



Scottish Public
Pensions Agency
Buidheann Peinnseanan
Poblach na h-Alba

**Changes to The Local
Government Pension Scheme
(Remediable Service)
(Scotland) Regulations 2023**

**Scottish Government
consultation
2024**

About This Consultation

The purpose of this consultation is to seek your views on changes to The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023.

These regulatory changes are required as a result of changes made to the Local Government Pension Scheme (LGPS) England & Wales (E&W) McCloud regulations, after we laid our regulations in Scotland in 2023. These minor amendments will bring the Scottish LGPS scheme in line with the schemes in E&W and Northern Ireland (NI).

They also include a change to the requirement for Administering authorities (AAs) to provide McCloud underpin information to the 2023/24 benefits statements and a further dispensation for the period 2024/25, if the required information is not available to AAs.

Duration of Consultation

The consultation will run from 2 September to the 28 October 2024.

Consultation Process

The Scottish Government welcomes views on the proposals set out in this document.

How to respond

Please use the consultation response form and once completed send to SPPAPolicyConsultationResponses@gov.scot before midnight on 28 October 2024.

Alternatively, responses can be posted to:

The Local Government Pensions Policy Team
SPPA,
7 Tweedside Park
Tweedbank,
Galashiels, TD1 3TE

Further information

If you are unable to access an electronic version of the document, please write to the above address and a paper copy will be provided.

Data Protection Statement

The Scottish Public Pensions Agency (SPPA) is an executive Agency of the Scottish Government and forms part of the legal entity of the Scottish Ministers ([Framework Document](#)).

This framework of statutory powers and responsibilities, as agreed by the Scottish Ministers, enables SPPA to undertake the role of data controller for the processing of personal data which is provided as part of your response to the consultation. Any response you send us will be seen in full by SPPA staff dealing with the issues which this consultation is about or planning future consultations.

The process allows informed decisions to be made about how SPPA exercises its public function.

Where SPPA undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. research organisation or a consultancy company).

Any such work will only be undertaken under contract. SPPA use Scottish Government standard terms and conditions for such contracts which set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the SPPA intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response.

If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing. You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response, then these published reports will be retained indefinitely. Any of your data held otherwise by SPPA will be kept for no more than three years.

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) the independent regulator for data protection.

For further details about the information the SPPA holds and its use, or if you want to exercise your rights under the GDPR, please refer to our Privacy Policy in the first instance or contact:

Agency Data Protection Officer
Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
GALASHIELS
TD1 3TE
Tel: 01896 892 469

Website: <https://pensions.gov.scot/>

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or 0303 123 1113

Website: <https://ico.org.uk>

Policy aims for the proposed regulation changes

1.1 The Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 SSI 2023/240 ("the 2023 regulations") set out changes to rectify the unlawful discrimination identified by the McCloud judgement by extending 'underpin' protection to the younger members of the LGPS scheme. The changes mirrored those made by the UK Government in respect of the scheme in England and Wales (E&W). After the 2023 regulations came into force, technical changes were made to the regulations in E&W which are also appropriate to the scheme in Scotland. The minor amendments being consulted on here will bring the Scottish LGPS scheme in line with the schemes in E&W and NI.

1.2 Proposed amendments to the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 are:

- Amendment 3: clarifies regulation 4C (11), providing for the date the pension account is to be increased for those who took flexible retirement during the underpin period, where final benefits are exceeded by the final underpin amount.
- Amendment 4: a minor technical amendment to regulation 4L(4), relating to the calculation of the underpin amount where a pension is taken before normal pension age.
- Amendment 5: a minor amendment to regulation 4M(7) covering a “survivor’s guarantee amount”, inserts ‘a survivors pension paid to a deceased members partner’ to the type of survivor’s pension for an eligible child.

1.3 Recognising the complexity of the administrative work being undertaken to address the McCloud remedy, Scottish Ministers also believe that fund authorities should not be expected to include McCloud remedy information in the 2023-24 Annual Benefit Statements. These changes also amend the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 to reflect that the underpin information does not need to be included in statements for the scheme year ending on or before 31 March 2024.

1.4 Proposed changes to the Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023:

- Amendments 8 and 9: minor technical amendments to regulation 4(3)(d) and 5(6) to ‘if they had not died’.
- Amendment 10: death grants for those who died before 1 October 2023, this amendment includes in regulation 7(1)(b), ‘and paid, whether or not under that regulation’ (Regulation 4 of the 2018 regulations).
- Amendment 11: Divorce or dissolution of civil partnership before 1 October 2023, to include in Regulation 12 that regulations 4A to 4T of the 2014 regulations are to be applied for the statutory underpin.
- Amendment 12: a minor technical amendment to regulation 13(2) amending the definition of when the 2014 regulations apply for underpin dates before 1 October 2014.
- Amendment 13: minor technical amendment to regulation 14(1) to include interest payments on death grants for deaths before 1 October 2023, and amends paragraph (6) so that interest applies from when the administering authority would have been able to make the payment for the lump sum.