
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 141

**The Local Government Pension
Scheme (Scotland) Regulations 2018**

PART 1

Membership, contributions and benefits

Pension accounts

Pension accounts

22.—(1) An administering authority must open and maintain one or more pension accounts for each member of the Scheme.

(2) A separate pension account must be opened in relation to each employment where a member is or was employed in 2 or more Scheme employments.

(3) A pension account—

- (a) must contain such matters as are required by these Regulations;
- (b) must identify which one of the following categories of pension account it is—
 - (i) an active member's pension account;
 - (ii) a deferred member's pension account;
 - (iii) a deferred refund account;
 - (iv) a retirement pension account;
 - (v) a flexible retirement pension account;
 - (vi) a pension credit account; or
 - (vii) a survivor member's account; and
- (c) may otherwise be kept in any form that the administering authority considers appropriate.

(4) An administering authority must close a member's pension account if—

- (a) a transfer value payment is made in respect of the member if the effect of the transfer is that the member is no longer entitled to any benefits from the account;
- (b) a refund of contributions is paid under regulation 18 (rights to return of contributions);
- (c) all the benefits in the account are forfeited under regulation 86 (forfeiture of pension rights after conviction for employment-related offences);
- (d) the member dies;
- (e) the last survivor entitled to a benefit from a survivor member's account ceases to be entitled to a benefit from the account (by reason of death or upon ceasing to be an eligible child);
- (f) due to aggregation of the benefits in the account with a different account, it is no longer required;

- (g) a payment under regulation 33(1) has been made; or
- (h) the member's benefits are transferred to another fund under regulation 97.

(5) Where a member with an active member's pension account also has a deferred refund account, the benefits in the deferred refund account must be aggregated with the active member's pension account and the deferred refund account closed.

(6) Where an active member with concurrent employments ceases an employment and does not have qualifying service for a period of 2 years, the active member's pension account in respect of that employment must be closed and the benefits in that account must be aggregated with the ongoing active member's pension account and, if there is more than one such account, the one chosen by the member.

(7) Where an active member with concurrent employments ceases an employment with entitlement to a deferred pension, the benefits in the deferred member's pension account must be aggregated with those in the on-going active member's pension account and, if there is more than one such account, the one chosen by the member, unless within—

- (a) 12 months of the date the concurrent employment ceased; or
- (b) such longer time as the Scheme employer in relation to the relevant on-going active member's pension account permits,

the member makes an election to the appropriate administering authority to retain the deferred member's pension account.

(8) Where a deferred member again becomes an active member, the benefits in the deferred member's pension account must be aggregated with those in the active member's pension account unless within—

- (a) 12 months of the active member's pension account being opened; or
- (b) such longer time as the Scheme employer in relation to that active member's pension account permits,

the member makes an election to the appropriate administering authority to retain the deferred member's pension account.

(9) Where a deferred member's pension account or a deferred refund account is to be aggregated with an active member's pension account and the gap between the member's last day of membership to which the deferred member's pension account or deferred refund account relates and the first day of active membership to which the active member's pension account relates does not exceed 5 years, the balance in the deferred member's account or deferred refund account shall be recalculated, before aggregation, as if the amount in that account had been increased by the revaluation adjustment and not the index rate adjustment.

(10) The option under paragraphs (7) and (8) to elect to retain the deferred member's pension account does not apply to a member who is the subject of a transfer—

- (a) to which the TUPE Regulations apply; or
- (b) which is treated as if it were a relevant transfer within the meaning of regulation 2(1) and 3 of the TUPE Regulations, notwithstanding regulation 3(5) of those Regulations.