
STATUTORY INSTRUMENTS

1998 No. 192

**The Local Government (Discretionary Payments
and Injury Benefits) (Scotland) Regulations 1998**

PART III

COMPENSATION FOR PREMATURE RETIREMENT

Miscellaneous and supplemental

Notification of compensation

27. Before the expiry of the period of one month beginning with the date of—
- (a) the grant of a credited period to any person under regulation 8;
 - (b) the death of a person to whom such an award has been made; or
 - (c) the making of any adjustment affecting the compensation payable to a person in accordance with this Part,

the employing authority shall give that person, or any other person to whom compensation is payable in accordance with this Part, written notification of the compensation payable or, as the case may be, of the adjustment, giving details of the calculation in question.

Information

28.—(1) Where a person who has been granted a credited period under regulation 8 enters or ceases to hold a new employment, before the expiry of the period of one month beginning with the date on which he does so he shall give his employing authority written notification of that fact.

- (2) A person to whom compensation is payable in accordance with this Part shall—
- (a) furnish all such information as the employing authority may at any time reasonably require; and
 - (b) verify that information in such manner, including by the production of documents in his possession or control, as may be reasonably so required.

Payment of compensation

29.—(1) Compensation (other than lump sum compensation) which is payable to a person under this Part shall be payable at intervals equivalent to those at which his pension is payable under the Superannuation Regulations (or would have been so payable but for a relevant disqualification and on the relevant assumptions or, as the case may be, the transfer of benefits to another pension scheme), or at such other intervals as may be agreed between him and the paying authority.

- (2) Any compensation payable under this Part—
- (a) shall be payable to or in trust for the person entitled to receive the compensation; and

- (b) shall not be assignable or chargeable with his debts or other liabilities.
- (3) Where any compensation under this Part is paid in error to any person (including an overpayment)—
 - (a) he shall as soon as practicable repay it to the paying authority; and
 - (b) the paying authority may recover it from him (including, but without prejudice to any other means of recovery, by deducting it from any compensation payable to or in respect of him under this Part).
- (4) In this regulation “the paying authority” means the authority who, in accordance with regulation 31, pay the compensation.

Interest on sums due under Part III

- 30.**—(1) Where all or part of any sum due under this Part by way of compensation is not paid before the expiry of the relevant period after the date on which it becomes payable, the paying authority shall pay the person to whom the sum is payable interest on the amount remaining unpaid, calculated at one per cent above base rate on a day to day basis from that date to the date of payment, and compounded with three-monthly rests.
- (2) In paragraph (1) “the relevant period” means—
 - (a) in the case of compensation payable in the form of a lump sum, one month; and
 - (b) in the case of other compensation, one year.

Paying authority – general

- 31.**—(1) Compensation payable under these Regulations shall, subject to paragraphs (2) to (4) and regulation 32, be paid by the employing authority.
- (2) The appropriate authority in relation to any person who is entitled to any compensation under this Part may agree with the employing authority to pay any compensation arising in respect of that person on their behalf and to recover the amount from them.
 - (3) Compensation payable in the form of a lump sum may not be paid from the superannuation fund maintained by the appropriate authority under the Superannuation Regulations.
 - (4) The amount of any other compensation paid by an appropriate authority on behalf of the employing authority from that superannuation fund shall be recovered from the employing authority within a period of two months from the payment.
 - (5) In this regulation any reference to the appropriate authority, in relation to any person, is a reference to the authority who are the administering authority in relation to him for the purposes of the Superannuation Regulations or who would be that authority in relation to him but for a relevant disqualification and on the relevant assumptions.

Paying authority on closure of certain educational establishments

- 32.**—(1) Where an eligible person was formerly employed in one of the educational establishments listed in paragraphs 6 and 7 of Schedule 3 to the Superannuation Regulations, the Secretary of State shall, on closure of that establishment, become liable to meet the cost of compensation, except where—
 - (a) the board of management of an educational establishment referred to in paragraph 6 of that Schedule is dissolved by an order made under section 25 of the Further and Higher Education (Scotland) Act 1992(1); and

(1) 1992 c. 37.

- (b) the order provides for transfer to any person or body of the liability to pay the compensation.
- (2) For the purposes of paragraph (1) the date of closure—
 - (a) of an educational establishment referred to in paragraph 6 of that Schedule shall be the date with effect from which the board of management of the establishment is dissolved by an order made under section 25 of the Further and Higher Education (Scotland) Act 1992;
 - (b) of an educational establishment referred to in paragraph 7 of that Schedule shall be the date on which the board of management ceases to manage the school and the Secretary of State's duty to maintain the school ceases in accordance with section 31 of the Self-Governing Schools etc. (Scotland) Act 1989(2) or, if earlier, the date on which the Secretary of State ceases to maintain the school in accordance with section 33 of that Act.

Retrospective effect in certain cases

33. If the material date in respect of any person is before the date when these Regulations come into force and the person is credited with an additional period of service under regulation 8, regulations 9 to 32 and, so far as relevant, Parts I and VII shall have effect in respect of that person from the material date:

Provided that regulation 20(3) shall not have effect from a date earlier than 25th July 1996.