
STATUTORY INSTRUMENTS

1998 No. 366

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

PART II

PRIMARY PROVISIONS

CHAPTER I

MEMBERSHIP

Eligibility for active membership

Further restrictions on eligibility

5.—(1) If a person's employment entitles him to belong to another statutory pension scheme, that employment does not entitle him to be a member, unless that other scheme was made under section 7 of the Superannuation Act 1972.

(2) A statutory pension scheme is an occupational pension scheme provided by or under an enactment (including a local Act).

(3) A person may not become a member after his 65th birthday unless—

- (a) his total membership does not exceed his permitted maximum; and
- (b) he is a permitted late member.

(4) The permitted maximum for a Class A member is 40 years.

(5) The permitted maximum for a Class B member or a Class C member is the sum of—

- (a) his total membership before he attained 60 or, if less, 40 years, and
- (b) his total membership since he attained 60,

or, if less, 45 years.

(6) A permitted late member is a person to whom—

- (a) a pension which must be the subject of a policy formulated under regulation 110 (statements of policy concerning abatement of retirement pensions in new employment);
- (b) an ill-health grant under regulation 26(3) or an ill-health retirement grant under regulation E4 of the 1987 Regulations or regulation E21 of the 1974 Regulations; or
- (c) a short service grant under the Benefits Regulations,

has become payable or who is entitled to or has received relevant compensation.

(7) Relevant compensation is compensation which—

- (a) is payable under any enactment for loss of employment or loss or reduction of employment benefits attributable to an enactment; and

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- (b) is liable to be reduced or suspended by reason of the person to whom it is payable entering employment with a Scheme employer, in the same way as it would have been if he had remained eligible to belong to the occupational pension scheme to which he belonged or was eligible to belong immediately before suffering the loss.
- (8) If a person has been entitled to an ill-health pension calculated by reference to an enhanced membership period, that period is counted as part of his total membership for paragraphs (3) and (5).
- (9) Part-time employment as a member of a fire brigade maintained in pursuance of the Fire Services Act 1947(1) on terms under which the employee is or may be required to engage in fire-fighting does not entitle the employee to be a member of the Scheme.

(1) 1947 c. 41.