



# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

### PART I

#### LOCAL GOVERNMENT REORGANISATION

#### CHAPTER 2

#### STAFF

### 13 Compensation for loss of office or diminution of emoluments.

- (1) This section applies to any person who at any time after the passing of this Act is in the service of—
- an existing local authority;
  - a new authority; or
  - a residuary body,
- and who suffers loss of employment or diminution of emoluments which is attributable to any provision made by, under or by virtue of this Act.
- (2) Where the Secretary of State makes provision by regulations under section 24 of the <sup>M1</sup>Superannuation Act 1972 (compensation for loss of office etc.) in relation to compensation in respect of any such loss or diminution as is referred to in subsection (1) above, such compensation shall be paid only in accordance with those regulations; and accordingly none of the bodies mentioned in subsection (1) above shall pay any such compensation under any other statutory provision, by virtue of any provision in a contract, or otherwise.
- (3) Subsection (2) above shall not preclude the making of any payment to which a person is entitled by virtue of contractual rights acquired by him on or before 9th December 1993.

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 13. (See end of Document for details)

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- (4) Regulations under the said section 24 shall not provide compensation for a person to whom this section applies in respect of any such loss or diminution as is mentioned in subsection (1) above so far as attributable to the termination (without prejudice to the provision of compensation where the said loss or diminution is attributable otherwise than to such termination) on or before 1st April 1996 of a contract made after 9th December 1993 which provides for the employment of that person for a fixed term extending beyond 1st April 1996.
- (5) For the purpose of determining under [<sup>F1</sup>section 138 or 141 of the <sup>M2</sup>Employment Rights Act 1996 (renewal of contract or re-engagement)] —
- (a) whether the provisions of a new contract offered to a person employed by any such body as is mentioned in subsection (1) above differ from the corresponding provisions of his previous contract; and
  - (b) whether employment under the new contract is suitable in relation to that person,
- there shall be treated as forming part of the remuneration payable under the new contract any compensation to which that person is or, if he accepted the offer, would be entitled in accordance with this section.
- (6) Except as provided in subsection (5) above nothing in this section shall be construed as affecting any entitlement to a redundancy payment under [<sup>F2</sup>Part XI of the Employment Rights Act 1996] or to any payment by virtue of any provision of the <sup>M3</sup>Superannuation Act 1972 other than the said section 24.
- (7) In this section—
- “existing local authority” includes a joint committee and a joint board but does not, except as may be provided by any other provision of this Act, include an islands authority; and
- “new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles) and a joint board.

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#### Textual Amendments

**F1** Words in s. 13(5) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 66(3)(a)**

**F2** Words in s. 13(6) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 66(3)(b)**

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#### Marginal Citations

**M1** 1972 c. 11.

**M2** 1996 c. 18

**M3** 1972 c. 11.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 13.