Schedule 2 (Scheme employers) substitute—

“**10.** VisitScotland, established under section 1(1) of the Development of Tourism Act 1969(6).”.

11. As new entries at the end of the Table in Part II of Schedule 5 (appropriate funds), insert—

15A. Employee of VisitScotland, Fund maintained by City of Edinburgh other than an employee who is a former Council.
employee of the Scottish Network 1 Tourist Board(7) or the Scottish Network 2 Tourist Board(8) who transferred to VisitScotland by virtue of paragraph 1 of Schedule 1 to the Tourist Boards (Scotland) Act 2006 and who was a member of the Scheme at the date of that transfer, for whom the appropriate fund is set out at entries 15B to 15L below.

15B. Former employee of the Scottish Network 1 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Dumfries network area. Fund maintained by Dumfries and Galloway Council.

15C. Former employee of the Scottish Network 1 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Edinburgh network area. Fund maintained by City of Edinburgh Council.

15D. Former employee of the Scottish Network 1 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Glasgow or Prestwick network area. Fund maintained by City of Glasgow Council.

15E. Former employee of the Scottish Network 1 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Selkirk network area. Fund maintained by Scottish Borders Council.

15F. Former employee of the Scottish Network 2 Tourist Board who worked at Fund maintained by Aberdeen City Council.

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- (6) 1969 c. 51; the name of the body established under section 1(1) of that Act was changed from the Scottish Tourist Board to VisitScotland by section 1(1) of the [Tourist Boards \(Scotland\) Act 2006 \(asp 15\)](#).
- (7) The Scottish Network 1 Tourist Board was created by [S.S.I. 2004/396](#) (as amended by [S.S.I. 2004/464](#)), and dissolved by section 3(2) of the Tourist Boards (Scotland) Act 2006.
- (8) The Scottish Network 2 Tourist Board was created by [S.S.I. 2004/397](#) (as amended by [S.S.I. 2004/465](#)), and dissolved by section 3(2) of the Tourist Boards (Scotland) Act 2006.

the date of the transfer to VisitScotland in the VisitScotland Aberdeen network area.

15G. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Dundee or Perth network area. Fund maintained by Dundee City Council.

15H. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Kirkwall network area. Fund maintained by Orkney Islands Council.

15I. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Lerwick network area. Fund maintained by Shetland Islands Council.

15J. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Markinch network area. Fund maintained by Fife Council.

15K. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Stornoway or Strathpeffer network area. Fund maintained by Highland Council.

15L. Former employee of the Scottish Network 2 Tourist Board who worked at the date of the transfer to VisitScotland in the VisitScotland Stirling network area. Fund maintained by Falkirk Council.”.

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