
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 141

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

PART 1

Membership, contributions and benefits

Ill-health retirement

Role of the IRMP

35.—(1) A decision as to whether a member is entitled under regulation 34 (early payment of retirement pension on ill-health grounds: active members) to early payment of retirement pension on grounds of ill-health or infirmity of mind or body, and if so which tier of benefits the member qualifies for, shall be made by the member's Scheme employer after that authority has obtained a certificate from an IRMP as to—

- (a) whether the member satisfies the condition in regulation 34(3); and, if so
- (b) whether the member is unlikely to be capable of undertaking gainful employment before normal pension age.

(2) An IRMP from whom a certificate is obtained under paragraph (1) must not have previously advised, or given an opinion on, or otherwise been involved in the particular case for which the certificate has been requested.

(3) If the Scheme employer is not the member's appropriate administering authority, it must first obtain that authority's approval of its choice of IRMP.

(4) The Scheme employer and IRMP must have regard to guidance given by the Scottish Ministers when carrying out their functions under this regulation and regulation 36 (early payment of retirement pension on ill-health grounds: deferred members).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Government Pension Scheme (Scotland) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 23(2)(e) inserted by S.S.I. 2024/37 reg. 3(1)(a)(i)
- reg. 23(3A) inserted by S.S.I. 2024/37 reg. 3(1)(b)
- reg. 24(4A)(4B) inserted by S.S.I. 2024/37 reg. 3(2)(a)
- reg. 24(8A) inserted by S.S.I. 2024/37 reg. 3(2)(c)(iv)
- reg. 25(4A) inserted by S.S.I. 2024/37 reg. 3(3)(b)
- reg. 25(7A) inserted by S.S.I. 2024/37 reg. 3(3)(d)(iv)
- reg. 26(4A) inserted by S.S.I. 2024/37 reg. 3(4)(a)
- reg. 26(9) inserted by S.S.I. 2024/37 reg. 3(4)(c)
- reg. 27(7) inserted by S.S.I. 2024/37 reg. 3(5)(b)(iii)
- reg. 39(4)(aa) inserted by S.S.I. 2024/37 reg. 4(1)(a)
- reg. 39(7A) inserted by S.S.I. 2024/37 reg. 4(1)(c)(iv)
- reg. 40(4)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(5)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(9)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(10)(aa) inserted by S.S.I. 2024/37 reg. 4(2)(a)
- reg. 40(15) inserted by S.S.I. 2024/37 reg. 4(2)(c)(iv)
- reg. 41(3B) inserted by S.S.I. 2024/37 reg. 5(1)(a)
- reg. 42(4A) inserted by S.S.I. 2024/37 reg. 6(1)(a)
- reg. 42(7A) inserted by S.S.I. 2024/37 reg. 6(1)(d)
- reg. 43(4A) inserted by S.S.I. 2024/37 reg. 6(2)(a)
- reg. 43(5A) inserted by S.S.I. 2024/37 reg. 6(2)(b)
- reg. 43(9A) inserted by S.S.I. 2024/37 reg. 6(2)(c)
- reg. 43(10A) inserted by S.S.I. 2024/37 reg. 6(2)(d)
- reg. 43(15) inserted by S.S.I. 2024/37 reg. 6(2)(g)
- reg. 44(5) inserted by S.S.I. 2024/37 reg. 7(1)
- reg. 45(4A) inserted by S.S.I. 2024/37 reg. 7(2)(a)
- reg. 45(7A) inserted by S.S.I. 2024/37 reg. 7(2)(d)
- reg. 46(4A) inserted by S.S.I. 2024/37 reg. 7(3)(a)
- reg. 46(5A) inserted by S.S.I. 2024/37 reg. 7(3)(b)
- reg. 46(9A) inserted by S.S.I. 2024/37 reg. 7(3)(c)
- reg. 46(10B) inserted by S.S.I. 2024/37 reg. 7(3)(d)
- reg. 46(14A) inserted by S.S.I. 2024/37 reg. 7(3)(g)
- reg. 61(2C) inserted by S.S.I. 2024/37 reg. 8(2)(b)