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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 187**

**The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2009**

**Amendment of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998**

**14.** In regulation 21(2) (amount of surviving spouse's or civil partner's short-term and long-term compensation) for sub-paragraph (b) substitute—

“(b) in a case where at the date of death the deceased was in a new employment in which he was a LGPS member, if that annual compensation were reduced in accordance with regulation 18 (reduction of annual compensation on cessation of new employment) on the assumption that the effective service referred to in regulation 18(5)(b)(ii) were the service which the deceased would have been entitled to count as—

- (i) reckonable service on the relevant assumptions if at the date of death the deceased had been such a person as is mentioned in regulation 26(1) of the LGPS Regulations (ill-health); or
- (ii) total membership on the relevant assumptions if he had been, at the time of his death, a person such as is mentioned in regulation 20 of the Benefits Regulations (early leavers: ill-health).”.