
STATUTORY INSTRUMENTS

1998 No. 366

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

PART II

PRIMARY PROVISIONS

CHAPTER IV

BENEFITS

Retirement benefits

Revaluation of guaranteed minimum

36.—(1) Where the guaranteed minimum of a person who has ceased to be an active member is appropriately secured, his earnings factors for the purposes of section 14(2) of the Pension Schemes Act 1993 must be determined—

- (a) by reference to the last order under section 21 of the Social Security Pensions Act 1975⁽¹⁾ or section 148 of the Social Security Administration Act 1992⁽²⁾ (revaluation orders) to come into force before the end of the tax year in which he ceased to be an active member; and
- (b) without reference to the last such order to come into force before the end of the final relevant year.

(2) For such a person the weekly equivalent mentioned in section 14(2) of the Pensions Schemes Act 1993 is to be increased—

- (a) by at least the prescribed percentage for each relevant year after the end of the tax year in which he ceased to be an active member; and
- (b) in accordance with such additional requirements as may be prescribed for the purposes of section 16(3) of that Act⁽³⁾.

(3) In this regulation—

“appropriately secured” has the meaning given in section 19 of the Pension Schemes Act 1993;

“prescribed percentage” has the meaning given in regulation 62 of the Occupational Pensions Schemes (Contracting-out) Regulations 1996⁽⁴⁾;

“relevant year” and “final relevant year” have the meanings given respectively in sections 14(8) and 16(5) of the Pension Schemes Act 1993⁽⁵⁾.

(1) 1975 c. 60; section 21 was repealed by the Social Security (Consequential Provisions) Act 1992 (c. 6), section 3(1) and Schedule 1.

(2) 1992 c. 5.

(3) Section 16(3) was amended by the Pensions Act 1995 (c. 26), Schedule 5, paragraph 28.

(4) S.I.1996/1172.

(5) Sections 14(8) and 16(5) were amended by the Pensions Act 1995, Schedule 5, paragraph 27 and 28.

Status: This is the original version (as it was originally made).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