

SPN/LG CIRCULAR No.4/2005

The Secretary General
Convention of Scottish Local Authorities

The Chief Executive
Scottish Local Authorities

The Chief Executive
Water Authorities

The Principal Reporter
Scottish Children's Reporter Administration

The Chief Executive
Scottish Environment Protection Agency

The Director General
Strathclyde Passenger Transport Executive

The Clerk
Strathclyde Passenger Transport Authority

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Your ref:
Our ref: LGT/01/14/00

24th November 2005

Dear Sir/Madam

**THE LOCAL GOVERNMENT PENSIONS etc (CIVIL PARTNERSHIP) (SCOTLAND)
AMENDMENT REGULATIONS 2005 (SSI/2005/554)**

I am writing about the above mentioned Amendment Regulations which come into force on 5 December 2005 and amend:

- The Local Government Pension Scheme (Scotland) Regulations 1998
- The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998
- The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998

A copy of these amendment regulations can be accessed via the following link [SSI 2005 No. 554](#), additional copies can also be purchased from the Stationery Office.

The new regulations make the necessary amendments to implement the survivor pension provisions of the Civil Partnership Act 2004.

Background

With effect from 5 December 2005, the Civil Partnership Act 2004 will allow same-sex partners to register a civil partnership. Among the rights given to civil partners will be an entitlement to survivor pension benefits from their partner's occupational pension scheme.

Effect of the Regulations

A consultation exercise was carried out on 12 August 2005 on draft regulations amending the Local Government Pension Scheme in Scotland and the related regulations set out above. The final regulations are substantially the same as those set out in the draft; but a number of technical amendments have been made to the draft regulations where necessary in response to points arising from the consultation process.

There are no changes to the broad principles set out in the consultation letter. The surviving civil partner of a deceased LGPS member will be entitled to pension benefits, on the same basis and calculated in the same way as a spouse's benefits, but taking account only of the member's membership accrued after 5 April 1988. The provisions apply in respect of deferred and pensioner members with membership after that date, as well as active members. Minor changes have been made to the draft regulations (including backdating the effect of amendments to the 1998 regulations) to ensure they achieve this intention.

Survivor benefits will also be payable in respect of:

- a credited period ("added years") awarded after 5 April 1988; and
- a gratuity awarded by way of an annuity after 5 April 1988, where the criteria for a spouse's benefit are met.

Death grants will be payable to the civil partner of a member who dies from a work-related injury or disease.

Membership before 6 April 1988

In the original consultation process it was stated that it would be possible to provide a facility for active members to count a period of membership between 1 April 1972 and 5 April 1988 for the purpose of calculating a civil partner's benefit, providing the full cost for that period was met by the member. It was also explained that any such arrangement would go beyond the provision in the primary legislation governing civil partnerships which these amendments were intended to implement. It was intended that this provision would be inserted into the final version of the regulations to reflect this. However, a further letter was sent out to consultees on 31st August 2005 indicating that this provision would be consulted on separately and inserted into a later set of regulations.

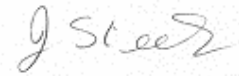
Executive Note

The Stationery Office now publish an Executive Note alongside new Regulations. The Note briefly describes a Statutory Instrument and its purpose, and is prepared for the information of Parliamentary Committees which examine proposed regulations. This can be accessed for these Regulations by clicking the following link. [Executive Note](#)

**Please draw this circular to the attention of Pension Managers and Superannuation Sections.
You may also wish to draw it to the attention of the Directors of Finance and Administration.**

Any enquiries regarding this circular and the amending SSI should be made to David Lauder by telephone on 01896 893227 or by e-mail to david.lauder@scotland.gsi.gov.uk .

Yours faithfully

A handwritten signature in cursive script, appearing to read 'J Steel', written in black ink on a light background.

JEAN STEEL
Policy Officer, LGPS