

SCOTTISH STATUTORY INSTRUMENTS

2006 No.

PENSIONS

The Local Government Pension Scheme (Scotland) Amendment Regulations 2006

<i>Made</i> - - - -	2006
<i>Laid before the Scottish Parliament</i>	2006
<i>Coming into force</i> - -	1st April 2006

The Scottish Ministers, in exercise of the powers conferred by sections 7 and 12 of the Superannuation Act 1972(a) and of all other powers enabling them in that behalf, after consultation with such associations of local authorities as appeared to them to be concerned and such representatives of other persons likely to be affected by the proposed regulations as appeared to them to be appropriate, and not having considered consultation with any individual local authority to be desirable, all in accordance with section 7(5) of that Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Government Pension Scheme (Scotland) Amendment Regulations 2006 and shall come into force on 1st April 2006.

(2) These Regulations extend to Scotland only.

Amendment to the Local Government Pension Scheme (Scotland) Regulations 1998

2. The Local Government Pension Scheme (Scotland) Regulations 1998(b) are amended in accordance with regulations 3 and 4.

3. At the end of Schedule 2 (Scheme employers) insert –

“11. A Transport Partnership created under section 1 of the Transport (Scotland) Act 2005(c).”

4. As new entries at the end of the Table in Part II of Schedule 5 (appropriate funds) insert –

11A. Employee of the South East of Scotland Transport Partnership, other than an employee who falls within entries 11B-11D below.	Fund maintained by City of Edinburgh Council.
11B. Former employee of Clackmannanshire	Fund maintained by Falkirk Council.

(a) 1972 c.11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c.7). The functions of the Secretary of State exercised in the making of these Regulations were transferred to the Scottish Ministers as regards Scotland by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, article 2 and Schedule 1 (S.I. 1999/1750).

(b) S.I. 1998/366; the relevant amending instruments are S.S.I. 2002/311 and 2005/315.

(c) 2005 asp 12.

Council or Falkirk Council who transferred to the South East of Scotland Transport Partnership as a consequence of an Order made under section 2 or 10 of the Transport (Scotland) Act 2005.	
11C. Former employee of Fife Council who transferred to the South East of Scotland Transport Partnership as a consequence of an Order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Fife Council.
11D. Former employee of Scottish Borders Council who transferred to the South East of Scotland Transport Partnership as a consequence of an Order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Scottish Borders Council.
12A. Employee of the Central and Tay Transport Partnership, other than an employee who falls within entry 12B below.	Fund maintained by City of Dundee Council.
12B. Former employee of Stirling Council who transferred to the Central and Tay Transport Partnership as a consequence of an Order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Falkirk Council.
13A. Employee of the Highlands and Islands Transport Partnership, other than an employee who falls within entries 13B-13D below.	Fund maintained by Highland Council.
13B. Former employee of Argyll and Bute Council who transferred to the Highlands and Islands Transport Partnership as a consequence of an Order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by City of Glasgow Council.
13C. Former employee of Moray Council who transferred to the Highlands and Islands Transport Partnership as a consequence of an Order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Aberdeen City Council.
13D. Former employee of Orkney Islands Council who transferred to the Highlands and Islands Transport Partnership as a consequence of an Order made under section 2 or 10 of the Transport (Scotland) Act 2005.	Fund maintained by Orkney Islands Council.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Pension Scheme (Scotland) Regulations 1998 as a result of the [Transport \(Scotland\) Act 2005](#) (asp 12). The effect of regulation 3 is that Transport Partnerships created under section 1 of that Act will be Scheme employers and employees of the Transport Partnerships will be eligible for membership of the Local Government Pension Scheme (Scotland).

Schedule 5 to the Local Government Pension Scheme (Scotland) Regulations 1998 sets out the appropriate fund for each member of the Scheme. Employees of a Transport Partnership will generally fall within the fund administered by the authority within whose area that Transport Partnership lies. Regulation 4 makes provision so that employees of certain councils who transfer to a Transport Partnership remain with the fund which previously administered their pension.