
STATUTORY INSTRUMENTS

1997 No. 3048

**The Local Government Superannuation
(Scotland) Amendment (No.4) Regulations 1997**

Additional reckonable service for ill-health

35. In Schedule 10 there shall be added at the end—

“5.—(1) Where—

- (a) the whole of a person’s relevant reckonable service is in respect of part-time service, and
- (b) the reduction under regulation E25 is by the same proportion in respect of the whole period,

the additional period of reckonable service shall be determined in accordance with paragraphs 1 to 4 by reference to the period which would be the period of relevant reckonable service if the reduction required by regulation E25 were not made (“the unreduced period”), and then the period resulting from the application of those provisions shall be reduced as mentioned in that regulation.

(2) Where—

- (a) the whole of a person’s relevant reckonable service is in respect of part-time service, and
- (b) different proportionate reductions fall to be made under regulation E25 in respect of different parts of that relevant reckonable service,

the additional period of reckonable service shall be determined in accordance with paragraphs 1 to 4 by reference to the period which would be the period of relevant reckonable service if the reductions required by regulation E25 were not made (“the unreduced period”), and then—

- (i) the period resulting from the application of those provisions shall be apportioned between the different parts mentioned in paragraph (b) in proportion to the respective lengths of the parts of the unreduced period attributable to each of them,
- (ii) each such apportioned part of the unreduced period shall be reduced as mentioned in that regulation, and
- (iii) those reduced periods shall be aggregated together.

(3) Subject to sub-paragraph (4), where part only of a person’s relevant reckonable service is in respect of part-time service, the additional period of reckonable service for the whole of his relevant reckonable service shall be—

- (a) determined in accordance with paragraphs 1 to 4 (and, in so far as the reckonable service in respect of part-time service is concerned, by reference to the unreduced period); and
- (b) reduced by multiplying it by the fraction of which—
 - (i) the numerator is the person’s relevant reckonable service, determined, in so far as any reckonable service in respect of part-time service is concerned, with the reduction required by regulation E25 (and, where different proportionate reductions fall to be made under regulation E25 in respect of different parts of

the period of relevant reckonable service, determining the overall reduction as mentioned in sub-paragraph (2) above), and

(ii) the divisor is the unreduced period.

(4) Where—

- (a) apart from this sub-paragraph, sub-paragraph (3) would apply, and
- (b) the person's relevant reckonable service includes not less than

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years in respect of whole-time service,

then sub-paragraph (3) shall not apply and the additional period of reckonable service shall be determined in accordance with paragraphs 1 to 4 by reference to that period of whole-time service included in his relevant reckonable service.

(5) Where a person is in part-time service and his contractual hours are determined as mentioned in paragraph (iii) of the definition of “contractual hours” in regulation B2(6), (non-cyclical fluctuation) then, for the purposes of this paragraph—

- (a) the lengths of the parts of the period of relevant reckonable service by reference to which different proportionate reductions fall to be made under regulation E25 shall be determined by reference to the periods mentioned in that paragraph, and
- (b) the reduction under that regulation in respect of any such period shall be made by reference to the contractual hours over that period as determined under that paragraph.”.