

## Appendix 2



### **The Local Government Pension Scheme (Miscellaneous Amendment (Scotland) Regulations 2019 ~ Effective 28<sup>th</sup> June 2019**

#### **Survivor pensions ~ cohabiting partners**

One of the conditions for paying a pension to a surviving, cohabiting partner has been relaxed. Previously, a member must have been free to marry or form a civil partnership with their cohabiting partner for a continuous period of two years prior to their date of death. The requirement now is that they must have been free to marry or form a civil partnership **solely at the date of death**. The other qualifying conditions are that, for a continuous period of two years;

- Member and partner have lived together as husband and wife, or civil partners
- Partner is financially dependent on the member, or both are financially interdependent

#### **Deferred and Pension Credit members ~ Access from age 55**

Deferred and Pension Credit members can elect to access their benefits upon attaining the age of 55, provided they are no longer in the employment which gave rise to the benefit. Benefits which are accessed before Normal Pension Age will be subject to actuarial reductions. Scheme Employers will still have discretion to waive any actuarial reductions, or to 'switch on' any rule of 85 protections a member may have.

#### **Authorised leave**

Members who are on authorised leave for a continuous period of less than 31 days (other than through illness or injury) and receive reduced or no pay, **must** pay member contributions on the pay they would have received, but for the absence. Any period after that will continue to be treated as now, with members directed to applying for an APC should they wish to do so.

#### **Member contributions**

A member cannot make contributions to the scheme on or after the day before they turn 75.

#### **Assumed Pensionable Pay (APP) ~ ill health retirement and death benefits**

In most cases, when a member retires on ill health grounds, pensions are enhanced based on their APP. The same applies to spouse, partner and children's pensions where an active member dies in service. Previously, these enhancements were based on the member's actual, part time APP. For members who reduce their hours due to illness prior to either death in service or retirement on ill health occurring, no account of the reduction will be taken when calculating enhanced benefits.

#### **Further guidance to follow from SPPA.**

#### **Note: This amendment effective from 1<sup>st</sup> April 2015**

This briefing is based on the following regulations:

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

***The Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014***

***The Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2019***