
STATUTORY INSTRUMENTS

1987 No. 1850

**The Local Government Superannuation
(Scotland) Regulations 1987**

PART E

BENEFITS

Combined benefits in the case of certain re-employed pensioners

E16.—(1) Subject to paragraph (7), where—

- (a) a person has become entitled to a retirement pension other than one to which he became entitled under regulation E2(2) or one which is reduced under regulation E3(14) (“the first retirement pension”), and
- (b) after becoming so entitled he entered further whole-time local government employment, and
- (c) at any time while he held the further employment the first retirement pension was liable to be reduced or suspended under regulation E15, and
- (d) he has ceased to hold the further employment and has become entitled, in relation to it, to a retirement pension which has become payable (“the second retirement pension”),

he may, by notice in writing given to the appropriate administering authority within 3 months after the date on which the second retirement pension became payable, elect that this regulation is to apply to him.

(2) Subject to paragraphs (4) to (7), a person to whom this regulation applies is to be treated as having, on the date on which the second retirement pension became payable—

- (a) become entitled to payment of an annual retirement pension (“the annual pension”) and a lump sum payment (“the lump sum”) each calculated by reference to both his reckonable service in the further employment and the reckonable service taken into account in calculating the first retirement pension, and
- (b) ceased to be entitled to the first retirement pension and the second retirement pension.

(3) In paragraph (2) “the reckonable service” includes any period by reference to which an additional benefit has been granted under regulation E13 or under regulation 13 of the Benefits Regulations (both of which concern additional benefits for certain female nursing staff).

(4) If in conjunction with the first retirement pension the person received a retiring allowance—

- (a) in calculating the lump sum no account is to be taken of any additional period excluded in accordance with regulation E3(3) from the calculation of the retiring allowance,
- (b) if the lump sum would be the same as or less than the retiring allowance, the person—
 - (i) is not entitled to payment of the lump sum, and

- (ii) is not entitled to the annual pension unless, within 3 months after giving notice under paragraph (1), he pays to the appropriate administering authority the amount of any difference, and
 - (c) if the lump sum is greater than the retiring allowance, the lump sum is reduced by the amount of the allowance.
- (5) If—
 - (a) the first retirement pension was, and
 - (b) the second retirement pension would have been,reduced under Part F of the 1974 Regulations or regulation E32, the annual pension is reduced by the same amount as the first retirement pension.
- (6) If part of the first retirement pension was surrendered under regulation E20—
 - (a) the annual pension is to be treated as having been surrendered to the same extent, and
 - (b) any resulting pension becoming payable on the person's death is to be paid by the authority by whom the annual pension is payable.
- (7) In relation to a person who—
 - (a) before 1st April 1972—
 - (i) became entitled to a superannuation allowance under Part I of the Act of 1937 or to an annual pension under the former Regulations, and
 - (ii) again became a contributory employee, and
 - (b) has not, since he again became a contributory employee, had a disqualifying break of service,this regulation has effect as if references to the first retirement pension were references to that superannuation allowance or annual pension and references to a retiring allowance were references to a retirement grant under the former Regulations.