
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 349

The Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2011

Amendment of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008

32. After regulation 46 (commencement of pensions), insert—

“Guaranteed minimum pensions

46A.—(1) Where a member’s local government employment is contracted-out employment and he or she has a guaranteed minimum, the member is entitled from the date he or she attains pensionable age to payment of a pension at a weekly rate equal to not less than that guaranteed minimum.

(2) But if the member attains pensionable age while in local government employment, the member is not so entitled until he or she leaves that employment, unless paragraph (5) applies.

(3) If the member attains pensionable age while in local government employment but subsequently changes employment to employment which is not local government employment, the member is so entitled.

(4) If the member changes employment to employment which is not local government employment and the member attains pensionable age while in that employment, the member is so entitled.

(5) If the member—

(a) continues in local government employment for a further period of five years after attaining pensionable age; and

(b) does not then leave that employment,

the member is entitled from the end of the period mentioned in sub-paragraph (a) to payment of so much of his or her retirement pension as equals that guaranteed minimum.

(6) Where paragraph (3), (4) or (5) applies the member may consent to a postponement of the entitlement for any period prior to the day before attaining age 75 during which the member remains in employment beyond pensionable age.

(7) For the purposes of this regulation, a person has a guaranteed minimum if they have such a minimum under section 14 (earner’s guaranteed minimum) of the Pension Schemes Act 1993⁽¹⁾ in relation to benefits under these Regulations or the Benefits Regulations, and references to entitlement are to the entitlement to payment of a pension in accordance with paragraph (1).

(8) In this regulation—

(a) “contracted-out employment” shall be construed in accordance with section 8 of the Pension Schemes Act 1993; and

(1) 1993 c.48.

Status: This is the original version (as it was originally made).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

(b) “pensionable age” shall be construed in accordance with section 181 of that Act.”.