

SCHEDULE 1

Regulation 12

APPROPRIATE PERCENTAGE FOR ADJUSTMENT OF ANNUAL COMPENSATION FOR REDUNDANCY PAYMENTS

TABLE

Age last birthday	Appropriate percentage	
	Male	Female
50	6.26	5.43
51	6.36	5.4
52	6.47	5.55
53	6.61	5.64
54	6.77	5.75
55	6.96	5.87
56	7.17	6.01
57	7.40	6.16
58	7.64	6.32
59	7.89	6.49
60	8.15	6.67
61	8.43	6.87
62	8.73	7.08
63	9.05	7.32
64	9.39	7.58

SCHEDULE 2

Regulations 44 and 45.

MODIFICATIONS FOR SPECIAL CATEGORIES OF EMPLOYEES

PART I

FORMER HARBOUR AUTHORITY EMPLOYEES

1.—(1) In relation to a person who in his employment immediately before the material date was engaged wholly or mainly in connection with the employing authority's functions as a harbour authority (as defined in section 57(1) of the Harbours Act 1964(1)), Part III of these Regulations applies with the modifications in paragraphs (2) and (3).

(2) "Excepted payment", in relation to an employment of a person, includes a payment received by him which is a payment under an agreement made before 1st July 1984 in connection with the

(1) 1964 c. 40

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closure of any harbour, being a closure effected in the exercise of powers conferred by an Act of Parliament passed before that date.

(3) In paragraphs 5, 6 and 8 of Schedule 3, for references to 6th September 1982, wherever they occur, substitute references to 1st July 1984.

PART II

PERSONS EMPLOYED IN EDUCATIONAL ESTABLISHMENTS

“Educational employment”

2. In this Part of this Schedule “educational employment” means employment of one of the following kinds, namely—

- (a) employment at a single school or institution maintained by a local education authority which for the time being has a delegated budget within the meaning of Chapter III of Part I of the Education Reform Act 1988(2) or section 85 of the Further and Higher Education Act 1992(3);
- (b) employment
 - (i) at a school or institution maintained by a local education authority and does not have a delegated budget,
 - (ii) by a local education authority otherwise than at a school or institution, or
 - (iii) at a maintained school or institution with a delegated budget which was concurrent with employment within paragraph (i) or (ii) or with employment at another such school or institution;
- (c) employment—
 - (i) at a grant-maintained school; or
 - (ii) at a grant-maintained special school;
- (d) employment at an institution conducted by a further education corporation or a higher education corporation;
- (e) employment at a designated institution.

General exclusions

3.—(1) References in these Regulations to employment with a LGPS employer do not include employment by virtue of which a person is entitled to participate in benefits provided under regulations made under section 9 of the 1972 Act (teachers' superannuation).

(2) Regulation 4(1) does not apply to a person ceasing to hold an employment in which he was a person in relation to whom regulations may be made under that section.

(3) In Part V “relevant employment” does not include employment as a teacher.

(4) In regulations 40(1), 41(1) and 42(1) the references to employment do not include employment as a teacher.

(2) 1988 c. 40. Pt. III was amended by the Further and Higher Education Act 1992 (c. 13) s.12; the Education Act 1993 (c. 35) ss. 274 to 276, 307, Sch. 19, paragraphs 112, 125, Sch. 21; the School Teachers' Pay and Conditions Act 1991 (c. 49) Sch. 2.

(3) 1992 c. 13.

Part II: aided schools

4. Where the employment mentioned in regulation 4(3) is at an aided school (within the meaning of the Education Act 1944(4)) the power to pay compensation under that regulation is exercisable by the local education authority.

Part III: former educational employment

5.—(1) Where the former employment (within the meaning of Part III) was educational employment, Part III of these Regulations applies with the following modifications.

(2) In regulations 8 and 9 for the references to the employing authority substitute references—

- (a) in the case of employment within paragraph 2(a), (c) or (e), to the governing body of the school or institution;
- (b) in the case of employment within paragraph 2(b), to the local education authority;
- (c) in the case of employment within paragraph 2(d), to the corporation.

(3) In regulations 19(1), 20(2) and (4), 26(2), 27, 28 and 31(2) and paragraph 6(2) of Schedule 3 for the references to the employing authority substitute references to the person who under paragraph 7(2) to (5) of this Schedule is for the time being the paying authority.

6. Where—

- (a) the former employment was of the kind specified in paragraph 2(a);
- (b) the employing authority is the local education authority;
- (c) the governing body of the school or institution request the authority to do so; and
- (d) the cessation of employment is as mentioned in regulation 6(1)(a)(i) or (ii),

the employing authority must certify or, as the case may be, declare themselves satisfied as mentioned in regulation 6(1)(b).

7.—(1) Regulation 31(1) (paying authorities) is subject to the following provisions.

(2) In the case of an eligible person whose former employment was educational employment, compensation shall, subject to sub-paragraphs (3) to (5), be paid—

- (a) in the case of employment within paragraph 2(a) or (b), by the local education authority;
- (b) in the case of employment within paragraph 2(c), by the Secretary of State;
- (c) in the case of employment within paragraph 2(d), by the corporation; and
- (d) in the case of employment within paragraph 2(e), by the governing body of the institution.

(3) Where the former employment was of the kind specified in paragraph 2(c), the Secretary of State may—

- (a) require the governing body of the school to repay him any amounts paid by him in respect of compensation;
- (b) accept from the governing body a single payment of a sum equal to the actuarial value of the total compensation payable; or
- (c) accept from them the payment of such a sum by not more than five annual instalments.

(4) Where—

- (a) the former employment was of a kind specified in paragraph 2(d) or (e); and

(4) 1944 c. 31. See section 15 which was amended by the Education Act 1946 (c. 50), s.14(1), Sch. 2; the Education Act 1980 (c. 20), Sch. 1, paragraph 1; the Education (No. 2) Act 1986 (c. 61), s.67, Sch. 4 paragraph 1; the Education Act 1993 (c. 35), ss.282, 307, Sch. 19 paragraphs 3 and 7.

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- (b) in consequence of any amalgamation, merger or other arrangement the institution becomes part of another (“the successor establishment”) and ceases to have a separate governing body,

the governing body of the successor establishment becomes the paying authority.

(5) Where—

- (a) the former employment was of a kind specified in paragraph 2(d) or (e); and
- (b) the institution closes and there is no successor establishment,

the Secretary of State becomes the paying authority.

Part VI

8. Where—

- (a) a person is employed otherwise than as a teacher by the governors of a voluntary school maintained but not provided by a local education authority for such education as may be provided by a local education authority under Part II of the Education Act 1944; and
- (b) the local education authority have by a statutory resolution specified him as an employee, or specified a class of employees to which he belongs as a class of employees, to whom Part VI is to apply,

Part VI applies to him as if he were employed by the local education authority.

PART III

MAGISTRATES' COURTS AND PROBATION COMMITTEES

9.—(1) Part VI applies in relation to the magistrates' courts committee for the inner London area as if that committee were a LGPS employer, and sub-paragraphs (2) to (5) have effect for modifying the application of that Part in relation to magistrates' courts committees and probation committees.

(2) The probation committee for an area other than the inner London area are to report any decision made by them under regulation 40, 41 or 42—

- (a) to the body responsible for defraying the expenses of the committee; or
- (b) where two or more bodies contribute to the defraying of those expenses, to each of those bodies.

(3) A magistrates' courts committee (other than the committee for the inner London area) are to report any decision made by them under regulation 40, 41 or 42 to the body who paid the employee's remuneration.

(4) Where a report is made under sub-paragraph (2) or (3), regulation 45 has effect as if paragraph (7) of that regulation were omitted.

(5) Any decision made under regulation 40, 41 or 42 by—

- (a) the probation committee for the inner London area; or
- (b) the magistrates' committee for that area,

is to be reported by the committee to the Secretary of State, and has no effect until approved by him; and any gratuity granted by virtue of such an approved decision is to be paid by the Receiver for the Metropolitan Police District.

SCHEDULE 3

Regulation 47.

TRANSITIONAL PROVISIONS AND SAVINGS

General

1.—(1) Where—

- (a) immediately before the coming into operation of these Regulations the employment or former employment of a person by any body (“the former authority”) was employment by virtue of which any provision revoked by these Regulations (“the revoked provision”) applied;
- (b) the former authority has ceased to exist by virtue of the Local Government Act 1992⁽⁵⁾ or the Local Government (Wales) Act 1994⁽⁶⁾;
- (c) the liabilities of the former authority in respect of that employment which were relevant for the purposes of the revoked provision have been transferred to another body (“the new authority”),

then, if it would not do so apart from this paragraph, any provision of these Regulations corresponding to the revoked provision shall apply as if that employment had been employment with the new authority and as if that provision of these Regulations applied to it and to that authority.

(2) In determining for the purposes of these Regulations whether any employment at a time before these Regulations came into operation is employment with a LGPS employer, that employment shall be regarded as such employment if the employer was at that time a body mentioned in column 1 of Part 2 of Schedule 1 to the Local Government (Compensation for Premature Retirement) Regulations 1982⁽⁷⁾ (educational bodies).

Part II

2. Regulation 4 does not apply if the cessation of employment referred to in paragraph (1) of that regulation occurred before 1st July 1984.

Part III

3. Nothing in Part III applies to a person who ceased to hold his employment with an employing authority as mentioned in regulation 6(1)(a) before 29th March 1976.

4. Where the employment by reference to the cessation of which a period might fall to be credited ceased to be held before 6th April 1988, Part III shall have effect as if the amendments made by the local Government (Superannuation and Compensation) (Amendment) Regulations 1988 had not been made (and, in particular, that Part shall have effect with such modifications as are necessary for the omission of references to assumed members and the expressions defined in regulation 7).

5. If the material date was before 6th September 1982, regulation 8 shall have effect with the substitution for any reference to the material date of a reference to that date.

6.—(1) Subject to paragraph (2), regulations 13 and 14 do not apply to the compensation payable to a person whose material date is before 6th September 1982.

(5) 1992 c. 19.

(6) 1994 c. 19.

(7) 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.

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(2) If the employing authority of a person whose material date falls after 14th July 1980 and before 6th September 1982 have before 6th September 1982 determined that any lump sum compensation or annual compensation which might become payable to him under Part III should be reduced, regulation 13(1) applies to the compensation payable to him; but, if his employing authority determined to reduce by an amount less than the reduction required by that regulation, that regulation applies with the substitution for any references to a reduction in compensation of references to the determined reduction.

7. In a case where the death occurs on or before 5th April 1988, regulation 20(2) applies with the omission of paragraph (a)(i) and the word “otherwise” in paragraph (a)(ii).

8. Regulation 21(4), 23(2) and 25(4) do not apply if the material date in relation to the deceased was before 6th September 1982.

9. As respects any female employee who—

- (a) duly elected under regulation E12(1)(b) or (2)(b) of the 1986 Regulations (election by wife of dependent and permanently incapacitated husband);
- (b) duly elected under regulation 12(2) of the 1982 Regulations (similar elections and elections by unmarried women with potentially eligible children); or
- (c) immediately before these Regulations came into force was a person to whom regulation 12(3) of the 1982 Regulations applied,

these Regulations have effect as if references in them to provisions in Parts D, F and G of the LGPS Regulations were references to those provisions as modified by paragraphs 2 and 3 of Schedule F1 to those Regulations.

Part IV

10.—(1) Regulation 32 does not apply if the cessation of employment referred to in paragraph (1) of that regulation occurred before 28 December 1994.

(2) Nothing in these Regulations shall affect the operation of regulation 7 of the Local Government (Compensation for Redundancy) (Amendment) Regulations 1996⁽⁸⁾ (savings for those placed in a worse position by virtue of the retrospectivity of those Regulations and those who had received an estimate of their compensation before the making of those Regulations).

Part V

11.—(1) Subject to the following provisions of this paragraph, Part V applies even if the injury or disease was sustained or contracted before the date on which these Regulations come into force.

(2) Regulations 34 and 36 do not apply if the cessation of the employment occurred before 31st March 1972, regulation 35 does not apply if the reduction of remuneration occurred before that date and regulation 37 does not apply if the death occurred before that date.

(3) Anything treated by virtue of regulation L9(4) of the 1986 Regulations (which saved payments made in anticipation of the commencement of Part L of those Regulations) as done under Part L of those Regulations shall be treated as if it had been done under Part V of these Regulations.

(4) If adequate provision has already been made for a person under regulation 7 of the Benefits regulations, Part V does not apply to him.

(5) Where—

(8) S.I. 1996/456.

- (a) by virtue of paragraph (2) regulation 34, 35, 36 or 37 applies in a case where the cessation of the employment, the reduction of remuneration or, as the case may be, the death occurred before 1st March 1986; and
- (b) paragraphs (3) and (4) do not apply,

the relevant employer shall decide what allowance or lump sum (if any) is to be granted in accordance with Part V for any past or future period (but in making that decision the relevant employer shall take into account any allowance to which the person is or was entitled under regulation 7 of the Benefits regulations).

(6) Regulation 38(2)(c) has effect in cases where the cessation of employment, reduction in remuneration or death in question occurred before 6th April 1988 with the insertion after the word “otherwise)” of the words “out of any fund to which any body which employed him in relevant employment has made any contributions in respect of him or out of any fund to which assets of any such fund were transferred”.

SCHEDULE 4

Regulation 48.

CONSEQUENTIAL AMENDMENTS

1. In regulation 2(c) of the Education (Polytechnics and Colleges Funding Council) (Prescribed Expenditure) Regulations 1991⁽⁹⁾ after the word “1984” insert the words “Parts II and III of the Local Government (Discretionary Payments) Regulations 1996”.

2.—(1) The Local Government (Direct Service Organisations) (Competition) Regulations 1993⁽¹⁰⁾ are amended as follows.

- (2) In regulation 1(2), in the definition of “the 1982 Regulations”—
 - (a) for the words ““the 1982 Regulations”” substitute the words ““the 1996 Regulations””;
 - (b) for the words “the Local Government (Compensation for Premature” to “1984” substitute the words “Parts II and III of the Local Government (Discretionary Payments) Regulations 1996”;
 - (c) omit the words following “1988”.
- (3) In regulation 12—
 - (a) for “1982”, wherever it occurs, substitute “1996”;
 - (b) in paragraph (2), at the end of paragraph (a) of the definition of “relevant compensation” insert the words “or Part IV of the Local Government (Discretionary Payments) Regulations 1996”.

3.—(1) The Local Government (Compensation for Redundancy) Regulations 1994⁽¹¹⁾ are amended as follows.

- (2) In regulation 2(1), for the definition of “the 1982 Regulations” substitute—

““the 1996 Regulations” means the Local Government (Discretionary Payments) Regulations 1996;”.
- (3) In regulation 2(2), for the words “the 1982 Regulations” substitute the words “Part III of the 1996 Regulations”.

⁽⁹⁾ S.I. 1991/2307.

⁽¹⁰⁾ S.I. 1993/848; a relevant amendment is made by S.I. 1995/1336, reg. 8.

⁽¹¹⁾ S.I. 1994/3025; amended by the Local Government (Compensation for Redundancy) (Amendment) Regulations 1996 (S.I. 1996/456); reg. 12 substituted by Pt. III.

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(4) In regulation 6(2), for the words “compensation within the meaning of Part I of Schedule 2 to the 1982 Regulations” substitute the words “section 259 compensation (within the meaning of regulation 6(3) of the 1996 Regulations)”.

(5) In regulation 10(3), for the words “regulation 5(1) of the 1982 Regulations” substitute the words “regulation 8(1) of the 1996 Regulations”.

(6) In regulation 12(2), for the words “the 1982 Regulations” substitute the words “Part III or IV of the 1996 Regulations”.

4.—(1) The LGPS Regulations are amended as follows.

(2) In regulations B18(8) and B19(1)(a)(**12**), for the words “regulation 5 of the Local Government (Compensation for Premature Retirement) Regulations 1982” substitute the words “regulation 8 of the Local Government (Discretionary Payments) Regulations 1996”.

(3) In regulation B19(2)(a), for the words “the Local Government (Compensation for Premature Retirement) Regulations 1982” substitute the words “Part III of the Local Government (Discretionary Payments) Regulations 1996”.

5.—(1) The Local Government Reorganisation (Compensation for Loss of Remuneration) Regulations 1995(**13**) are amended as follows.

(2) In regulation 4—

- (a) at the end of paragraph (c) insert the words “or Part III of the Local Government (Discretionary Payments) Regulations 1996”; and
- (b) in paragraph (d) after the word “1994” insert the words “Part IV of the Local Government (Discretionary Payments) Regulations 1996”.

(3) In regulation 8(2)—

- (a) at the end of paragraph (a) insert the words “or Part III of the Local Government (Discretionary Payments) Regulations 1996”; and
- (b) in paragraph (b) after the word “1994” insert the words “Part IV of the Local Government (Discretionary Payments) Regulations 1996”.

6.—(1) The Local Government Pension Scheme (Augmentation) Regulations 1995(**14**) are amended as follows.

(2) In regulation 3(3)—

- (a) for the words “those regulations” substitute the words “Part III of the Local Government (Discretionary Payments) Regulations 1996”; and
- (b) at the end add the words “or those regulations of 1996”.

7.—(1) In section 12(3)(b) of the Local Government Changes for England (Miscellaneous Provision) Regulations 1996(**15**), after the word “1994” insert the words “Part IV of the Local Government (Discretionary Payments) Regulations 1996”.

(12) Regulations B18 and B19 were inserted by S.I. [1995/2953](#), reg. 2(1).

(13) S.I. [1995/2837](#).

(14) S.I. [1995/2953](#).

(15) S.I. [1996/330](#).

SCHEDULE 5

Regulation 49.

SUBORDINATE LEGISLATION REVOKED

Year and Number	Title	Extent of revocation
1982/1009	The Local Government (Compensation for Premature Retirement) Regulations 1982.	All the Regulations.
1984/740	The Local Government (Compensation for Redundancy and Premature Retirement) Regulations 1984.	All the Regulations.
1986/24	The Local Government Superannuation Regulations 1986.	Parts K and L and the other provisions of the Regulations (so far as not previously revoked).
1987/293	The Local Government Superannuation (Miscellaneous Provisions) Regulations 1987.	Regulation 16.
1988/466	The Local Government (Superannuation and Compensation) Amendment Regulations 1988.	Regulations 9, 10 and 12 to 22.
1989/371	The Local Government Superannuation (Amendment) Regulations 1989.	Regulation 14.
1989/372	The Local Government (Superannuation and Compensation) Regulations 1989.	All the Regulations.
1989/1815	The London Government Reorganisation Pensions etc.) Order 1989.	Article 7(9).
1990/2380	The Local Government (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 1990.	All the Regulations.
1992/172	The Local Government Superannuation (Amendment) Regulations 1992.	All the Regulations.
1992/2432	The Local Government (Compensation for Premature Retirement) (Amendment) Regulations 1992.	All the Regulations.

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Year and Number	Title	Extent of revocation
1993/1814	The Local Government Superannuation (Part-time Employees) Regulations 1993.	All the Regulations.
1993/2890	The Local Government (Compensation for Premature Retirement) (Amendment) Regulations 1993.	All the Regulations.
1993/3108	The Local Government (Compensation for Premature Retirement) (Amendment) (No. 2) Regulations 1993.	All the Regulations.
1994/3025	The Local Government (Compensation for Redundancy) Regulations 1994.	Part II, in regulations 15 and 16, the word “4”, and regulation 17.
1995/817	The Local Government (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 1995.	All the Regulations.
1996/456	The Local Government (Compensation for Redundancy) (Amendment) Regulations 1996.	Regulation 3.