
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 230

**The Local Government Pension Scheme (Benefits,
Membership and Contributions) (Scotland) Regulations 2008**

Final pay: reserve forces, maternity leave etc.

10.—(1) If a member's final pay period includes reserve forces service leave, the member's final pay is—

- (a) in a case where the member has continued to pay contributions in respect of it, the amount it would have been if the member's reserve forces pay were pay received in the member's former local government employment; or
- (b) otherwise, the amount it would have been if the member had continued to be employed in the member's former employment during the period of that leave.

(2) For the purposes of these Regulations, a member's final pay for any period of maternity, paternity or adoption absence during the final period in respect of which the member pays or is treated as paying contributions is the pay the member would have received had the member not been absent.

(3) If a member is absent from work for any other reason during the member's final pay period, the member is only to be treated for these Regulations as having received the pensionable pay the member would otherwise have received if the member has continued to pay contributions in respect of it for the period the member is absent.

(4) If a member is only entitled to count part of the year specified in regulation 9(2) (final pay: general) as a period of active membership in relation to the employment which the member ceases to hold, the member's final pay is the member's pensionable pay during that part multiplied by 365 and divided by the number of days in that part.

(5) Final pay does not include any pension in payment.