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STATUTORY INSTRUMENTS

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**1998 No. 366**

**The Local Government Pension  
Scheme (Scotland) Regulations 1998**

**PART III**

**OPTIONAL ADDITIONAL BENEFITS**

**CHAPTER III**

**MEMBERS' OPTIONS TO INCREASE PENSIONS**

*Conversion between lump sums and pensions*

**Election for pension in lieu of retirement grant**

57.—(1) Where a member has attained the age of 50 and has become entitled to the immediate payment of a pension under Part II, he may make an election under this regulation for the whole or part of the retirement grant or, in the case where the entitlement to pension is under regulation 26, of the ill-health grant to be used instead by the Scheme to provide pension for him.

(2) The election must be made by notice in writing to the appropriate administering authority given not more than three months before and not later than the date on which the member becomes so entitled.

(3) The election must specify the amount of the grant which the member wishes to be used for the provision of pension (expressed in round hundreds of pounds).

(4) Where a member makes such an election, he becomes entitled to such additional pension as is shown as appropriate in guidance issued by the Government Actuary.

(5) The additional pension is payable immediately.

(6) Where a member makes such an election, for these Regulations the amount of his pension includes the amount of any additional pension payable under this regulation.

(7) No person who has elected under regulation 58 may also elect under this regulation.

**Election for lump sum in lieu of pension**

58.—(1) Where—

(a) a Class C member has become entitled to the immediate payment of a pension under Part II; and

(b) the retirement grant to which he is entitled (apart from any election made under this regulation) is less than his permitted maximum,

he may make an election under this regulation for that grant to be increased to his permitted maximum.

(2) The election must be made by notice in writing to the appropriate administering authority given not more than three months before and not later than the date on which the member becomes so entitled.

(3) Where a member elects under this regulation—

- (a) the retirement grant to which he is entitled is increased in accordance with the election;
- (b) the retirement pension to which he is entitled and any other benefits payable to or in respect of him are to be calculated by reference to such reduced period of membership as appears to the appropriate administering authority to be appropriate by virtue of that increase.

(4) That reduced period must be calculated by the appropriate administering authority on the advice of an actuary appointed by them.

(5) A member's permitted maximum for this regulation is the maximum lump sum to which he is entitled in accordance with Schedule 4 and (so far as relevant) any restrictions imposed under—

- (a) section 12C of the Pension Schemes Act 1993<sup>(1)</sup> (transfer, commutation etc.);
- (b) section 19 of that Act (discharge of liability);
- (c) section 21 of that Act (commutation, surrender and forfeiture);
- (d) section 77 of that Act<sup>(2)</sup> (assignment, surrender and commutation of benefit).

(6) No person who has elected under regulation 57 may also elect under this regulation.

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(1) 1993 c. 48; section 12C was inserted by the Pensions Act 1995 (c. 26), section 136.

(2) Section 77 is repealed prospectively by the Pensions Act 1995, Schedules 3 and 7.