
SCOTTISH STATUTORY INSTRUMENTS

2010 No.

PENSIONS

**The Local Government Pension Scheme Amendment (Scotland)
Regulations 2010**

<i>Made</i> - - - -	2010
<i>Laid before the Scottish Parliament</i>	2010
<i>Coming into force</i> - -	2010

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 7 of the Superannuation Act 1972(a) and of all other powers enabling them to do so.

In accordance with section 7(5) of that Act, they have consulted such associations of local authorities as appeared to them to be concerned, such local authorities with whom consultation appeared to them to be desirable, and such representatives of other persons likely to be affected by the proposed regulations as appeared to them to be appropriate.

Citation and commencement

1. These Regulations may be cited as the Local Government Pension Scheme Amendment (Scotland) Regulations 2010 and shall come into force on 2010.

Amendment of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008

2. The Local Government Pension Scheme (Administration) (Scotland) Regulations 2008(b) are amended in accordance with regulations 3 to 6.

3. In regulation 27(2) (Governance compliance statement), for “1st April 2010” substitute “31st December 2010”.

4. After regulation 31 (funding strategy statement) insert—

“Pension fund annual report

31A.—(1) An administering authority must, in relation to each year beginning on 1st April 2010 and each subsequent year, prepare a document (“the pension fund annual report”) which contains—

(a) 1972 c.11. 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.S.I. 2008/228, as amended by S.S.I. 2009/93 and S.S.I. 2009/187.

- (a) a report about the management and financial performance during the year of each of the pension funds maintained by the authority;
 - (b) a report explaining the authority’s investment policy for each of those funds and reviewing the performance during the year of the investments of each fund;
 - (c) a report of the arrangements made during the year for the administration of each of those funds;
 - (d) for each of those funds, a statement by the actuary who carried out the most recent valuation of the assets and liabilities of the fund in accordance with regulation 32 (actuarial valuations and certificates), of the level of funding disclosed by that valuation;
 - (e) the current version of the statement under regulation 27 (governance compliance statement);
 - (f) for each of those funds, the fund account and net asset statement with supporting notes and disclosures prepared in accordance with proper practices;
 - (g) an annual report dealing with—
 - (i) the extent to which the authority and the employing authorities in relation to which it is the administering authority have achieved any levels of performance set out in the pension administration strategy in accordance with regulation 60A(2)(b)(a) (pension administration strategy); and
 - (ii) such other matters arising from its pension administration strategy as it considers appropriate;
 - (h) the current version of the statement referred to in regulation 31 (funding strategy statement).
 - (i) the current version of the statement under regulation 12 of the Local Government Pension Scheme (Management and Investment of Funds) (Consolidation and Amendment) Regulations 2010 (statement of investment principles)(b); and
 - (j) any other material which the authority considers appropriate.
- (2) The authority must publish the pension fund annual report on or before 1st December following the year end.
- (3) In preparing and publishing the pension fund annual report, the authority must have regard to guidance given by the Scottish Ministers.”.

5. In regulation 42(1) (exclusion of rights to return of contributions)—

- (a) at the end of paragraph (b) omit “or”; and
- (b) after paragraph (c) insert:—
 - “; or
- (d) the person continues as an active member in another employment held concurrently with the employment in which that person has ceased to be an active member.”.

6. In Schedule 5 (councillor members), omit paragraph 6 (members’ contributions).

Amendment of the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008

7. The Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulation 2008(c) are amended in accordance with regulations 8 and 9.

(a) Regulation 60A was inserted by S.S.I. 2009/187, regulation 33.
(b) Regulation 9A was inserted by S.S.I. 2000/74, regulation 5 and further amended by S.S.I. 2003/138, regulation 3(a) and (b).
(c) S.S.I. [To be completed].

8. In regulation 9 (final pay: general)—

(a) at the end of paragraph (2) insert:—

“or, if that would produce a higher figure, either of the two immediately preceding years”;
and

(b) paragraph (3) is omitted.

9. In regulation 30(1) (choice of payment of pension), omit “or otherwise ceases to be a member”.

St Andrew’s House,
Edinburgh
2010

A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

To follow.