
STATUTORY INSTRUMENTS

1996 No. 1680

**The Local Government (Discretionary
Payments) Regulations 1996**

PART III

COMPENSATION FOR PREMATURE RETIREMENT

Interpretation

Interpretation of Part III

- 5.—(1) Unless the context otherwise requires, in this Part—
- “the 1965 Regulations” means the Redundancy Payments Pensions Regulations 1965(1);
 - “the 1982 Regulations” means the Local Government (Compensation for Premature Retirement) Regulations 1982(2);
 - “annual compensation” shall be construed in accordance with regulation 10;
 - “credited period”, in relation to a person, means a period with which he is credited under regulation 8;
 - “eligible person” means a person who satisfies the conditions mentioned in regulation 6(1);
 - “enactment” includes any instrument made under an Act;
 - “excepted payment”, in relation to an employment of a person, means a payment received by him which is—
 - (a) a redundancy payment to which he is entitled under Part VI of the 1978 Act (redundancy payments), or compensation paid to him under Part II of these Regulations, in respect of the cessation of his former employment (including in either case any amount by which that payment is reduced in accordance with the 1965 Regulations); or
 - (b) a payment in respect of that employment made under Regulations, or under provisions having effect as provisions of regulations, made under section 7 of the 1972 Act; or
 - (c) a payment in lieu of annual or other leave to which he was entitled in that employment; or
 - (d) so much of any payment in lieu of notice of termination of that employment, as does not exceed the remuneration he would have received if he had remained in that employment for a period of three months after the material date;
 - “former employment”, in relation to a person, means the employment which ceased as described in regulation 6(1)(a);
 - “lump sum compensation” means such compensation as is mentioned in regulation 9;

(1) S.I.1965/1932.

(2) S.I. 1982/1009, amended by S.I. 1984/740, 1986/151, 1988/466, 1989/372, 1989/1815, 1990/2380, 1992/2432, 1993/2890, 1994/3025 and 1995/817.

“material date”, in relation to a person, means the date upon which he ceased to hold his former employment;

“new employment” shall be construed in accordance with regulation 15(4);

“occupational pension”, in relation to a person, means a pension (other than a lump sum) to which he has become entitled (whether or not payable immediately) being—

- (a) a pension associated with any employment which is payable under an enactment (other than the Social Security Contributions and Benefits Act 1992(3) or the LGPS Regulations), contract, scheme or other arrangement, including a pension under a personal pension scheme in relation to which the Secretary of State has paid contributions under section 1 of the Social Security Act 1986(4) or section 43 of the Pension Schemes Act 1993(5); or
- (b) a pension derived from the payment of a transfer value calculated by reference to pension rights (contingent or otherwise) arising under the LGPS Regulations or arising with respect to such a pension as is mentioned in paragraph (a);

“official pension” has the same meaning as in the Pensions (Increase) Act 1971(6);

“pensionable remuneration”, in relation to a person, means the remuneration which is (or, if there has been a relevant disqualification, which, but for that disqualification and on the relevant assumptions, would be) that person’s pensionable remuneration;

“the relevant assumptions” has the meaning given in regulation 7(2);

“relevant disqualification” has the meaning given in regulation 7(1);

“relevant Scottish employer” means—

- (a) a scheduled body within the meaning of the Local Government Superannuation (Scotland) Regulations 1987(7); and
- (b) Scottish Homes;

“total period of membership” includes any period of special service (other than special service consisting of periods of unpaid leave or other unpaid absence from duty);

“special service” has the meaning given in regulation 7(3) and (4).

(2) For the purposes of this Part, a person is an “eligible child” of a person if—

- (a) he is a legitimate child of a marriage of the person which took place on or before the material date and was born before the expiry of the period of one year beginning with that date; or
- (b) he is a child adopted by the person on or before the material date; or
- (c) he is a child who was wholly or mainly dependent on the person both on the material date and at the time of the person’s death and is—
 - (i) the person’s step-child or illegitimate child;
 - (ii) an adopted child of someone else who married the person before the material date; or
 - (iii) a child accepted by the person as a member of the family.

(3) For the purposes of these Regulations, a person who in his employment immediately before the material date was subject to regulation B5(1) of the LGPS Regulations (separate employments under one employer) (or, if he is an assumed member would, apart from a relevant disqualification

(3) 1992 c. 4.

(4) 1986 c. 50. Section 1 was repealed by the Pension Schemes Act 1993 (c. 48), s.188 and Sch. 5.

(5) 1993 c. 48. Section 43 was amended by the Pensions Act 1995 (c. 26), Sch. 5, paragraph 42.

(6) 1971 c. 56. “Official pension” is defined in s.5(1), which was amended by the Superannuation Act 1972 (c. 11), Sch. 6, paragraph 85.

(7) S.I. 1987/1850. “Scheduled body” is defined in Schedule 1.

and on the relevant assumptions, be so subject) shall be treated, unless the context otherwise requires, in relation to each of the employments as if the other or others were held by him under another LGPS employer.

(4) A person who in his employment immediately before the material date was subject to regulation B5(2) (returning officers) of the LGPS Regulations (or, if he is an assumed member would, apart from a relevant disqualification and on the relevant assumptions, be so subject) shall for the purposes of these Regulations be treated, unless the context otherwise requires, as if each additional duty were a separate variable-time employment with a LGPS employer other than the employer with whom he was in whole-time employment.