

2026 No.

PUBLIC SERVICE PENSIONS

**The Local Government Pension Scheme (Scotland)
(Amendment) Regulations 2026**

Made - - - -

Laid before Parliament

Coming into force - -

1st April 2026

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 7, 12 and 24 of the Superannuation Act 1972(a) (“the 1972 Act”), sections 1, 3 and 25 of, and paragraphs 1 to 3, 6, 9 to 12 and 14 of Schedule 3 to, the Public Service Pensions Act 2013(b) (“the 2013 Act”) and sections 78, 80(1) and (3), 84 and 85(2)(f) of the Public Service Pensions and Judicial Offices Act 2022(c).

In accordance with section 7(5) of the 1972 Act, the Scottish Ministers consulted such associations of local authorities as appeared to the Scottish Ministers to be concerned, the local authorities with whom consultation appeared to the Scottish Ministers to be desirable, and such representatives of other persons likely to be affected by the Regulations as appeared to the Scottish Ministers to be appropriate.

In accordance with section 21(1) of the 2013 Act, the Scottish Ministers consulted the representatives of such persons as appeared to the Scottish Ministers likely to be affected by these regulations.

PART 1

Introductory

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Scotland) (Amendment) Regulations 2026.

(a) 1972 c. 11. Section 7 was amended by paragraph 8 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25). Section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7). Section 24 was amended by paragraph 10 of Schedule 2 to the Police Pensions Act 1976 (c. 35), paragraph 37 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21), paragraph 11 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25), S.I. 2004/2306 and S.I. 2004/2918.

(b) 2013 c. 25 (“the 2013 Act”). Section 3 and paragraph 12 of Schedule 3 were amended by sections 94 and 100 of the Public Service Pensions and Judicial Offices Act 2022 (c. 7). See section 28 of the 2013 Act which provides for regulations made under section 7 of the Superannuation 1972 (c. 11) to have effect as scheme regulations under section 1 of the 2013 Act.

(c) 2022 c. 7.

(2) These Regulations come into force on 1 April 2026, subject to paragraphs (3) to (XX).

PART 2

Amendments to the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998

2.—(1) The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998^(a) are amended as follows.

(2) In regulation 42 (death benefits)—

- (a) in paragraph (1)(b)(ia), omit “and”,
- (b) after paragraph (1)(b)(ia), insert—

“(ib) subject to paragraph (2), if the deceased leaves a surviving cohabiting partner the surviving cohabiting partner shall be entitled to an annual allowance or lump sum, and”,

- (c) in paragraph (4), for “or civil partner” substitute “, civil partner or cohabiting partner”,
- (d) after paragraph (5A), insert—

“(5B) In this regulation “Cohabiting partner” means a person who the relevant employer is satisfied met the following conditions for a continuous period of at least 2 years ending on the date the person employed in a relevant employment (B) died—

- (a) B was able to marry or form a civil partnership with A,
- (b) B and A were living together as if they were married or as if they were civil partners,
- (c) neither B nor A was living with a third person as if they were married or as if they were civil partners, and
- (d) either A was financially dependent on B, or B and A were financially interdependent.”.

PART 3

Amendments to the Local Government Pension Scheme (Scotland) Regulations 2018

General

3. The Local Government Pension Scheme (Scotland) Regulations 2018^(b) are amended in accordance with regulations 4 to [].

Amendments to regulation 3

4. In regulation 3(6) (active membership)—

- (a) in sub-paragraph (b) omit “or under a European pensions institution”,
- (b) in sub-paragraph (c) omit “or European pensions institution”.

Amendments to regulation 4

5. In regulation 4 (restriction on eligibility for active membership), after paragraph (4) insert—

^(a) S.I. 1998/192, relevantly amended by S.S.I. 2005/554.
^(b) S.S.I. 2018/141.

“(5) A person may be a member of the Scheme despite being entitled to be a member of the Scottish Teachers’ Pension Scheme 2015 (“the Teachers’ Scheme”)(a) if—

- (a) that person's entitlement to be a member of the Teachers’ Scheme is by reason of the person's employment in an eligible employment specified in paragraph 15A, 15B, 15C or 15D in Part 2 of schedule 1 of the Teachers’ Pension Scheme (Scotland) (No. 2) Regulations 2014(b), which commenced before 1 August 2025, and
- (b) that person was a member of the Scheme on 1 August 2025.”.

Amendments to regulation 5

6. After regulation 5(6) (ending active membership) insert—

“(7) A notice under paragraph (2) must be given in the form approved for that purpose from time to time by the Scheme Advisory Board.”.

Amendments to regulation 11

7. In regulation 11 (contributions during absence from work)—

- (a) in paragraph (5)(c), after “otherwise than” insert “on child-related leave, on reserve forces service leave, or”,
- (b) after paragraph (5) insert—

“(6) In paragraph (5) the expression “absent from work with permission” does not include an absence due to a trade dispute.”.

Amendments to regulation 12

8. In regulation 12(2)(d) (contributions during child-related leave), for “parental bereavement leave or ordinary adoption leave” substitute “ordinary adoption leave, additional maternity leave, additional adoption leave, or shared parental leave”.

Amendments to regulation 15

9. In regulation 15(e) (employer contributions during absences)—

- (a) in paragraph (2)—
 - (i) the words from “A Scheme employer” to “absent from employment” become the opening words,
 - (ii) the words “by reason of illness or injury” become sub-paragraph (a),
 - (iii) after sub-paragraph (a) insert—

“(b) on unpaid leave to which regulation 11(5) applies.”,
- (b) after paragraph (3) insert—

“(3A) A Scheme employer must pay contributions on the lost pensionable pay of an active member on unpaid leave to which regulation 11(5) applies.”,
- (c) in paragraph (4)(b)—
 - (i) omit “additional maternity leave, additional adoption leave,”,
 - (ii) for “shared parental leave” substitute “neonatal care leave”,

-
- (a) The Scottish Teachers’ Pension Scheme 2015 is set up under section 1 of the Public Service Pensions Act 2013 (c. 25) and was established by the Teachers’ Pension Scheme (Scotland) (No. 2) Regulations 2014 (S.S.I. 2014/292).
 - (b) S.S.I. 2014/292, relevantly amended by S.S.I. 2025/152.
 - (c) Paragraph (5) was inserted by S.S.I. 2019/161.
 - (d) Regulation 12(2) was relevantly amended by S.S.I. 2020/354.
 - (e) Regulation 15 was relevantly amended by S.S.I. 2020/354.

- (d) after paragraph (4) insert—

“(4A) This paragraph applies if an active member who is absent from work with permission for a continuous period of more than 30 days with no pensionable pay otherwise than because of illness or injury, child-related leave or reserve force service leave elects to enter into an arrangement to pay additional pension contributions under regulation 16 (additional pension contributions) to cover that period of absence.

(4B) Where paragraph (4A) applies, the member’s Scheme employer must pay contributions under regulation 16(2)(e) or (4)(d) (shared cost additional pension contributions) to meet the cost specified in regulation 16(8A)(b).”,

- (e) omit paragraphs (5) and (6),
(f) in paragraph (7) for “(5)” substitute “(4A)”.

Amendments to regulation 16

10. In regulation 16 (additional pension contributions)—

- (a) in paragraph (7), at the start insert “Subject to paragraph (8A)”,
(b) after paragraph (8) insert—

“(8A) Where an arrangement is one to which regulation 15(4A) (employer contributions during absences) applies, and an application is made by the member to make the arrangements before the expiry of the period mentioned in paragraph (16), the amount of the contributions to be paid in respect of that arrangement under this regulation is the total of—

- (a) the amount of contributions that the member would have paid under regulation 9 (contributions) or 10 (temporary reduction in contributions) in respect of that period if they had not been absent from work with permission with no pensionable pay, and
(b) the amount of contributions that the employer would have paid under regulation 62 (employer’s contributions) in respect of the member for that period if they had not been absent from work with permission with no pensionable pay.”,

- (c) in paragraph (10), at the start insert “Subject to paragraph (10A)”,
(d) after paragraph (10) insert—

“(10A) Paragraph (10) does not apply in respect of an application by a member to make an arrangement to which regulation 15(4A) applies which made before the expiry of the period mentioned in paragraph (16).”,

- (e) in paragraph (12), at the start insert “Subject to paragraph (12A)”,
(f) after paragraph (12) insert—

“(12A) Paragraph (12) does not apply in respect of an arrangement to which regulation 15(4A) applies.”,

- (g) in paragraph (16)—

- (i) for “15(5)” substitute “15(4A)”,
(ii) for “30 days” substitute “one year”,

- (h) in paragraph (17)(a)—

- (i) omit “additional maternity leave, additional adoption leave,”,
(ii) for “shared parental leave” substitute “neonatal care leave”.

Amendments to regulation 18

11. In regulation 18 (rights to return of contributions)—

- (a) in paragraph (1)(d) omit “or from a pension scheme or arrangement of a European Pensions Institution”,

(b) for paragraph (5) substitute—

“(5) An administering authority must refund contributions to a person entitled under paragraph (1)—

(a) when the person requests payment, or

(b) if no payment has been made before then, on the day before the person attains the age of 75.

(5A) An administering authority may refund contributions to a person entitled under paragraph (1) at any point after the expiry of a period of five years beginning with the date when the person’s active membership ceased if no request under paragraph (5)(a) is made before then.

(5B) If the administering authority considers that it will be unable to refund contributions to a person entitled under paragraph (1) on the date specified in paragraph (5)(b) because it does not have sufficient information to enable it to do so, the administering authority must make reasonable attempts to obtain that information.”.

Amendments to regulation 19

12. In regulation 19(1) (exclusion of right to return of contributions)—

(a) omit the “or” after sub-paragraph (d),

(b) in sub-paragraph (e), for “.” Substitute “, or”,

(c) after sub-paragraph (e) insert—

“(f) is aged 75 or over.”.

Amendments to regulation 20

13. In regulation 20 (meaning of pensionable pay)—

(a) in paragraph (1) after “(assumed pensionable pay)” insert “and regulation 21A (lost pensionable pay”,

(b) in paragraph (2)(o)—

(i) insert “or” after paragraph (ii),

(ii) omit the “or” after paragraph (iii),

(iii) omit paragraph (iv).

Amendments to regulation 21

14. In regulation 21(2) (assumed pensionable pay)—

(a) omit the “or” after sub-paragraph (b),

(b) after sub-paragraph (c) insert—

“, or

(d) is on unpaid leave to which regulation 11(5) applies.”.

Insertion of new regulation 21A

15. After regulation 21 (assumed pensionable pay) insert—

“Lost pensionable pay

21A.—(1) During the period the circumstance specified in paragraph (2) applies in relation to an employment, the pensionable pay that an active member is, in relation to that employment, treated as receiving for the purposes of these Regulations (including this

regulation), other than regulations 9 to 14 (contributions), is that member's lost pensionable pay calculated in accordance with paragraph (3).

(2) The circumstance specified in paragraph (1) is that the member is on reduced pay leave or unpaid leave to which regulation 11(5) applies.

(3) The lost pensionable pay is the pay that the member would have received if they had been at work receiving their normal pay during the period of absence to which regulation 11(5) relates.

(4) In paragraph (3) "normal pay" excludes any overtime and bonuses that the member would have received in addition to their contractual pay."

Amendment to regulation 27

16. In regulation 27(5) (flexible retirement pension accounts) before "takes effect from" insert "the revaluation adjustment".

Amendment to regulation 29

17. In regulation 29 (retirement benefits)—

- (a) in paragraph (8)(a) after "regulation 16 (additional pension contributions)" insert "other than additional pension to which regulation 15(4A) (employer contributions during absences) applied",
- (b) omit paragraph (14)(a).

Amendment to regulation 38

18. In regulation 38(1) (death grants: active members) omit "before attaining the age of 75".

Amendments to regulation 39

19. In regulation 39(6)(b) (survivor benefits: partners of active members), before "takes effect from" insert "the revaluation adjustment".

Amendments to regulation 40

20. In regulation 40(13)(c) (survivor benefits: children of active members), before "takes effect from" insert "the revaluation adjustment".

Amendments to regulation 42

21. In regulation 42(6)(d) (survivor benefits: partners of deferred members and deferred pensioner members), before "takes effect from" insert "the revaluation adjustment".

Amendments to regulation 43

22. In regulation 43(13)(e) (survivor benefits: children of deferred members), before "takes effect from" insert "the revaluation adjustment".

Amendment to regulation 44

23. In regulation 44(1) (death grants: pensioner members) omit "before attaining the age of 75".

-
- (a) Paragraph (14) was inserted by S.S.I. 2019/161.
 - (b) Regulation 39 was relevantly amended by S.S.I. 2019/161.
 - (c) Regulation 40 was relevantly amended by S.S.I. 2024/37.
 - (d) Regulation 42 was relevantly amended by S.S.I. 2024/37.
 - (e) Regulation 43 was relevantly amended by S.S.I. 2024/37.

Amendments to regulation 45

24. In regulation 45(6)(a) (survivor benefits: partners of pensioner members), before “takes effect from” insert “the revaluation adjustment”.

Amendments to regulation 46

25. In regulation 46(13)(b) (survivor benefits: children of pensioner members), before “takes effect from” insert “the revaluation adjustment”.

Revocation of regulation 48

26. Omit regulation 48 (limit on total amount of benefits).

Amendments to regulation 55

27. In regulation 55(1) (pension fund annual report)—

(a) after sub-paragraph (j) omit “and”,

(b) at the end of sub-paragraph (k) insert—

“and

(l) a report on the number of persons eligible to be active members of the fund who have opted out of the Scheme under regulation 5(2) (ending active membership).”.

Amendment to regulation 56

28. In regulation 56(4) (funding strategy statement), for sub-paragraph (a) substitute—

“(a) any guidance issued by the Scottish Ministers, and”.

Amendment to regulation 60

29. In regulation 60 (actuarial valuations of pension funds), after paragraph (3) insert—

“(3A) A report under paragraph (1)(b) must also contain a report on the gender pension gap within the fund, in accordance with guidance published by the Scottish Ministers.”.

Amendments to regulation 62

30. In regulation 62(4) (employer’s contributions)—

(a) in sub-paragraph (a) omit the “and” at the end,

(b) in sub-paragraph (b) after “child-related leave” insert “, or reduced pay leave or unpaid leave to which regulation 11(5) applies”,

(c) after sub-paragraph (b) insert—

“and

(c) the lost pensionable pay in respect of members on unpaid leave to which regulation 11(5) applies,”.

Amendments to regulation 64

31. In regulation 64 (payment by Scheme employers to administering authorities) in paragraphs (3)(a) and (3)(c) after “the assumed pensionable pay” insert “and the lost pensionable pay”.

(a) Regulation 45 was relevantly amended by S.S.I. 2024/37.

(b) Regulation 46 was relevantly amended by S.S.I. 2024/37.

Amendments to regulation 86 and transitional provision

32.—(1) In regulation 86 (forfeiture of pension rights after conviction for employment-related offences)—

(a) before paragraph (1) insert—

“(A1) This regulation applies where a person—

(a) has left an employment in which that person was or had at some time been a member of the Scheme, and

(b) has been convicted of a relevant offence.”,

(b) in paragraph (1) for “If a member is convicted of a relevant offence” substitute “Where this regulation applies”,

(c) omit paragraph (8).

(2) The amendment made by paragraph (1)(c) does not apply to any application for a forfeiture certificate in respect of a relevant offence of which a member was convicted on or before [date three months before coming-into-force date].

Amendments to regulation 87

33. In regulation 87(1) (recovery or retention where former member has a misconduct obligation)—

(a) in sub-paragraph (a) omit the words from “in consequence” to the end,

(b) for sub-paragraph (b) substitute—

“(b) has incurred some monetary obligation to the body that was the Scheme employer in that employment arising out of grave misconduct or a criminal, negligent or fraudulent act or omission in connection with that employment; and”.

Amendments to regulation 95

34. In regulation 95(2) (inward transfers of pension rights)—

(a) omit the “and” after sub-paragraph (a),

(b) omit sub-paragraph (b).

Amendments to Schedule 1

35. In Schedule 1 (interpretation)—

(a) in the definition of “benefit crystallisation event” for “section 216” substitute “Schedule 32”,

(b) in the definition of “child related leave”—

(i) in paragraphs (c) and (f) omit “during which the member receives some pensionable pay”,

(ii) after paragraph (g) insert—

“(h) neonatal care leave during which the member receives some pensionable pay,”,

(c) in the appropriate places insert—

“”local government service” means an employment by virtue of which the person employed is or has been a member of the Scheme,”,

“”neonatal care leave” means leave under section 80EF of the Employment Rights Act 1996,”,

(d) omit the definition of “European pensions institution”,

(e) in the definition of “IRMP”—

- (i) in paragraph (a) omit “or an equivalent qualification issued by a competent authority in an EEA state; and for the purposes of this definition, “competent authority” has the meaning given by section 55(1) of the Medical Act 1983”, and
- (ii) in paragraph (b) omit “or an equivalent institution of an EEA state”,
- (f) after the definition of “joint liability amount” insert—
 - “lost pensionable pay” has the meaning given by regulation 21A,”,
- (g) in the definition of “paternity leave” for “regulation 4 or 8 of the Paternity and Adoption Leave Regulations 2002” substitute “section 80A or 80B of the Employment Rights Act 1996(a)”,
- (h) in the definition of “pensionable pay”—
 - (i) the words from “pensionable pay” to “by regulation 20 but” becomes the opening words,
 - (ii) the words from “if the circumstances” to the end become paragraph (a),
 - (iii) after sub-paragraph (a) insert—
 - “(b) if the circumstances specified in regulation 21A(2) apply, references in these Regulations to a member’s pensionable pay are references to that member’s lost pensionable pay,”,
- (i) in the definition of “transfer value payment” omit “or from a European pensions institution”.

Amendments to Schedule 4

36. In schedule 4 (appropriate funds)—

- (a) in paragraph 6—
 - (i) at the end of sub-paragraph (b) omit “and”,
 - (ii) after sub-paragraph (c) insert—
 - “and
 - (d) may take effect on a date before the date on which it is given.”,
- (b) in paragraph 7, in the table, in part 2, in column 2—
 - (i) in entry 38, for “Fife” substitute “City of Glasgow”,
 - (ii) in entry 39, for “City of Edinburgh” substitute “City of Glasgow”,
 - (iii) in entry 40, for “Dumfries and Galloway” substitute “City of Glasgow”,
 - (iv) in entry 41, for “Dundee” substitute “City of Glasgow”,
 - (v) in entry 42, for “Falkirk” substitute “City of Glasgow”,
 - (vi) in entry 43, for “the Highland” substitute “City of Glasgow”,
 - (vii) in entry 44, for “Aberdeen” substitute “City of Glasgow”.

(a) 1996 c. 18. Section 80A was inserted by section 1 of the Employment Act 2002 (c. 22) and amended by section 118(6) of, and paragraph 32 of Schedule 7 to, the Children and Families Act 2014 (c. 6) and section 1 of the Paternity Leave (Bereavement) Act 2024. Section 80B was inserted by section 1 of the Employment Act 2002 (c. 22) and amended by sections 118(7), 121(2) and 128(2) of, and paragraph 33 of Schedule 7 to, the Children and Families Act 2014 (c. 6) and S.I. 2016/413.

PART 4

Amendments to the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014

General

37. The Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014(a) are amended in accordance with regulations [] to [].

Amendments to regulation 3 and transitional provision

38.—(1) In regulation 3 (membership before 1st April 2015)—

(a) after paragraph (5) insert—

“(5A) Notwithstanding paragraph (1)(a), in respect of any death of a member before 1 April 2015—

- (a) the Benefits Regulations have effect as if regulations 23(5) (death grants: active members), 32(4) (death grants: deferred members) and 35(4) (death grants: pensioner members) were omitted,
- (b) the 1987 Regulations have effect as if regulation E11ZA(6) were omitted,
- (c) the 1998 Regulations have effect as if regulation 37(9) (death grants) were omitted.

(5B) Notwithstanding paragraph (1)(a)—

(a) the 1998 Regulations have effect as if—

(i) in regulation 18A(b) (limit on total amount of benefits), paragraphs (1) and (2) were omitted,

(ii) in regulation 48(c) (commutation: small pensions)

(aa) for paragraph (1) there were substituted—

“(1) Any authorised payments within the meaning of section 164 (authorised member payments) of the Finance Act 2004(c) listed in sub-paragraphs (a) to (c) may be paid in accordance with the rules relating to the payment of such benefits under that Act or relevant regulations under that Act—

- (a) a lump sum which is a trivial commutation lump sum within the meaning of section 166 (lump sum rule) of that Act,
- (b) a trivial commutation lump sum death benefit within the meaning of section 168 (lump sum death benefit rule) of that Act,
- (c) a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009(d).”,

(bb) paragraphs (2) and (4) were omitted,

(iii) in regulation 153(e) (commutation: small pensions)—

(aa) for paragraph (1) there were substituted—

“(1) Any authorised payments within the meaning of section 164 (authorised member payments) of the Finance Act 2004 listed in sub-paragraphs (a) to (c) may be paid to a

(a) S.S.I. 2014/233.

(b) Regulation 18A was inserted by S.S.I. 2006/468 and relevantly amended by S.S.I. 2007/514.

(c) Regulation 48 was relevantly amended by S.S.I. 2006/468 and S.S.I. 2007/514.

(d) S.I. 2009/1171; relevant amending instruments are Section 42 (6) of the Finance Act 2014 (c. 26), paragraph 73 of Schedule 5 to the Taxation of Pensions Act 2014 (c. 30) and paragraph 42 of Schedule 9 to the Finance Act 2024 (c. 3) and S.I. 2011/1751.

(e) Regulation 153 was inserted by S.S.I. 2001/23.

pension credit member in accordance with the rules relating to the payment of such benefits under that Act or relevant regulations under that Act—

- (a) a lump sum which is a trivial commutation lump sum within the meaning of section 166 (lump sum rule) of that Act,
- (b) a trivial commutation lump sum death benefit within the meaning of section 168 (lump sum death benefit rule) of that Act,
- (c) a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009.”,
- (bb) paragraph (2) were omitted,
- (iv) in the definition of “benefit crystallisation event” in Schedule 1(a), for “section 216 of” there were substituted “Schedule 32 to”,
- (b) regulation 22 of the Benefits Regulations (limit on total amount of benefits and liability to tax) has effect as if paragraphs (1) to (3) were omitted,

(5C) Notwithstanding paragraph (1)(a)—

- (a) regulation E8(1) (entitlement to children's short-term and long-term pensions) of the 1987 Regulations has effect as if after “6 months after the death” there were inserted “or, if less, until they cease to be children”,
- (b) regulation 44 (children's short-term pensions) of the 1998 Regulations has effect as if after paragraph (3) there were inserted—

“(3A) An eligible child ceases to be entitled to a short-term pension when he ceases to be a child within regulation 43(2).”.

(2) New regulation 3(5A) does not apply in respect of any death grant paid before [coming-into-force date].

Amendments to regulation 4G

39. In regulation 4G(b) (statutory underpin: underpin date)—

- (a) the existing text becomes paragraph (1),
- (b) in paragraph (1), in the opening words for “An” substitute “Subject to paragraphs (2) and (3), an”,
- (c) after paragraph (1) insert—

“(2) This paragraph applies where—

- (a) under paragraph (1)(b)(ii) an eligible member's underpin date would be the date on which they attained the age of 65, and
- (b) the eligible member—
 - (i) has already attained the age of 65,
 - (ii) was not an active member of the 2015 Scheme on that date, and
 - (iii) is an eligible member in relation to that pension account as a result of regulation 4A(2)(b) (statutory underpin: general).

(3) Where paragraph (2) applies, the eligible member's underpin date is the earliest of—

- (a) the date on which the transfer payment to which regulation 9(1A) (transfers) relates was received, and
- (b) the last day on which the eligible member is an active member of the 2015 Scheme.”.

(a) Schedule 1 was relevantly amended by S.S.I. 2006/468.

(b) Regulation 4G was inserted by S.S.I. 2023/240.

Amendment to regulation 4I

40. In regulation 4I(a) (statutory underpin: calculation of provisional assumed benefits), after paragraph (1) insert—

“(1A) Where the eligible member’s underpin date is the date specified in regulation 4G(3) (statutory underpin: underpin date), the calculation in paragraph (1) must be carried out in accordance with actuarial guidance issued by the Scottish Ministers.”.

Amendment to regulation 4J

41. In regulation 4J(b) (statutory underpin: calculation of the provisional underpin amount), after paragraph (1) insert—

“(1A) Where the eligible member’s underpin date is the date specified in regulation 4G(3) (statutory underpin: underpin date), the calculation in paragraph (1) must be carried out in accordance with actuarial guidance issued by the Scottish Ministers.”.

Amendment to regulation 8

42. In regulation 8(4) (pensionable pay) after “regulation 11(4)(b) or (c) of the 2018 Regulations (contributions during absence from work with permission or due to a trade dispute)” insert “other than a period of absence to which regulation 11(5) of the 2018 Regulations (absences of fewer than 31 days) applies”.

Amendments to regulation 9

43. In regulation 9(3A)(c) (transfers)—

- (a) after sub-paragraph (b) insert “or”,
- (b) in sub-paragraph (c) for “, or” substitute “.”,
- (c) omit sub-paragraph (d).

Amendments to regulation 10

44. In regulation 10 (interfund adjustments etc.)—

- (a) in paragraph (1)(c), before “and” insert “or who became a deferred member or deferred refund member of the 2015 Scheme upon cessation of a concurrent employment whilst remaining an active member in a continuing employment”,
- (b) in paragraph (8), for “by virtue of regulation 5(1) (membership of the 2015 Scheme)” substitute “either by virtue of regulation 5(1) of these Regulations (membership of the 2015 Scheme) or by virtue of regulation 3 of the 2018 Regulations (active membership)”.

Amendments to regulation 15

45. In regulation 15 (additional contributions), after paragraph (5)(d) insert—

- “(6) This paragraph applies to a member who becomes entitled to benefits under—
- (a) regulation 30 of the 1998 Regulations (other early leavers: deferred retirement benefits and elections for early payment), other than a councillor member(e),
 - (b) regulation 30 of the Benefits Regulations (choice of early payment of pension), or
 - (c) regulation 31 of the Benefits Regulations (early payment of pension: ill-health).

(a) Regulation 4I was inserted by S.S.I. 2023/240.

(b) Regulation 4J was inserted by S.S.I. 2023/240.

(c) Regulation 9(3A) was inserted by S.S.I. 2015/87.

(d) Paragraph (5) was inserted by S.S.I. 2015/87.

(e) See schedule 1 to S.I. 1998/366 for the definition of “councillor member”.

(7) A member to whom paragraph (6) applies may, when electing to draw the realisable value in an AVC to which paragraph (8) applies at the same time as drawing those benefits, elect for the realisable value in that AVC to be used to provide additional pension for them under the Earlier Regulations, or partly to provide such pension for them.

(8) This paragraph applies where the employment in respect of which the AVCs were paid is the same employment as the employment, or one of the employments, to which the benefits referred to in paragraph (6) relate.

(9) The amount of additional pension under paragraph (7) is to be determined by the administering authority in accordance with actuarial guidance issued by the Scottish Ministers.

(10) No interest is payable under regulation 93 of the 1998 Regulations or regulation 47 of the Administration Regulations in relation to the late payment of any additional pension under paragraph (7).”.

Amendments to regulation 17 and transitional provision

46.—(1) In regulation 17 (survivor benefits)—

- (a) in paragraph (5), at the start insert “Subject to paragraph (8A),”;
- (b) in paragraph (7), after “still applied” insert “(subject to the modifications in paragraph (8A))”;
- (c) in paragraph (8), after “1st April 2015” in the second place where it occurs insert “(subject to the modifications in paragraph (8A))”;
- (d) after paragraph (8), insert—

“(8A) For the purposes of determining whether and to whom a death grant is payable under the Earlier Schemes—

- (a) the Benefits Regulations have effect as if—
 - (i) regulation 23(5) (death grants: active members) were omitted,
 - (ii) regulation 32(4) (death grants: deferred members) were omitted,
 - (iii) in regulation 35(1) (death grants: pensioner members) the words “before the member’s 75th birthday” were omitted,
- (b) the 1998 Regulations have effect as if in regulation 37 (death grants)—
 - (i) in paragraph (1) the words “before his 75th birthday” were omitted,
 - (ii) paragraph (9) were omitted,
- (c) the 1987 Regulations have effect as if regulation E11ZA(6) (nomination of beneficiary of death gratuity) were omitted.”.

(2) New regulation 17(8A) does not apply in relation to any death grant paid before [coming-into-force date].

Insertion of new regulation 23A

47. After regulation 23 (decisions and adjudications of disagreements) insert—

“Forfeiture

23A. Regulations 86 to 89 (forfeiture) of the 2018 Regulations apply in respect of the forfeiture of benefits accrued under the Earlier Schemes, and the recovery or retention of benefits accrued under the Earlier Schemes where the former member has a misconduct obligation, as they apply under the 2015 Scheme.”.

PART 5

Amendments to the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010

General

48. The Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010(a) are amended in accordance with regulations [] to [].

Amendment to regulation 3

49. In regulation 3(6) (definition of “investment”) omit sub-paragraphs (b) and (c).

Amendment to regulation 6

50. In regulation 6(2)(c) (separate bank account) omit “or the central bank of an EEA state other than the United Kingdom”.

PART 6

Amendments to the Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023

General

51. The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023(b) are amended in accordance with regulations [] to [].

Amendment to regulation 8

52. In regulation 8(1)(b) (survivor benefits in respect of members who died before 1 October 2023) for “1 October 2023” substitute “2 October 2023”.

Amendments to regulation 12

53. In regulation 12 (divorce or dissolution of civil partnership before 1 October 2023)—

- (a) in paragraph (1)—
 - (i) in the opening words after “person” insert “(“the pension debit member””,
 - (ii) in sub-paragraph (b)—
 - (aa) for “whose relevant benefits were” substitute “who had the cash equivalent value of their relevant benefits calculated”,
 - (bb) after “civil partnership,” omit “calculated”,
- (b) in paragraph (2)—
 - (i) at the beginning for “The” substitute “Unless paragraph (2A) applies, the”,
 - (ii) for “person’s” substitute “pension debit member’s”,
- (c) after paragraph (2) insert—

(a) S.S.I. 2010/233.

(b) S.S.I. 2023/240.

“(2A) This paragraph applies where, before the application of this regulation, the appropriate amount in relation to the pension sharing order was the specified amount under section 29(3)(a) of the Welfare Reform and Pensions Act 1999.”.

- (d) in paragraph (3) for “person” substitute “pension debit member” in each place that it occurs,
- (e) in paragraph (4) for “person” substitute “pension debit member” in each place that it occurs,
- (f) for paragraph (5) substitute—

“(5) If the recalculated cash equivalent value exceeds the original calculation—

- (a) the appropriate amount is to be recalculated based on the recalculated cash equivalent value and on the same basis as which applied for the purposes of the original calculation,
- (b) the annual pension deriving from the pension credit awarded to the pension debit member’s spouse or civil partner (“the pension credit member”) is to be adjusted to give effect to the recalculated pension credit in accordance with actuarial guidance issued by the Scottish Ministers.”.

- (g) for paragraph (7) substitute—

“(7) In this regulation—

“appropriate amount” and “relevant benefits” have the same meaning as in section 29 of the Welfare Reform and Pensions Act 1999,

“pension credit” and “pension sharing order” have the meaning given in Schedule 1 to the 2018 Regulations.”.

Amendments to regulation 14

54. In regulation 14(a) (interest on payments under the statutory underpin)—

- (a) in paragraph (1), for “12(6)(b)” substitute “12(5A)(b) or (6)(b)”,
- (b) in paragraph (3), for “unless the scheme is a chapter 1 scheme, a judicial scheme, or another local government scheme” substitute “unless the transfer to which that amount relates was a transfer to which paragraph (3A) applies”,
- (c) after paragraph (3) insert—

“(3A) This paragraph applies to a transfer which—

- (a) is a Club Transfer, and
- (b) is not a transfer—
 - (i) that was completed before 1 October 2023, and
 - (ii) in respect of which the receiving scheme was a scheme other than a Chapter 1 Scheme, a judicial scheme, or another local government scheme.”.

Insertion of new regulation 15

55. After regulation 14 insert—

“Interest on compensation

15.—(1) This regulation applies in relation to a person to whom compensation is paid under section 82(1) of the Public Service Pensions and Judicial Offices Act 2022 (power to pay compensation).

(a) Regulation 14 was relevantly amended by S.S.I. 2024/374.

(2) An administering authority must pay interest in respect of the amount of such compensation.

(3) The interest is to be paid to the person.

(4) Interest under this regulation is payable from the date specified in paragraph (5) until the day on which the amount in respect of the interest is payable and the accrued interest are repaid in full.

(5) The date specified in this paragraph is—

- (a) in the case of compensation in respect of a direct financial loss, the date on which the direct financial loss occurred,
- (b) in the case of compensation in respect of a specified Part 4 tax loss, the date on which the overpayment was made.

(6) Interest payable under this regulation is to be calculated in accordance with direction 38 of the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022.”.