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 STATUTORY INSTRUMENTS
 

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1983 No. 264 (S. 18)

LOCAL GOVERNMENT, SCOTLAND

**The Local Government (Compensation) (Scotland) Amendment Regulations 1983**

<i>Made - - - -</i>	22nd February 1983
<i>Laid before Parliament</i>	10th March 1983
<i>Coming into Operation</i>	31st March 1983

In exercise of the powers conferred on me by the enactments specified in the Schedule hereto and of all other powers enabling me in that behalf, and with the consent of the Treasury as respects the enactments at items (ii), (iii) and (iv) of the Schedule, I hereby make the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Local Government (Compensation) (Scotland) Amendment Regulations 1983 and shall come into operation on 31st March 1983.

*Interpretation*

2. In these regulations, "the principal regulations" means the Local Government (Compensation) (Scotland) Regulations 1975 (a).

*Amendment of the principal regulations*

3. In paragraph 43 of the principal regulations the following shall be substituted for sub-paragraph (3)—

"(3) Any person who after the commencement of these regulations suffers loss of employment or loss or diminution of emoluments;

(a) in respect of which but for paragraph (1) he would have been entitled to have his case considered for the payment of compensation under the regulations specified in sub-paragraph (a), (b) or (c), as the case may be, of paragraph (2), and

(b) the entitlement is attributable under those regulations to an instrument or enactment in force on 31st March 1983,

shall be entitled to have his case considered for the payment of compensation under these regulations as if the said loss of employment or loss or diminution of emoluments had been attributable to any provision mentioned in column 1 of Schedule 3 and as if "material date" had the same meaning as in the regulations specified in sub-paragraph (a), (b) or (c), as the case may be, of paragraph (2)."

4. At the end of paragraphs 1–10 inclusive, 12 and 13 of column 1 of Schedule 3 to the principal regulations (provisions to which loss or diminution is attributable and the respective material dates) there shall be inserted the words "in force on 31st March 1983".

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(a) S.I. 1975/734; the relevant amending instrument is S.I. 1975/1864.

5. At the end of paragraph 11 of the said column 1, there shall be inserted the words "on or before 31st March 1983".

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St Andrew's House,  
Edinburgh.  
15th February 1983.

We consent,

*J. A. Cope,*  
*Donald Thompson,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

22nd February 1983.

#### SCHEDULE

Provisions conferring powers exercised in making these regulations.

- (i) section 219 of the Local Government (Scotland) Act 1973 (a) ,
- (ii) section 19 of the District Courts (Scotland) Act 1975 (b) ,
- (iii) section 24 of the Superannuation Act 1972 (c) ,
- (iv) section 27 of the Sheriff Courts (Scotland) Act 1971 (d) ,
- (v) section 1 of the Water Officers Compensation Act 1960 (e) ,
- (vi) section 7(11) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (f) , and
- (vii) section 85 of the Social Work (Scotland) Act 1968 (g) .

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(a) 1973 c.65.

(b) 1975 c.20.

(c) 1972 c.11.

(d) 1971 c.58.

(e) 1960 c.15. as extended by section 25 of the Water (Scotland) Act 1967 (c.78) and amended by section 112 of the Water (Scotland) Act 1980 (c.45).

(f) 1965 c.49.

(g) 1968 c.49.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

The Local Government (Compensation) (Scotland) Regulations 1975 provide that compensation shall be payable where loss of employment or loss or diminution of emoluments occurs as a result of—

- (a) a provision of any of the following Acts, or any provision of an instrument made under any of these Acts:
  - (i) Local Government (Scotland) Act 1973;
  - (ii) District Courts (Scotland) Act 1975;
  - (iii) National Health Service (Scotland) Act 1972 (c. 58);
  - (iv) Education (Mentally Handicapped Children) (Scotland) Act 1974 (c. 27);
  - (v) Sheriff Courts (Scotland) Act 1971;
  - (vi) Registration of Births, Deaths and Marriages (Scotland) Act 1965;
  - (vii) Water (Scotland) Act 1980;
- (b) the dissolution of a development association under the Local Government (Scotland) Act 1973;
- (c) any provision of the following instruments:
  - (i) the Local Authorities (Transfer of Social Work Staff from Health Boards) (Scotland) Order 1975 (S.I. 1975/800);
  - (ii) the Civil Defence (Planning) (Scotland) Regulations 1975 (S.I. 1975/849).

These Regulations amend the Principal Regulations so that those Regulations do not apply where the loss occurs as a result of any provisions coming into force after 31st March 1983.

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