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STATUTORY INSTRUMENTS

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**1998 No. 366**

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

PART V

SPECIAL CASES

CHAPTER I

ELIGIBILITY

**Transport employees**

**128.**—(1) For these Regulations every employee of a subsidiary of a passenger transport executive is deemed to be in employment with that executive.

(2) In this regulation “subsidiary” has the meaning given in section 137(1) of the Transport Act 1985(1).

**Further cases of eligibility: non-employees**

**129.**—(1) A person may be an active member if he is an eligible officer.

(2) These are eligible officers—

(a) a registration officer;

(b) a person who immediately before 16th May 1974 was a member of a passenger transport executive or a director of a subsidiary of a passenger transport executive, who was a contributory employee in that position and continues in it.

(3) If a registration officer is an active member, he must be treated as being in employment with the local authority who are the local registration authority for the purposes of section 5 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(2) and by whom he was appointed or deemed to have been appointed under section 7 of that Act.

(4) If a person mentioned in paragraph (2)(b) is an active member he must be treated as being in the employment of the passenger transport executive.

(5) A person who has been appointed a rent officer under section 43 of the Rent (Scotland) Act 1984(3) must be treated as being in employment of the local authority with whom the Secretary of State has made arrangements under that section to provide for the superannuation of the officer.

(6) A member of a passenger transport executive or a director of a subsidiary of such an executive must be treated as being in employment with the relevant executive.

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(1) 1985 c. 67.

(2) 1965 c. 49; section 5 was amended by the Local Government (Scotland) Act 1973 (c. 65), section 116(2)(a) and the Local Government etc. (Scotland) Act 1994 (c. 39), section 51.

(3) 1984 c. 58.

(7) Regulation 130(1) applies to the persons holding the positions specified in paragraph (6) as they apply to the employees specified in that regulation.

### **Separate employments etc.**

**130.**—(1) Where a person holds separate employments under one Scheme employer, these Regulations apply as if each of them were with a different employer.

(2) This paragraph applies where a whole-time employee of a Scheme employer or a part-time employee with at least 30 contractual hours is also employed—

- (a) as a returning officer at local government elections; or
- (b) as an acting returning officer (including employment in the duties of a returning officer at an Assembly election which are required by regulations made under paragraph 2 of Schedule 1 to the European Assembly Elections Act 1978<sup>(4)</sup> to be discharged by an acting returning officer).

(3) Where paragraph (2) applies and the employee was in the whole-time employment or, as the case may be, the part-time employment immediately before 1st April 1974 and had duties in it which included one or both of the additional duties, each additional duty must be treated as a separate variable-time employment with a different Scheme employer from the Scheme employer with whom he is in the whole-time employment.

(4) Where paragraph (2) does and paragraph (3) does not apply, his employment for that duty (or those duties) must be treated as a (single) separate variable-time employment with a different Scheme employer.

(5) A person who—

- (a) is a member in any employment; and
- (b) is also a medical inspector of immigrants appointed under the Immigration Act 1971<sup>(5)</sup> who receives his pay in that appointment from a Scheme employer listed in Schedule 2,

is eligible to be an active member in that appointment and shall be deemed to be an officer in the employment of that Scheme employer.

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(4) 1978 c. 10; paragraph 2 of Schedule 1 was extended by the Representation of the People Act 1985 (c. 50), section 3(1), amended by the European Communities (Amendment) Act 1986 (c. 58), section 3(1)(b)(3) and modified for Scotland by S.I.1986/1111.

(5) 1971 c. 77.