
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 71

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

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–
 - “; 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(1) and includes such a councillor when exercising functions as convenor 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(2) 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;”.

Excluded Membership

8. In Schedule 3 (excluded membership)–

(a) at the end of the Table add–

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

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

(1) 1994 c. 39.
(2) 1973 c. 65.

“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⁽³⁾ 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⁽⁴⁾ and includes such a councillor when exercising functions as convenor or vice-convenor of a joint board.”.

⁽³⁾ S.I.1998/192; to which there are amendments not relevant to these Regulations.

⁽⁴⁾ 1994 c. 39.