

Rule of 85 Protection ~ a member's guide

The rule of 85 gives protection to members who joined the Scottish Local Government Pension Scheme (LGPS) before 1st December 2006 and have membership which, when added to their age, equals or exceeds 85 in whole years.

- Members born before 1st April 1960 have full protection
- members born after that date have partial protection

The rule of 85 protections apply when benefits are accessed from **age 60 onwards**. These **protections** only apply until 31st March 2020. See below.

Must Have joined the LGPS before 1st December 2006		
Age and Service	Protections	<i>If you remain in the LGPS After March 2020</i>
if you retire at 60, before 1 st April 2020, with 25 + years membership	Full pension / lump sum paid, No reductions	Only membership after March 2020 is reduced, if you retire before your Normal Pension Age (NPA)
if you retire at 60, on or after 1 st April 2020 with 25 + years membership	1. Pension / lump sum to 31 March 2008 unreduced. 2. Pension / lump sum from 1st April 2008 reduced.	Along with post April 2008 benefits, membership after March 2020 reduced due to being accessed before NPA

As you will see from the above table, continued membership beyond March 2020 will not result in any rule of 85 protections being 'lost'. Such membership will be reduced if accessed before NPA, whilst membership before April 2020 will retain any protections currently held.

Retirement from age 55

The Local Government Pension Scheme (Scotland) regulations 2018 saw the deletion of previous regulation 29(13). This prior regulation required that where a member made a request to retire between the ages of 55 and 60, they must first obtain the consent of:

- their scheme employer
- their former scheme employer
- their Administering Authority where their former employer has ceased to be a scheme employer

As a result, members of the scheme can now voluntarily retire when they attain the age of 55.

Important: Rule of 85 protections will only apply between the ages of 55 and 60, should your employer, exercise their discretion to 'switch on' your protection.

To check the status of any rule of 85 protection you may have, visit our website at;

<https://www.spfo.org.uk/index.aspx?articleid=22388>