
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 609

The Local Government (Discretionary Payments And Injury Benefits) (Scotland) Amendment Regulations 2006

Amendment of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998

2.—(1) The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998(1) are amended as follows.

(2) In regulation 5(1) (interpretation of Part III)—

(a) omit the definition of “the 1965 Regulations”; and

(b) in the definition of “excepted payment” omit “(including in either case any amount by which that payment is reduced in accordance with the 1965 Regulations)”.

(3) In regulation 12(3) (redundancy payments) omit “, less the aggregate amount of any reductions made in those payments in accordance with the 1965 Regulations”.

(4) In regulation 34(1) (persons to whom Part IV applies) insert “and” at the end of subparagraph (b) and omit subparagraphs (c), (e) and (f).

(5) For regulation 35(1) (determination to pay and computation of compensation) substitute—

“(1) The LGPS employer may before the end of the period of six months beginning with the material date determine to pay to an employee to whom this Part applies compensation which shall not exceed 66 weeks' remuneration, but no person may be paid compensation under this regulation in respect of the cessation of an employment in respect of which an additional period of membership may be counted under regulation 51 of the Local Government Pension Scheme (Scotland) Regulations 1998(2).”.

(6) Omit regulation 35(1A).

(7) For regulation 35(2) substitute—

“(2) Where the employee has received, in respect of the cessation of his former employment—

(a) a redundancy payment to which he is entitled under Part XI of the 1996 Act; or

(b) compensation paid to him under Part II of these Regulations,

an amount equivalent to such payment and, as the case may be, compensation shall be deducted from the amount of the compensation otherwise payable to him under this Part.”.

(8) Omit paragraphs (2) and (3) of regulation 37 (supplementary provisions).

(9) For regulation 37(4) substitute—

“(4) In this Part “material date” has the same meaning as in Part III.”.

(1) S.I. 1998/192; relevant amending instruments are S.I. 1998/364 and S.S.I. 2000/77 and 2005/554.

(2) S.I. 1998/366; relevant amending instruments are S.S.I. 2000/199, 2005/293 and 2006/468.