SCOTTISH STATUTORY INSTRUMENTS

2000 No. 77

LOCAL GOVERNMENT

The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2000

Made - - - -	*13th March 2000*
Laid before the Scottish Parliament - - - -	*17th March 2000*
Coming into force - -	*7th April 2000*

The Scottish Ministers, in exercise of the powers conferred upon them by section 24 of the Superannuation Act 1972(**1**) and of all other powers enabling them in that behalf, after consultation with such associations of local authorities as appear to them to be concerned and such representatives of other persons likely to be affected by the Regulations as appear to them to be appropriate, in accordance with section 7(5) of that Act, and not having considered consultation with any individual local authority desirable, hereby make the following Regulations:

Citation, commencement and effect

1. These Regulations may be cited as the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2000 and shall come into force on 7th April 2000 but regulation 4 shall have effect from 4 March 1998 and regulation 5 shall have effect from 1 April 1998.

Amendment of Regulations

2. The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998(**2**) (in these Regulations referred to as "the principal Regulations") shall be amended in accordance with regulations 3 to 9 below.

Power to award credited period for compensation purposes

3. In regulation 8(7) for the words from "in terms of regulation 5(c) or (d)" to the end substitute–

(**1**) 1972 c. 11; section 24 was amended by the Police Pensions Act 1976 (c. 35) s.13(1), Schedule 2, paragraph 10. The functions of the Secretary of State were transferred to the Scottish Minister by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750).

(**2**) S.I. 1998/192.

"(a) in terms of regulation 5(c) or (d) of the Local Government (Compensation for Redundancy or Premature Retirement on Reorganisation) (Scotland) Regulations 1995(**3**); or

(b) in relation to an employment in respect of the cessation of which either–

(i) an additional period of membership may be counted under regulation 51 of the Local Government Pension Scheme (Scotland) Regulations 1998(**4**); or

(ii) a determination to pay compensation is made under regulation 35(1).".

Limit on annual compensation where entitlement to occupational pension

4. In regulation 11(2)(b), substitute for the figure "66" the figure "66 2/3".

Entitlement to surviving spouse's short-term and long-term compensation

5. In regulation 20–

(a) in paragraph (4), insert after the words "a surviving spouse who is entitled to short-term or long-term compensation by virtue of this regulation" the words "and who is the surviving spouse of an eligible person who ceased employment before 1st April 1998";

(b) in paragraph (5), insert after the words "short-term or long-term compensation under this regulation" the words "and is the surviving spouse of an eligible person who ceased employment before 1st April 1998"; and

(c) add as paragraph (6) the following:–

"(6) The employing authority may determine by resolution in any case that paragraph (4) or (5), as appropriate, shall not apply.".

Paying authority – general

6. In regulation 31(2), add at the end–

"within such period (subject to paragraph (4)) and on such terms as the appropriate authority may determine.".

Compensation for redundancy

7. In regulation 34(1)–

(a) for sub-paragraphs (b) and (c) substitute the following:–

"(b) in respect of that loss of employment is not disentitled to a redundancy payment under Part XI of the Employment Rights Act 1996(**5**) by virtue of section 197(3) of that Act (agreements to exclude rights to redundancy payments on expiry of short fixed term contracts) and either–

(i) is not eligible to benefit under Part III; or

(ii) is so eligible but has not been granted a credited period under regulation 8 by his LGSS employer;

(c) has attained the age of 18 on the material date and, unless he has attained the age of 50 on that date, is entitled to count a qualifying employment of at least 2 years;"; and

(**3**) S.I. 1995/340.
(**4**) S.I. 1998/366.
(**5**) 1996 c. 18.