
STATUTORY INSTRUMENTS

1998 No. 192

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

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Decisions and appeals

Decisions and appeals

50.—(1) Any question concerning the rights of any person or his eligibility to be considered for any award under Part V or Part VI shall be decided in the first instance by the relevant LGSS employer, that is to say the LGSS employer who last employed the person in respect of whose employment the question arises.

(2) The questions specified in paragraph (1) shall be decided as soon as is reasonably practicable after the occurrence of the last event by virtue of which the award may be payable.

(3) A body who have decided any question under this regulation shall, as soon as is reasonably practicable after doing so, send a written notification of their decision to every person affected by it.

(4) The notification shall include—

- (a) the grounds for the decision; and
- (b) in any case where paragraph (5) applies, conspicuous statement directing the person's attention to his right under that paragraph to appeal to the Secretary of State.

(5) Where—

- (a) the relevant employer has decided or failed to decide any such question as is mentioned in paragraph (1); and
- (b) an appeal is duly made to the Secretary of State,

then, subject to the following provisions of this regulation, the question shall be determined by him.

(6) The Secretary of State shall not determine any question that fell to be decided by the relevant employer in the exercise of a discretion conferred by these Regulations.

(7) An appeal under paragraph (5) shall be made by notice in writing which—

- (a) shall be served (whether by being sent by post or otherwise) as soon as is reasonably practicable; and
- (b) may be served by any person whose interests are affected.

Supplemental

Finance

51.—(1) The cost of any payment to be made under these Regulations is not to be met out of any pension fund.

(2) Where—

- (a) an allowance under regulation 7 of the Benefits Regulations (a “regulation 7 allowance”) is payable in addition to any allowance or lump sum under Part V of these Regulations; and
- (b) the relevant employer is the employing authority for the purposes of regulation 7(4) of the Benefits Regulations (repayment to appropriate superannuation fund),

the regulation 7 allowance shall be treated for the purposes of paragraph (1) as an allowance under these Regulations.

Revocations and transitional provisions

52.—(1) The Regulations specified in Schedule 3 are hereby revoked to the extent specified in that Schedule.

(2) Anything done under or by virtue of any provision of—

- (a) the Local Government (Compensation for Premature Retirement) (Scotland) Regulations 1979(1);
- (b) Part II of the Local Government (Compensation for Redundancy and Premature Retirement) (Scotland) Regulations 1984(2);
- (c) Part K or L of the Superannuation Regulations; or
- (d) the Local Government (Compensation for Redundancy) (Scotland) Regulations 1994(3),

shall be deemed to have been done under or by virtue of the corresponding provision of these Regulations and anything begun under any of those provisions may be continued under these Regulations as if begun under these Regulations.

(3) Where a period of time specified in, or applying by virtue of, a provision specified in paragraph (2) is current at the commencement of these Regulations, these Regulations shall have effect as if the corresponding provision of these Regulations had been in force when that period began to run.

(1) S.I.1979/785, amended by S.I. 1982/917, 1984/846, 1986/409, 1990/125, 1992/1025 and 1597, 1993/490, 1994/1715 and 3068, 1995/340, 750 and 3294 and 1996/1241 and 1360.

(2) S.I. 1984/846.

(3) S.I. 1994/3068, amended by S.I. 1995/340.