
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 187

The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2009

Amendment of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998

26. After regulation 49 (schemes in connection with the exercise of powers) insert—

“PART VI(A)

GRATUITIES AS RESPECTS EARLY
LEAVERS ON GROUNDS OF ILL HEALTH

Interpretation

49A. In this Part the expressions—

- (i) “employing authority”;
- (ii) “total membership”; and
- (iii) “pensionable pay”;

have the same meaning as in regulation 2 of the Benefits Regulations.

Ill-health gratuity

49B.—(1) Where, in the case of an active member who has at least two years total membership, an employing authority—

- (a) determines to terminate the member’s employment on the grounds of the member’s ill health or infirmity of mind or body; and
- (b) does not determine, under regulation 20(1)(a) of the Benefits Regulations, to terminate the member’s local government employment on the grounds that the member’s ill health or infirmity of mind or body renders the member permanently incapable of discharging efficiently the duties of the member’s current employment,

the employing authority may make the member a discretionary grant (“an ill health gratuity”).

(2) An ill health gratuity may consist only of a lump sum calculated in accordance with paragraph (3).

(3) Subject to paragraph (4), the amount is an amount equal to one week’s pay for every whole year of employment with that employing authority.

(4) The amount of ill health gratuity may not exceed a sum equal to 30 weeks' pay.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) In this regulation, the amount of one week's pay is the amount equal to the annual rate of the member's pensionable pay on the day before the member's employment is terminated divided by 52."