
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 141

**The Local Government Pension
Scheme (Scotland) Regulations 2018**

PART 1

Membership, contributions and benefits

Adjustments of benefits

Guaranteed minimum pensions

49.—(1) Where a member's local government service is contracted-out employment and that member has a guaranteed minimum, the member is entitled from the date of attaining 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 service, the member is not so entitled until leaving that employment, unless paragraph (3) or (4) applies.

(3) If the member—

(a) continues in local government service for a further period of 5 years after attaining pensionable age; and

(b) does not then leave that service,

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

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

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

(6) Subject to regulation 29(3) (retirement after normal retirement date), where paragraph (3), (4) or (5) applies, the member may consent to a postponement of the entitlement.

(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^{MI} in relation to benefits under these Regulations, and references to entitlement are to the entitlement to payment of a pension in accordance with paragraph (1).

(8) In this regulation “contracted out employment” shall be construed in accordance with section 8 of the Pension Schemes Act 1993.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Government Pension Scheme (Scotland) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Marginal Citations

M1 1993 c.48; section 14 was amended by the Proceeds of Crime Act 2002 (c.29), [schedule 11](#), paragraph 22, the Pensions Act 1995 (c.26), [schedule 5](#), paragraph 29 and schedule 7, paragraph 1, and the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2), [schedule 1](#), paragraph 38.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 23(2)(e) inserted by S.S.I. 2024/37 reg. 3(1)(a)(i)
- reg. 23(3A) inserted by S.S.I. 2024/37 reg. 3(1)(b)
- reg. 24(4A)(4B) inserted by S.S.I. 2024/37 reg. 3(2)(a)
- reg. 24(8A) inserted by S.S.I. 2024/37 reg. 3(2)(c)(iv)
- reg. 25(4A) inserted by S.S.I. 2024/37 reg. 3(3)(b)
- reg. 25(7A) inserted by S.S.I. 2024/37 reg. 3(3)(d)(iv)
- reg. 26(4A) inserted by S.S.I. 2024/37 reg. 3(4)(a)
- reg. 26(9) inserted by S.S.I. 2024/37 reg. 3(4)(c)
- reg. 27(7) inserted by S.S.I. 2024/37 reg. 3(5)(b)(iii)
- reg. 39(4)(aa) inserted by S.S.I. 2024/37 reg. 4(1)(a)
- reg. 39(7A) inserted by S.S.I. 2024/37 reg. 4(1)(c)(iv)
- reg. 40(4)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(5)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(9)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(10)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(15) inserted by S.S.I. 2024/37 reg. 4(2)(c)(iv)
- reg. 41(3B) inserted by S.S.I. 2024/37 reg. 5(1)(a)
- reg. 42(4A) inserted by S.S.I. 2024/37 reg. 6(1)(a)
- reg. 42(7A) inserted by S.S.I. 2024/37 reg. 6(1)(d)
- reg. 43(4A) inserted by S.S.I. 2024/37 reg. 6(2)(a)
- reg. 43(5A) inserted by S.S.I. 2024/37 reg. 6(2)(b)
- reg. 43(9A) inserted by S.S.I. 2024/37 reg. 6(2)(c)
- reg. 43(10A) inserted by S.S.I. 2024/37 reg. 6(2)(d)
- reg. 43(15) inserted by S.S.I. 2024/37 reg. 6(2)(g)
- reg. 44(5) inserted by S.S.I. 2024/37 reg. 7(1)
- reg. 45(4A) inserted by S.S.I. 2024/37 reg. 7(2)(a)
- reg. 45(7A) inserted by S.S.I. 2024/37 reg. 7(2)(d)
- reg. 46(4A) inserted by S.S.I. 2024/37 reg. 7(3)(a)
- reg. 46(5A) inserted by S.S.I. 2024/37 reg. 7(3)(b)
- reg. 46(9A) inserted by S.S.I. 2024/37 reg. 7(3)(c)
- reg. 46(10B) inserted by S.S.I. 2024/37 reg. 7(3)(d)
- reg. 46(14A) inserted by S.S.I. 2024/37 reg. 7(3)(g)
- reg. 61(2C) inserted by S.S.I. 2024/37 reg. 8(2)(b)