
STATUTORY INSTRUMENTS

1987 No. 1850

**The Local Government Superannuation
(Scotland) Regulations 1987**

PART B

PENSIONABLE EMPLOYMENT

Pensionable employees

- B1.**—(1) Paragraphs (2) to (10) have effect subject to paragraphs (11) and (12).
- (2) A whole-time officer of a body described in Part I of Schedule 3 (“a Part I scheduled body”) is a pensionable employee.
- (3) A whole-time manual worker employed by a Part I scheduled body is a pensionable employee if he—
- (a) has completed 12 months continuous employment with that body, or
 - (b) has entered or re-entered the employment of that body—
 - (i) less than 12 months after completing at least 12 months continuous employment with a Part I scheduled body, or
 - (ii) after having been in other local government employment and without having applied for a return of the whole of his contributions, or
 - (c) satisfies the requirements of Part III of Schedule 3.
- (4) A variable-time employee of a Part I scheduled body who is also a pensionable employee in a whole-time employment with any such body—
- (a) is a pensionable employee in the variable-time employment, and
 - (b) if he ceases to hold the whole-time employment, remains a pensionable employee while he continues without break of service in the variable-time employment.
- (5) An employee described in Part II of Schedule 3 is a pensionable employee if the body employing him have by a statutory resolution—
- (a) specified him as a pensionable employee, or
 - (b) specified a class of employees, to which he belongs, as pensionable employees.
- (6) A whole-time member of a passenger transport executive is a pensionable employee if that executive have, with the consent of the passenger transport authority for which they are the executive, by a statutory resolution specified him as a pensionable employee.
- (7) A whole-time director of a subsidiary of a passenger transport executive is a pensionable employee if that executive have by a statutory resolution specified him as a pensionable employee.
- (8) A person who immediately before 16th May 1974—
- (a) was a member of a passenger transport executive or a director of a subsidiary of a passenger transport executive, and

(b) was in that position a contributory employee,
is a pensionable employee while he continues without break in service in that position.

(9) A person who immediately before 21st December 1987 was a pensionable employee by virtue of regulation B2(1)(g) of the 1974 Regulations (certain former contributory employees continuously employed by same body) is a pensionable employee while he continues without break in service in employment with the same body.

(10) Subject to regulation B4, every pensionable employee employed by a scheduled body who before 1st April 1986 ceased to be a whole-time employee but who continued without a break of service in the employment of that body in the same post and who was, notwithstanding the provisions of the Local Government Superannuation (Scotland) Regulations 1974-86 in force before that date, regarded as a pensionable employee by that scheduled body and, where the body was not an administering authority, by the administering authority is a pensionable employee.

(11) A Part I scheduled body may resolve that a person who falls within paragraph (2), (3) or (4), or regulation B2 or B3 shall not become a pensionable employee unless he has undergone a medical examination to their satisfaction; and a resolution under this paragraph may apply to any specified person or to any specified class of persons.

(12) Notwithstanding anything in paragraphs (2) to (11), the following are not pensionable employees—

- (a) subject to regulation B2, a person who elected under paragraph 3 of Schedule 4 to the Act of 1937 not to become a contributory employee and whose election did not cease to have effect before 16th May 1974, so long as he continues as a manual worker in employment with the body to whom he gave notice of the election;
- (b) a person who elected under regulation 23 of the Miscellaneous Provisions Regulations not to become a contributory employee and whose election did not cease to have effect before 16th May 1974, so long as he continues in employment with the body to whom he gave notice of the election;
- (c) a person who has not attained the age of 18 years;
- (d) a person who has attained the age of 65 years and has completed not less than 45 years reckonable service;
- (e) any other person who has attained the age of 65 years, unless—
 - (i) there has become payable to him a pension which is liable to be reduced or suspended under regulation E15, an ill-health lump sum retiring allowance under regulation E4, or a short service grant under the Benefits Regulations, or
 - (ii) if he were to become a pensionable employee, he would immediately become entitled to reckon any period as reckonable service or qualifying service, or
 - (iii) under any enactment he has received or is entitled to receive compensation for loss of employment or loss or diminution of emoluments attributable to the provisions of an enactment, and the compensation is liable to be reduced or suspended, in consequence of his taking up employment with a scheduled body, in the like manner and to the like extent as it would have been reduced or suspended if he had remained subject to the pension scheme to which he was subject immediately before suffering the loss;
- (f) a person who is, in the same employment, entitled to participate in the benefits of any other superannuation scheme provided by or under any enactment (including an enactment in a local Act), other than section 7 of the Act of 1972;
- (g) an employee of a scheduled body in respect of whom contributions to the Merchant Navy Officers Pension Fund are made;

(h) a person who may elect under regulation B3 to become entitled to participate in the benefits of the appropriate superannuation fund.

(13) In this regulation “statutory resolution” means, in relation to a scheduled body, a resolution passed in the manner in which an ordinary resolution of the body may be passed, except that 28 days' notice of the meeting at which the resolution is passed and of the terms in the manner in which notice for convening ordinary meetings of the body may be given.