

1981 No. 1892 (S.196)

PENSIONS

**The Local Government Superannuation (Scotland) Amendment
Regulations 1981**

<i>Made</i>	- - - -	30th December 1981
<i>Laid before Parliament</i>		19th January 1982
<i>Coming into Operation</i>		9th February 1982

In exercise of the powers conferred on me by sections 7 and 12 of the Superannuation Act 1972(a), as read with paragraph 5(1) of Schedule 7 to that Act, and of all other powers enabling me in that behalf, after consultation with such associations of local authorities as appeared to me to be concerned and such representatives of other persons likely to be effected by the regulations as appeared to me to be appropriate in accordance with section 7(5) of the said Act, I hereby make the following regulations:—

Title and commencement

1.—(1) These regulations may be cited as the Local Government Superannuation (Scotland) Amendment Regulations 1981 and the Local Government Superannuation (Scotland) Regulations 1974 to 1980(b) (in these regulations referred to as “the principal regulations”) and these regulations may be cited together as the Local Government Superannuation (Scotland) Regulations 1974 to 1981.

(2) These regulations shall come into operation and have effect from 9th February 1982 except regulations 8, 9 and 15 which shall have effect from 16th May 1974, regulation 12 which shall have effect from 14th November 1978 and regulations 22(2)(b) and (4) which shall have effect from 19th March 1980.

Interpretation

2. In these regulations, unless the context otherwise requires, words and expressions to which meanings are assigned by the principal regulations have the same respective meanings.

Definitions

3. In Regulation A3(1) of the principal regulations after the definition of “approved non-local government scheme” there shall be added the following definition—

“ “base rate” means the highest base rate for lending purposes fixed by the Governors and Company of the Bank of Scotland, Clydesdale Bank Limited and The Royal Bank of Scotland Limited”.

(a) 1972 c. 11.

(b) S.I. 1974/812, 1975/638, 1978/425, 1378, 1794, 1926, 1980/198, 342, 1885.

Periodical valuation of superannuation fund

4. Regulation B7(1)(a) of the principal regulations shall be deleted and regulations B7(1)(b) and (c) shall be re-lettered (a) and (b) respectively.

Actuary's certificate

5.—(1) The following regulation shall be substituted for regulation B8 of the principal regulations—

“B8.—(1) Every administering authority shall, as soon as is reasonably practicable after they obtain under regulation B7 an actuarial valuation of, and a report on, the assets and liabilities of the superannuation fund maintained by them under this Part, obtain from the actuary who made that valuation a certificate as to the employers' contributions to be paid into that fund under regulation C5 for each year of the period specified in paragraph (3).

(2) The actuary shall in the certificate specify, for each year of the period to which it relates—

(a) the rate (expressed as a percentage of such a body's pensionable employees' contributions to the fund during the year under regulation C1 or C2) at which in his opinion all bodies interested in the fund should, subject to sub-paragraph (b), alike contribute to the fund, so that such rate shall at all times be as nearly constant as may be and so that the fund shall be solvent, having regard to the then existing and prospective liabilities of the fund arising from circumstances common to all the bodies interested in the fund; and

(b) in respect of any such body interested in the fund as may be named in the certificate the amount (expressed as a rate per cent. or in money terms) by which in his opinion the amount of the employer's contributions that would be payable by that body to the fund at the rate specified in sub-paragraph (a), which may for this purpose include a nil contribution, should be increased or reduced to take account of the then existing or prospective liabilities of and benefits accruing to the fund arising from circumstances peculiar to that body.

(3) The period referred to in paragraph (1) is the period of 5 years beginning with 1st April third following the date as at which the valuation mentioned in that paragraph was made.

(4) Forthwith upon receipt of any certificate under this regulation an administering authority shall send a copy thereof to the Secretary of State and copies thereof to all employing authorities interested in the superannuation fund maintained by the administering authority.”.

Employer's contributions

6. The following regulation shall be substituted for regulation C5 of the principal regulations—

“C5.—(1) An employing authority shall contribute to the appropriate superannuation fund—

(a) in each year of the period of 5 years beginning with 1st April 1977, a sum of an amount obtained by the application of the rate per cent. specified in relation to the employer's contribution payable in each year of that period, in the certificate obtained under regulation B8 by the appropriate administering authority, increased or, as the case may be, reduced by any such amount as is, in respect of the employing authority, specified in that certificate as the amount by which the employer's contribution should in that year be increased or, as the case may be, reduced; and

(b) for each year of any subsequent period of 5 years for which a certificate is required to be obtained under regulation B8, contributions at the rate specified for the year under regulation B8(2)(a) each increased or, as the case may be, reduced by—

- (i) any rate per cent., or
- (ii) a part, proportionate to the length of the intervals mentioned in paragraph (2), of any amount expressed in money terms,

where such rate or part has been specified for the year in respect of the employing authority under regulation B8(2)(b).

(2) An employing authority shall pay the contributions required by paragraph (1)(b) at the intervals determined under regulation L5.

(3) Whenever all or part of any sum due under paragraphs (1) or (2) remains unpaid at the end of the period of one month after the date on which it becomes due, or of any subsequent period of one month, the employing authority shall pay to the fund a further contribution equal to one-twelfth of a year's interest, at 1% above what was the base rate at the end of the first day of that month or period, on the amount remaining unpaid.”.

Return of employee's contributions in certain cases

7.—(1) At the beginning of regulation C8(1) of the principal regulations there shall be added the words “Subject to regulation Q4.”.

(2) At the end of regulation C8(4)(d) of the principal regulations the full stop shall be deleted and there shall be added the following regulation—

“; or

(e) to a person who is entitled to be paid, or has been paid, an ill-health lump sum retiring allowance under regulation E21.”.

Reckonable service

8.—(1) In regulation D1(1) of the principal regulations for the words “paragraph (2)” there shall be substituted the words “paragraphs (2) and (3)”.

(2) After regulation D1(2) of the principal regulations there shall be added the following regulation—

“(3) Where—

(a) a person becomes entitled to a benefit under regulation E2(1)(c) by virtue of regulation K1(1) in relation to an employment which he has ceased to hold (“the former employment”); and

(b) on or after the appointed day and more than 12 months after he ceased to hold the former employment he becomes a pensionable employee in a subsequent employment (“the subsequent employment”),

he shall be treated for the purposes of paragraphs (1)(d) and (e) as if he had become a pensionable employee in the subsequent employment on or after the appointed day but within 12 months of ceasing to be employed in the former employment.”.

Entitlement to retirement pension and retiring allowance

9. In regulation E2(2)(f) of the principal regulations after the figure “21” there shall be added the words “or 23”.

Power to compound certain small pensions

10. In regulations E11A(1)(b) and (2) of the principal regulations after the words "Pensions (Increase) Act 1971" there shall be added the words "the Pensions Increase Act 1974(a) or the Pensions Act".

Reduction of retirement pension, etc., in the case of certain re-employed local government pensioners

11. In regulation E15(3) of the principal regulations—

- (i) after the words "retirement pension" where first they occur there shall be added the words "(including any increase under the Pensions (Increase) Act 1971(b), the Pensions (Increase) Act 1974 or the Pensions Act)";
- (ii) after the words "Pensions (Increase) Act 1971", in both places where they occur, there shall be added the words "the Pensions (Increase) Act 1974 or the Pensions Act";
- (iii) for the words "that Act", in both places where they occur, there shall be substituted the words "the said Act of 1971"; and
- (iv) after the words "said Act", in both places where they occur, there shall be added the words "of 1971".

Ill-health lump sum retiring allowance

12. The following regulation shall be added after regulation E20 of the principal regulations—

"Ill-health lump sum retiring allowance

E21.—(1) This regulation shall apply to a pensionable employee—

- (a) who when he ceases to hold his employment—
 - (i) is entitled to reckon an aggregate of one or more but less than 5 years' reckonable service and qualifying service, and
 - (ii) is incapable of discharging efficiently the duties of that employment by reason of permanent ill-health or infirmity of mind or body, and
 - (iii) is not a person to whom regulation C8(3) applies, and
- (b) who is not apart from this regulation entitled, whether by virtue of having or not having made any election or otherwise, to any benefit under these regulations other than a return of contributions and has not, subject to paragraph 3, received any return of contributions.

(2) A person to whom this regulation applies is, subject to paragraphs (3) and (4), entitled to be paid an ill-health lump sum retiring allowance of an amount equal to the lesser of the following—

- (a) one-twelfth of his pensionable remuneration multiplied by the length in years of his reckonable service, or
- (b) three-eighths of his pensionable remuneration multiplied by the reckonable service he would have reckoned if he had remained in the employment in which he was a pensionable employee until attaining the age of 65 years:

Provided that, in either case, the net amount he would receive if a return of contributions were made to him is less than that amount.

(3) A person—

(a) who has received a return of contributions before the date of coming into operation of the Local Government Superannuation (Scotland) Amendment Regulations 1981, and

(b) to whom paragraph (2) would otherwise have applied,

is, subject to paragraph (4), if he pays to the appropriate superannuation fund an amount equal to the amount he received when the return of contributions was made, entitled to be paid an ill-health lump sum retiring allowance of the amount specified in paragraph (2).

(4) A person to whom paragraph (2) applies or who has paid the amount specified in paragraph (3)—

(a) may, notwithstanding that he is entitled to an ill-health lump sum retiring allowance, at any time before such an allowance is paid to him, be granted a gratuity under section 18 of the Act of 1953; and

(b) on being so granted a gratuity under section 18 of the Act of 1953, shall cease to be entitled to an ill-health lump sum retiring allowance.

(5) Where this regulation applies to a person or would apply if he were to make the payment required under paragraph (3), the appropriate administering authority shall, without prejudice to any subsequent decision under regulation L8 or L9, notify him in writing, within 3 months after the date on which he ceased to hold his employment or the date of coming into operation of the regulations of 1981 mentioned in paragraph (3), whichever is the later, of the amount of the ill-health lump sum retiring allowance to which he would, subject to paragraphs (3) and (4), be entitled.”

Appeal by employee, etc.

13. In section 30 of the Local Government Superannuation (Scotland) Act 1937(a) after the word “final” there shall be inserted the words, “but the Secretary of State shall not under this section determine any question that fell to be decided by the authority concerned in the exercise of a discretion conferred on them by any enactment in relation to which this section applies”.

14.—(1) In regulation H2(1) of the principal regulations for the word “if” there shall be substituted the words “Subject to paragraph (1A), if”.

(2) After the said regulation H2(1) there shall be added the following regulation—

“(1A) The Secretary of State shall not under this regulation determine any question that fell to be decided by the body concerned in the exercise of a discretion conferred on them by these regulations.”.

Retrospective application

15.—(1) In regulation K1(1)(a) of the principal regulations after the word “employee” there shall be added the words “or a local Act contributor”.

(2) In regulation K1(2) of the principal regulations for the words “regulation J5” there shall be substituted the words “regulations J5 and J6”.

(a) 1937 c. 69; section 30 (except the proviso) as applied by the Local Government Superannuation Act 1953 (c. 25), section 21(1) has effect, by virtue of the Superannuation Act 1972, section 209(2) and Schedule 7, paragraph 5, as a provision of regulations under section 7 of the Superannuation Act 1972.

Payments by employing authorities to administering authorities

16.—(1) In regulation L5(2) of the principal regulations after the words “in pursuance of” there shall be added the words “and payments under paragraph (5) in respect of sums due under”.

(2) The following regulation shall be substituted for regulation L5(5) of the principal regulations—

“(5) Whenever all or part of any sum due under the provisions of this regulation remains unpaid at the end of the period of one month after the date on which it becomes due, or of any subsequent period of one month, the employing authority shall pay to the administering authority a further sum equal to one-twelfth of a year’s interest, at 1% above what was the base rate at the end of the first day of the period, on the amount remaining unpaid.”.

Continuity of employment

17. In regulation N8(2) of the principal regulations for the words “regulations N3 and N9” there shall be substituted the words “regulations N3, N9 and Q1 to Q3”.

Interfund adjustments

18. After Part P of the principal regulations there shall be added the following—

“PART Q

INTERFUND ADJUSTMENTS

Interpretation

Q1.—(1) In this Part, unless the context otherwise requires—

“fund authority” means—

- (a) in relation to a person’s previous local government employment, the body maintaining the superannuation fund to which he was a contributor immediately before he ceased to be employed in his previous local government employment or its successor body; and
- (b) in relation to a person’s new local government employment, the body maintaining the superannuation fund to which he became a contributor in his new local government employment or its successor body;

“local government employment” has the same meaning as in regulation P1;

“new local government employment” has the same meaning as in regulation Q2(1)(a) and “new employing authority” is to be construed accordingly;

“pension” does not include an allowance or gratuity;

“new fund authority” has the same meaning as in regulation Q2(1)(b);

“previous fund authority” has the same meaning as in regulation Q2(1)(b);

“previous local government employment” has the same meaning as in regulation Q2(1)(a) and “previous employing authority” is to be construed accordingly; and

“successor body” means the body to which a fund was transferred under regulation N4.

(2) In the case of a person who ceased to be employed in his previous local government employment on or after 31st March 1972 and before the appointed day, it is to be assumed, for the purposes of determining whether and to what extent service was reckonable in his previous local government employment, that he was a person to whom Part K applied whether or not he gave notice under regulation K2.

Change of local government employment and fund authority

Q2.—(1) Where—

- (a) a person who on or after 31st March 1972 ceases to be employed in a local government employment (“the previous local government employment”) subsequently becomes employed in some other local government employment (“the new local government employment”); and
- (b) in his new local government employment the fund authority (“the new fund authority”) is different from the fund authority (“the previous fund authority”) in his previous local government employment; and
- (c) in his new local government employment he is entitled to reckon any reckonable service which he was entitled to reckon in his previous local government employment; and
- (d) the previous fund authority (or a predecessor of that authority) has not paid a transfer value or transferred assets in connection with the change of employment; and
- (e) no direction has been made at any time in relation to his reckonable service in his previous local government employment under regulation L12 or any corresponding provision of any earlier enactment,

the previous fund authority shall, subject to the following provisions of these regulations, pay out of their superannuation fund to the new fund authority for the credit of their superannuation fund a transfer value calculated in accordance with Part II of Schedule 20.

(2) Subject to paragraphs (3), (4) and (5), if the change of employment occurs as a result of an order or regulations made under the Local Government (Scotland) Act 1973(a) in accordance with section 216 of that Act and the number of persons changing superannuation funds is more than 9 but less than 100, the transfer values payable under paragraph (1) shall be calculated as if they were payable under regulation G5.

(3) An adjustment shall be made to the total sum payable under paragraph (2) if the assets of the fund of the previous fund authority immediately before any change of employment occurs are not adequate, or are more than adequate, to meet the accrued actuarial liabilities of the fund at that time.

(4) The total shall be adjusted to the extent that the actuaries of the funds concerned consider appropriate in the circumstances.

(5) If any question arises as to the application of paragraphs (3) and (4) or the actuaries are unable to agree on the adjustment to be made, the adjustment (if any) to be made shall be decided by an actuary appointed by the Secretary of State.

(6) If the change of employment occurs as a result of an order or regulations made under the Local Government (Scotland) Act 1973 in accordance

(a) 1973 c. 65.

with section 216 of that Act and the number of persons changing superannuation funds is 100 or more—

- (a) no payment shall be made under paragraph (1); and
- (b) the superannuation fund of the previous fund authority shall be apportioned in accordance with Schedule 24.

(7) “Accrued actuarial liabilities” means the actual and potential liabilities of the fund in connection with any service or employment before the change of employment takes place.

Partial forfeitures

Q3. Where—

- (a) a direction is made in relation to any person under regulation L12 or any corresponding provision of any earlier enactment; and
- (b) any right to benefit under these regulations in the former regulations is retained; and
- (c) the conditions of regulation Q2(1) are satisfied with the exception of the conditions in sub-paragraph (e),

the previous fund authority shall pay out of their superannuation fund a transfer value to the new fund authority for the credit of their superannuation fund of an amount equal to the actuarial value of the remaining benefits.

Effect of return to local government on right to a return of contributions

Q4.—(1) A person’s right to a return of contributions in terms of regulation C8 shall be extinguished if—

- (a) he returns to local government employment after leaving previous local government employment with a right to a return of contributions; and
- (b) on the date on which he returns to local government employment he has not received the return of contributions; and
- (c) he has not given, within 3 months of the appropriate date or such longer period as his previous fund authority and, if different, his new fund authority may allow, written notice to his previous fund authority that he wishes to receive an immediate return of contributions.

(2) The appropriate date is the date of coming into operation of the Local Government Superannuation (Scotland) Amendment Regulations 1981 or the date on which the person returns to local government employment, whichever is the later.

Restoration of right to reckon service in transitional cases where there has been a return of contributions

Q5.—(1) Notwithstanding regulation D3, service for which a return of contributions has been received shall be reckonable as reckonable service if the conditions in paragraph (2) are satisfied and the person makes the payment required by paragraph (3).

(2) The conditions referred to in paragraph (1) are that—

- (a) the person ceased to be employed in local government employment on or after 16th May 1974 and before 6th April 1978; and
- (b) on the cessation of that employment the aggregate of his reckonable service and qualifying service amounted to less than 5 years; and
- (c) the return of contributions was made in relation to that employment; and

- (d) he subsequently returns to local government employment.
- (3) The person must pay by not later than the relevant date to his previous fund authority for the credit of their superannuation fund—
- (a) a sum equal to the contributions returned to him (together with any increase under regulation P9 and any interest which he was paid); and
 - (b) compound interest on that sum calculated in accordance with regulation P14 for the period beginning with the date on which he received the return of contributions and ending on the date of the payment of that sum.
- (4) The relevant date is the expiry of 6 months after the date of coming into operation of the Local Government Superannuation (Scotland) Amendment Regulations 1981 or the date of return to local government employment, whichever is the later.
- (5) The previous fund authority may in any particular case extend the period mentioned in paragraph (4).”.

Limitation on payment by way of additional contributions or by instalments

19.—(1) In Schedule 4 to the principal regulations—

- (a) at the beginning there shall be inserted the figure “1.”.
- (b) for the words “a sum calculated by the Government Actuary to represent the capital value of the excess” there shall be substituted the following—

“a sum—

 - (a) in the case of an election under regulation D13, determined in accordance with the formula in paragraph 2; and
 - (b) in any other case, calculated by the Government Actuary to represent the capital value of the excess.

(2) The formula mentioned in paragraph 1 is—

$$\frac{T \times R \times F}{100}$$

where—

T is the length in years and fractions of a year of the period relating to the excess;

R is the remuneration of the employee at the time he made the election under regulation D13; and

F is the figure specified, opposite to the age of the employee on his birthday next following the date on which he made that election, in the relevant column of Table I or Table II below appropriate to his pensionable age as defined in paragraph 3.

TABLE I
MALES

Age on birthday next following election	Figure to be used by reference to the under-mentioned pensionable age							
	Employee to whom regulation E3(2) would apply	Others						
		65	60	Over 60 and under 61	61 and under 62	62 and under 63	63 and under 64	64 and under 65
40		18-60	18-40	17-90	17-50	17-10	16-70	16-50
41		18-70	18-40	18-00	17-60	17-20	16-70	16-50
42		18-80	18-50	18-00	17-60	17-20	16-80	16-60
43		18-90	18-60	18-10	17-70	17-20	16-80	16-60
44		19-00	18-70	18-20	17-80	17-30	16-90	16-70
45		19-10	18-80	18-30	17-90	17-40	16-90	16-70
46	17-30	19-20	18-90	18-40	18-00	17-50	17-00	16-80
47	17-40	19-30	19-00	18-50	18-10	17-60	17-10	16-90
48	17-50	19-40	19-10	18-60	18-20	17-70	17-20	17-00
49	17-60	19-50	19-20	18-70	18-30	17-80	17-30	17-10
50	17-70	19-70	19-40	18-80	18-40	17-90	17-40	17-20
51	17-80	19-90	19-60	19-00	18-50	18-00	17-50	17-30
52	17-90	20-10	19-80	19-20	18-70	18-10	17-60	17-40
53	18-00	20-30	20-00	19-40	18-90	18-30	17-70	17-50
54	18-10	20-50	20-20	19-60	19-10	18-50	17-80	17-60
55	18-30	20-70	20-40	19-80	19-30	18-70	18-00	17-80
56	18-50	20-90	20-60	20-00	19-50	18-90	18-20	18-00
57	18-70	21-20	20-90	20-20	19-70	19-10	18-40	18-20
58	18-90	21-50	21-20	20-50	19-90	19-30	18-60	18-40
59	19-10	21-80	21-50	20-80	20-10	19-50	18-80	18-60
60	19-40			21-10	20-40	19-70	19-10	18-80
61	19-70				20-70	19-90	19-30	19-00
62	20-00					20-10	19-50	19-30
63	20-30						19-70	19-60
64	20-70							19-90

TABLE II
FEMALES

Age on birthday next following election	Figure to be used by reference to the under-mentioned pensionable age							
	Employee to whom on retirement regulation E3(2) would apply	Others						
		65	60	Over 60 and under 61	61 and under 62	62 and under 63	63 and under 64	64 and under 65
40		19-40	19-10	18-60	18-00	17-40	16-90	16-60
41		19-60	19-30	18-70	18-10	17-50	17-00	16-70
42		19-70	19-40	18-80	18-20	17-60	17-10	16-80
43		19-80	19-50	18-90	18-30	17-80	17-20	16-90
44		19-90	19-60	19-00	18-40	17-90	17-30	17-00
45		20-10	19-70	19-10	18-50	18-00	17-40	17-10
46	18-80	20-20	19-90	19-20	18-60	18-10	17-50	17-20
47	18-90	20-40	20-00	19-40	18-80	18-20	17-60	17-30
48	19-00	20-50	20-20	19-50	18-90	18-30	17-70	17-40
49	19-10	20-60	20-30	19-60	19-00	18-40	17-80	17-50
50	19-20	20-80	20-40	19-80	19-20	18-60	17-90	17-60
51	19-30	21-00	20-60	19-90	19-30	18-70	18-00	17-70
52	19-40	21-10	20-80	20-10	19-40	18-80	18-20	17-90
53	19-50	21-30	21-00	20-30	19-60	19-00	18-30	18-00
54	19-60	21-50	21-20	20-40	19-80	19-10	18-40	18-10
55	19-80	21-70	21-40	20-60	19-90	19-20	18-60	18-20
56	20-00	21-90	21-60	20-80	20-10	19-40	18-70	18-30
57	20-20	22-10	21-80	21-00	20-30	19-60	18-80	18-50
58	20-40	22-30	22-00	21-20	20-50	19-80	19-00	18-70
59	20-60	22-60	22-20	21-40	20-70	20-00	19-20	18-90
60	20-80			21-70	20-90	20-20	19-40	19-10
61	21-10				21-20	20-40	19-60	19-30
62	21-40					20-50	19-80	19-50
63	21-70						20-00	19-80
64	22-00							20-10

(3) In paragraph 3 “pensionable age” means the earliest age at which, if the employee were to remain a pensionable employee without any break of service, he would become entitled by virtue of regulation E2(1)(a) or (b)(ii), if he then ceased to be employed, to a retirement pension”.

Amount to be paid for additional period

20.—(1) In paragraph 2 of Schedule 8 to the principal regulations—

(a) for the definition of factor F there shall be substituted the following definition—

“F is the figure specified, opposite to the age of the employee on his birthday next following the date on which he made that election, in the relevant column of table I or II in Part III of this schedule appropriate to his pensionable age as defined in paragraph 5.”; and

(b) The Table shall be deleted.

(2) In paragraph 4 of the said Schedule 8—

(a) the figure “-(1)”, Tables I and II and sub-paragraph (2) shall be deleted;

(b) for the words “table I or II below” there shall be substituted the words “tables III or IV in Part III of this schedule”; and

(c) for the words “sub-paragraph (2)” there shall be substituted the words “paragraph 5”.

(3) After Part II of the said Schedule 8 there shall be added the following—

“PART III

5. In paragraphs 2 and 4 “pensionable age” means the earliest age at which, if the employee were to remain a pensionable employee without any break of service, he would become entitled by virtue of regulation E2(1)(a) or (b)(ii), if he then ceased to be employed, to a retirement pension.

TABLE I
Lump Sum Payment
MALES

Age on birthday next following election	Figure to be used by reference to the under-mentioned pensionable age							
	Employee to whom on retirement regulation E3(2) would apply	Others						
		65	60	Over 60 and under 61	61 and under 62	62 and under 63	63 and under 64	64 and under 65
26		22-20						
27		21-40						
28		20-80						
29		20-30						
30		19-90						
31		19-60						
32		19-30						
33		19-10						
34		18-90						
35		18-80						
36		18-70	18-50					
37		18-60	18-40	18-00				
38		18-60	18-40	17-90	17-50			
39		18-60	18-40	17-90	17-50	17-10		
40		18-60	18-40	17-90	17-50	17-10	16-70	
41		18-70	18-40	18-00	17-60	17-20	16-70	16-50
42		18-80	18-50	18-00	17-60	17-20	16-80	16-60
43		18-90	18-60	18-10	17-70	17-20	16-80	16-60
44		19-00	18-70	18-20	17-80	17-30	16-90	16-70
45		19-10	18-80	18-30	17-90	17-40	16-90	16-70
46	17-30	19-20	18-90	18-40	18-00	17-50	17-00	16-80
47	17-40	19-30	19-00	18-50	18-10	17-60	17-10	16-90
48	17-50	19-40	19-10	18-60	18-20	17-70	17-20	17-00
49	17-60	19-50	19-20	18-70	18-30	17-80	17-30	17-10
50	17-70	19-70	19-40	18-80	18-40	17-90	17-40	17-20
51	17-80	19-90	19-60	19-00	18-50	18-00	17-50	17-30
52	17-90	20-10	19-80	19-20	18-70	18-10	17-60	17-40
53	18-00	20-30	20-00	19-40	18-90	18-30	17-70	17-50
54	18-10	20-50	20-20	19-60	19-10	18-50	17-80	17-60
55	18-30	20-70	20-40	19-80	19-30	18-70	18-00	17-80
56	18-50	20-90	20-60	20-00	19-50	18-90	18-20	18-00
57	18-70	21-20	20-90	20-20	19-70	19-10	18-40	18-20
58	18-90	21-50	21-20	20-50	19-90	19-30	18-60	18-40
59	19-10	21-80	21-50	20-80	20-10	19-50	18-80	18-60
60	19-40			21-10	20-40	19-70	19-10	18-80
61	19-70				20-70	19-90	19-30	19-00
62	20-00					20-10	19-50	19-30
63	20-30						19-70	19-60
64	20-70							19-90

TABLE II
Lump Sum Payment
FEMALES

Age on birthday next following election	Figure to be used by reference to the under-mentioned pensionable age							
	Employee to whom on retirement regulation E3(2) would apply	Others						
		65	60	Over 60 and under 61	61 and under 62	62 and under 63	63 and under 64	64 and under 65
26		20-40						
27		19-80						
28		19-40						
29		19-00						
30		18-70						
31		18-60						
32		18-60						
33		18-70						
34		18-70						
35		18-80						
36		18-90	18-60					
37		19-00	18-70	18-20				
38		19-10	18-80	18-30	17-80			
39		19-30	19-00	18-40	17-90	17-30		
40		19-40	19-10	18-60	18-00	17-40	16-90	
41		19-60	19-30	18-70	18-10	17-50	17-00	16-70
42		19-70	19-40	18-80	18-20	17-60	17-10	16-80
43		19-80	19-50	18-90	18-30	17-80	17-20	16-90
44		19-90	19-60	19-00	18-40	17-90	17-30	17-00
45		20-10	19-70	19-10	18-50	18-00	17-40	17-10
46	18-80	20-20	19-90	19-20	18-60	18-10	17-50	17-20
47	18-90	20-40	20-00	19-40	18-80	18-20	17-60	17-30
48	19-00	20-50	20-20	19-50	18-90	18-30	17-70	17-40
49	19-10	20-60	20-30	19-60	19-00	18-40	17-80	17-50
50	19-20	20-80	20-40	19-80	19-20	18-60	17-90	17-60
51	19-30	21-00	20-60	19-90	19-30	18-70	18-00	17-70
52	19-40	21-10	20-80	20-10	19-40	18-80	18-20	17-90
53	19-50	21-30	21-00	20-30	19-60	19-00	18-30	18-00
54	19-60	21-50	21-20	20-40	19-80	19-10	18-40	18-10
55	19-80	21-70	21-40	20-60	19-90	19-20	18-60	18-20
56	20-00	21-90	21-60	20-80	20-10	19-40	18-70	18-30
57	20-20	22-10	21-80	21-00	20-30	19-60	18-80	18-50
58	20-40	22-30	22-00	21-20	20-50	19-80	19-00	18-70
59	20-60	22-60	22-20	21-40	20-70	20-00	19-20	18-90
60	20-80			21-70	20-90	20-20	19-40	19-10
61	21-10				21-20	20-40	19-60	19-30
62	21-40					20-50	19-80	19-50
63	21-70						20-00	19-80
64	22-00							20-10

TABLE III
Periodical Payments
 MALES

Age on birthday next following election	Figure to be used by reference to the under-mentioned pensionable age							
	Employee to whom on retirement regulation E3(2) would apply	Others						
	65	60	Over 60 and under 61	61 and under 62	62 and under 63	63 and under 64	64 and under 65	65
26		0.58						
27		0.60						
28		0.62						
29		0.64						
30		0.66						
31		0.68						
32		0.71						
33		0.74						
34		0.77						
35		0.80						
36		0.84	0.83					
37		0.88	0.87	0.82				
38		0.93	0.91	0.86	0.81			
39		0.98	0.96	0.90	0.85	0.80		
40		1.03	1.01	0.95	0.90	0.84	0.80	
41		1.09	1.07	1.00	0.95	0.89	0.84	0.81
42		1.16	1.14	1.06	1.00	0.94	0.88	0.85
43		1.23	1.22	1.13	1.06	0.99	0.93	0.89
44		1.31	1.30	1.20	1.12	1.05	0.98	0.93
45		1.40	1.39	1.28	1.19	1.11	1.04	0.98
46	1.08	1.51	1.49	1.37	1.27	1.18	1.10	1.04
47	1.15	1.64	1.61	1.48	1.36	1.26	1.17	1.11
48	1.23	1.79	1.75	1.61	1.47	1.35	1.25	1.18
49	1.31	1.97	1.92	1.76	1.60	1.45	1.34	1.26
50	1.40	2.18	2.13	1.93	1.75	1.57	1.44	1.35
51	1.50	2.42	2.38	2.12	1.92	1.71	1.56	1.45
52	1.62	2.74	2.69	2.36	2.11	1.88	1.70	1.57
53	1.76	3.15	3.09	2.66	2.33	2.08	1.86	1.71
54	1.92	3.68	3.62	3.05	2.63	2.31	2.05	1.87
55	2.12	4.44	4.36	3.57	3.02	2.60	2.28	2.06
56	2.36	5.53	5.45	4.30	3.53	2.98	2.56	2.29
57	2.66	7.40	7.28	5.36	4.23	3.49	2.94	2.58
58	3.04	11.08	10.90	7.17	5.30	4.18	3.43	2.95
59	3.56	22.25	21.88	10.70	7.06	5.21	4.12	3.45
60	4.26			21.50	10.55	6.95	5.12	4.12
61	5.32				21.11	10.37	6.83	5.14
62	7.09					20.41	10.18	6.84
63	10.64						20.14	10.25
64	21.10							20.32

TABLE IV
Periodical Payments
 FEMALES

Age on birthday next following election	Figure to be used by reference to the under-mentioned pensionable age							
	Employee to whom on retirement regulation E3(2) would apply	Others						
		65	60	Over 60 and under 61	61 and under 62	62 and under 63	63 and under 64	64 and under 65
26		0.59						
27		0.61						
28		0.63						
29		0.65						
30		0.68						
31		0.71						
32		0.74						
33		0.77						
34		0.80						
35		0.83						
36		0.87	0.86					
37		0.91	0.90	0.85				
38		0.96	0.94	0.89	0.83			
39		1.01	0.99	0.93	0.87	0.82		
40		1.07	1.05	0.98	0.91	0.86	0.80	
41		1.13	1.11	1.03	0.96	0.90	0.84	0.80
42		1.20	1.18	1.09	1.01	0.95	0.88	0.84
43		1.28	1.26	1.16	1.07	1.00	0.93	0.88
44		1.37	1.34	1.23	1.14	1.06	0.98	0.93
45		1.46	1.43	1.31	1.21	1.12	1.04	0.98
46	1.14	1.57	1.54	1.40	1.29	1.19	1.11	1.04
47	1.21	1.70	1.67	1.51	1.38	1.27	1.18	1.11
48	1.29	1.85	1.82	1.64	1.49	1.36	1.26	1.18
49	1.38	2.03	1.99	1.79	1.62	1.46	1.35	1.26
50	1.48	2.24	2.20	1.96	1.77	1.58	1.45	1.35
51	1.59	2.50	2.46	2.17	1.94	1.72	1.57	1.45
52	1.72	2.83	2.78	2.42	2.14	1.89	1.71	1.57
53	1.87	3.24	3.19	2.73	2.38	2.09	1.87	1.71
54	2.05	3.80	3.73	3.13	2.69	2.33	2.06	1.87
55	2.26	4.58	4.50	3.67	3.08	2.63	2.30	2.06
56	2.52	5.73	5.64	4.40	3.60	3.02	2.59	2.30
57	2.84	7.66	7.53	5.51	4.33	3.54	2.96	2.59
58	3.24	11.47	11.26	7.36	5.40	4.24	3.47	2.96
59	3.79	22.86	22.45	11.05	7.20	5.30	4.15	3.46
60	4.53			22.15	10.79	7.05	5.17	4.14
61	5.65				21.64	10.59	6.89	5.17
62	7.52					20.72	10.24	6.87
63	11.28						20.34	10.29
64	22.44							20.46

Revocations and repeals

21.—(1) In Schedule 17 to the principal regulations in the penultimate entry in Part III and the first entry in Part IV the words “except regulations 1 and 34 and Schedule 7” shall be deleted.

(2) In Part IV of the said Schedule 17 there shall be added at the end thereof—

- “S.I. 1951/1995 The Superannuation (Local Government and Isle of Man) Interchange (Scotland) Rules 1951
- S.I. 1952/1168 The Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Rules 1952
- S.I. 1953/448 The Superannuation (Fire Brigade and other Local Government Service) (Scotland) Interchange Rules 1953
- S.I. 1955/1479 The Superannuation (Local Government and National Health Service) Interchange (Scotland) Rules 1955
- S.I. 1957/1122 The Superannuation (Local Government and Northern Ireland Civil Service) Interchange (Scotland) Rules 1957
- S.I. 1957/2173 The Superannuation (Local Government and Northern Ireland Health Service) Interchange (Scotland) Rules 1957
- S.I. 1958/539 The Superannuation (Fire Brigade and other Local Government Service) Interchange (Scotland) Amendment Rules 1958
- S.I. 1958/2200 The Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Amendment Rules 1958
- S.I. 1959/1916 The Superannuation (Local Government, Social Workers and Health Education Staff) Interchange (Scotland) Rules 1959
- S.I. 1967/1516 The Superannuation (Local Government and Public Transport Services) Interchange (Scotland) Rules 1967
- S.I. 1969/1352 The Superannuation (Local Government and Membership of the House of Commons) Interchange (Scotland) Rules 1969
- S.I. 1969/1353 The Superannuation (Local Government and Federated Schemes Employment) Interchange (Scotland) Rules 1969
- S.I. 1969/1516 The Superannuation (Local Government and Jersey) Interchange (Scotland) Rules 1969
- S.I. 1970/392 The Superannuation (Local Government and Other Employment) Interchange (Scotland) Rules 1970
- S.I. 1970/628 The Superannuation (Local Government and National and Local Government Officers Association) Interchange (Scotland) Rules 1970
- S.I. 1970/1853 The Superannuation (Local Government and Approved Employment) Interchange (Scotland) Rules 1970
- S.I. 1971/1031 The Superannuation (Local Government and Approved Employment) Interchange (Scotland) Amendment Rules 1971

- S.I. 1972/63 The Superannuation (Local Government and Approved Employment) Interchange (Scotland) Amendment Rules 1972
- S.I. 1981/1681 The Superannuation (Local Government and Approved Employment) Interchange (Scotland) Amendment Rules 1981”.

(3) Paragraph (2) shall not affect the operation of the rules thereby revoked in relation to any person who became, or ceased to be employed as, a contributory employee before 16th May 1974.

Calculation of transfer values

22.—(1) In the heading of Schedule 20 to the principal regulations—

- (a) for the words “Regulations G5 and P3” there shall be substituted the words “Regulations G5, P3 and Q2(2)”; and
- (b) immediately below the sub-heading “Calculation of Transfer Values” there shall be inserted the sub-heading “Part I”.

(2) In paragraph 1 of the said Schedule 20—

- (a) for the words “G5 or P3” there shall be substituted the words “G5, P3 or Q2(2)”; and
- (b) for sub-paragraph 1(a)(i) there shall be substituted the following sub-paragraph—
“a sum (calculated as aforesaid) in respect of accrued modification and, where notice has been given under regulation P2(3), guaranteed minimum pension;”.

(3) In paragraphs 2(2) and (3) of the said Schedule 20 after the words “regulation G5” there shall be inserted the words “or Q2(2)”.

(4) In Tables 3 and 4 of the said Schedule 20 the columns headed “Guaranteed Minimum Pension factor” shall be deleted.

(5) At the end of the said Schedule 20 there shall be added the following:—

“PART II

Regulation Q2(1)

1. The transfer value payable under regulation Q2(1) in respect of a person is to be calculated in accordance with the following formula if the service he is entitled to reckon in his new local government employment which he was also entitled to reckon in his previous local government employment exceeds 182 days—

$$T = \left(\frac{F \times S \times R}{100} \right) - A, \text{ where—}$$

T is the amount of the transfer value;

F is the amount shown in column 2 of the following Table applicable to his age when he ceased to be employed in his previous local government employment

TABLE

AGE ON CEASING TO BE EMPLOYED IN PREVIOUS LOCAL GOVERNMENT EMPLOYMENT	AMOUNT
1.	2.
Under 30	£ 11
30 to 39 (inclusive)	12
40 to 49 (inclusive)	13
50 and over	14

S is the length of the reckonable service in complete years ignoring any residual period of 182 days or less and taking any residual period which exceeds 182 days as a complete year;

R is the annual rate of his remuneration of his previous local government employment at the date on which he ceased to be employed in that employment; and

A is the amount of any additional contributory payments remaining outstanding when he ceased to be employed in his previous local government employment.

2. In any case not falling within paragraph 1 the transfer value payable under regulation Q2(1) in respect of a person is to be calculated in accordance with the following formula—

$T = 2 \times C$, where—

T is the amount of the transfer value; and

C is the amount of the employer's contributions in relation to the reckonable service,

but the amount of the transfer value shall be zero if the person becomes employed in his new local government employment on or after 1st October 1981.

3. In ascertaining for the purposes of this Part the length of reckonable service which a person is or was entitled to reckon, the reckonable service is to count at the length at which it would reckon in calculating the amount of a retirement pension under regulation E2(1)(b)(ii), except that—

(a) any period of reckonable service which was reckonable under section 15 of the Act of 1937 (which related to teachers) is to be ignored;

(b) it is to be assumed that he had completed the payment of any additional contributory payments; and

(c) if additional contributions under regulation D10 (or any corresponding provision of an earlier enactment) or D13 have been paid but not all those for which he was originally liable, the apportionment formula in paragraph 4 of Schedule 5 is to be applied.

4. Subject to paragraph 5, in ascertaining for the purposes of this Part the annual rate of a person's remuneration at the date on which he ceased to be employed in his previous local government employment—

- (a) the annual rate of any fluctuating element of his remuneration is to be estimated by reference to an average taken over a representative period;
- (b) the annual rate of any benefit in kind included in his remuneration is to be the estimated annual value of the benefit in kind at the date on which he ceased to be employed;
- (c) if at that date he had no remuneration or his remuneration was reduced because of absence from duty, the annual rate is to be taken to be the annual rate which would have applied if he had not been absent;
- (d) if the annual rate of his remuneration is retrospectively altered as a result of a pay award promulgated by a national joint council or other negotiating body on or before the date on which he ceased to be employed, the annual rate of his remuneration is to be based on the retrospective pay award;
- (e) if his remuneration is not calculated by reference to an annual rate but by reference to some other rate, the annual rate is to be derived from the applicable rate at the date on which he ceased to be employed;
- (f) if his previous local government employment was part-time, the annual rate of remuneration of a single comparable whole-time employment is to be used; and
- (g) if the annual rate of his remuneration exceeds £100 it is to be rounded down to the nearest £100.

5. If—

- (a) during the 13 years ending on the cessation of the person's previous local government employment his remuneration was reduced; and
- (b) his employing authority certified under regulation L10 that the reduction was in consequence of a material change in circumstances; and
- (c) his annual rate of remuneration immediately before the reduction, ascertained on similar principles to those in paragraph 4, was greater than the annual rate of remuneration on the date on which he ceased to be employed in his previous local government employment,

it is to be assumed for the purposes of this Part that he was earning at the higher rate at the date on which he ceased to be employed in his previous local government employment.

6. Where the person has made a payment to his new fund authority under regulation D1(2), the transfer value payable under regulation Q2(1) is to be reduced by an amount equal to that payment.

7. Compound interest calculated in accordance with regulation P14 is to be paid on the transfer value payable under regulation Q2(1) for the period beginning with the date on which the person ceased to be employed in his previous local government employment and ending on the date on which the transfer value is paid (but no interest is to be paid if that period is less than 6 months).”.

Fund apportionment for interfund transfers within local government

23. After Schedule 23 to the principal regulations there shall be added the following Schedule—

“SCHEDULE 24 *Regulation Q2(6)*

FUND APPORTIONMENT FOR INTERFUND TRANSFERS WITHIN LOCAL
GOVERNMENT

PART I

1. This part of this Schedule applies if the fund is to be apportioned under regulation Q2(6) and all of the persons who are changing funds do so on the same day.

2. The previous fund authority shall obtain a report from an actuary (“the fund’s actuary”) specifying the apportionment fraction to be applied in apportioning the fund together with details of the calculations.

3. The apportionment fraction is—

$$\frac{\left[\frac{A}{B} \times (C + D) \right] - E}{C}, \text{ where—}$$

A is the value at the relevant date of the accrued actuarial liabilities of the fund which relate to the persons changing funds on that date;

B is the value at the relevant date of all accrued actuarial liabilities of the fund;

C is the value at the relevant date of the transferable assets of the fund minus any sums then due from the fund;

D is the value at the relevant date of any adjustments to be made in consequence of a certificate under regulation B8(1)(ii) to sums (other than sums then due to the fund) to be contributed to the fund under regulation C5(1)(b); and

E is the value at the relevant date of the part (if any) of those adjustments which relates to the persons changing funds on that date.

4. The relevant date is the date on which the change of fund occurs.

5. The accrued actuarial liabilities of the fund are the actual and potential liabilities of the fund in connection with any service or employment before the relevant date and, for this purpose, it is to be assumed that the liabilities which relate to those changing funds remain liabilities of the fund.

6. The transferable assets of the fund are the assets which belong to the fund at the relevant date.

7. The values of items D and E are to be agreed between the fund’s actuary and the actuary of the new fund authority or, if they are unable to agree, they are to be determined by an actuary appointed by the Secretary of State.

8. Subject to paragraph 7, valuations are to be made by the fund’s actuary.

9. When more than one new fund authority is involved, separate apportionment fractions shall be specified in the actuary’s report for the different new fund authorities.

10. When the previous fund authority receive the actuary's report they shall provide the new fund authority with a copy of it.

11. The value of the share of the fund to which the new fund authority are entitled shall be calculated in accordance with the formula—

$$V = W \times [X - (Y + Z)], \text{ where—}$$

V is the value of the share of the fund to which the new fund authority are entitled;

W is the apportionment fraction specified in the actuary's report;

X is the value (determined by the fund's actuary) at the apportionment date of the transferable assets which still belong to the fund at that date and any other assets which belong to the fund at that date which represent in any form or have accrued from any transferable asset;

Y is the total of any sums due from the fund at the relevant date and still outstanding at the apportionment date; and

Z is the total of any sums due from the fund at the apportionment date (but not at the relevant date) in respect of any expenditure in connection with the transferable assets of the fund or assets representing or accruing from those assets.

12. The apportionment date is the date specified as such by the previous fund authority in a notice given to the new fund authority.

13. Except with the agreement of the new fund authority, the apportionment date shall not be later than six months after the date on which the previous fund authority receive the actuary's report.

14. Subject to paragraphs 15 to 17, immediately after the apportionment date the previous fund authority shall transfer to the new fund authority assets of the fund of a value at the apportionment date equal to the value of the new fund authority's share of the fund and, unless the previous fund authority and new fund authority otherwise agree, the composition of the assets to be transferred shall so far as possible reflect the composition of the transferable assets which still belong to the fund at the apportionment date and any other assets which belong to the fund at that date which represent in any form or have accrued from any transferable asset.

15. The previous fund authority and the new fund authority may agree to transfer assets in advance of the apportionment date.

16. The value of an advance under paragraph 15 shall not exceed such sum as the fund's actuary may specify as appropriate in the circumstances.

17. Where an advance is made under paragraph 15, the previous fund authority's liability under paragraphs 11 and 14 shall be reduced by an amount equal to—

$$\frac{L}{M} \times N, \text{ where—}$$

L is the value of the advance;

M is the value of the share of the fund to which the new fund authority would have been entitled under paragraph 11 if the apportionment date had been the date on which the advance was made; and

N is the value of the share of the fund to which the new fund authority would have been entitled under paragraph 11 if the advance had not been made.

18. The previous employing authority shall bear the costs of apportioning the fund or, if there is more than one previous employing authority involved, each shall bear such part of the costs as the fund's actuary determines.

19. The previous fund authority shall keep their accounts in a form which enables the calculations required in apportioning the fund to be made, and they shall also provide the fund's actuary with any information he requires in connection with the apportionment.

PART II

20. This Part of this Schedule applies where the fund is to be apportioned under regulation Q2(6) and the persons changing funds do so on different days.

21. The provisions of Part I of this Schedule are to apply to the apportionment as if the changes of fund had occurred on a single date, but suitable adjustments are to be made to the sums payable to the new fund authority to reflect the fact that the changes of fund occur on different dates.

22. If any question arises in connection with paragraph 21, it shall be determined by the fund's actuary and the actuary of the new fund authority, or, if they are unable to agree, by an actuary appointed by the Secretary of State."

Transitional

24.—(1) The provisions of Regulations 13 and 14 do not apply—

(a) where—

(i) written notification of the decision of the body concerned was received, or

(ii) notice in writing requesting the body concerned to give a decision was served,

before the date of coming into operation of these regulations; or

(b) where the appeal relates to a pension within the meaning of section 12 of the Superannuation Act 1972 which is being paid or may become payable as mentioned in section 12(2)(a) of that Act under the principal regulations or under the former regulations.

(2) The provisions of regulation 20 of these regulations shall not apply to any election under regulation D12 or D13 of the principal regulations made before the date of coming into operation of these regulations.

25.—(1) No provision of these regulations shall apply to any person to whom at any time before the date of coming into operation of these regulations any benefit (including a return of contributions and any pension payable to a widow or any dependant by virtue of a surrender) was being paid or became payable or to any person to whom any such benefit is being paid or may become payable, if—

(a) he is placed by that provision in a worse position than he would have been if it had not applied in relation to that benefit; and

- (b) that provision relates to a benefit paid or payable in respect of a person who—
- (i) ceased before the said date of coming into operation to hold an employment in respect of which he was a pensionable employee, or
 - (ii) died before that date while still in such an employment; and
- (c) the first-mentioned person, by notice in writing given to the appropriate administering authority within 3 months after the said date of coming into operation, elects that that provision shall not apply to him.
- (2) The provisions of Part H of the principal regulations (determination of questions and appeals) shall apply in relation to any question arising under this regulation as they apply in relation to rights and liabilities under the principal regulations.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
30th December 1981.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Local Government Superannuation (Scotland) Regulations 1974 to 1980 by—

1. Consolidating the regulations relating to valuation of superannuation funds and actuary's certificates by removing spent references (Regulations 4 and 5);

2. Altering the arrangements for the payment of employer's superannuation contributions by employing authorities to administering authorities, including the payment of interest in the event of late payment, to accord with those for the payment of employees' contributions (Regulation 6);

3. Giving to employees who left local government employment with preserved benefits under Part K of the 1974 regulations, i.e. between 31st March 1972 and 15th May 1974 (inclusive), and who return to local government employment after a break of more than 12 months, the right to count their previous service in their new local government employment, so that on final retirement etc. benefits will be based on total service (Regulation 8);

4. Correcting an omission to ensure that certain female nursing etc. staff become entitled to immediate payment of benefits on retirement at age 55 with 5 years' service: this parallels the position under the pre 1974 regulations (Regulation 9);

5. Updating references to Pensions Increase legislation so that reference is made additionally to the Pensions Increase Act 1974 and the Social Security Pensions Act 1975 (c. 60) (Regulations 10 and 11);

6. Correcting an omission to ensure that the maximum amount of pension payable to a re-employed pensioner takes account of any pensions increase for the purpose of restricting that pension during the period of employment (Regulation 11(i));

7. Introducing a provision whereby pensionable employees who cease employment on grounds of ill-health with more than one but less than 5 years' service may receive an ill-health lump sum retiring allowance if this would be greater than the net amount payable as a refund of superannuation contributions. A consequential amendment is made to Regulation C8 to bar the payment of a refund of contributions to a person to whom an ill-health lump sum retiring allowance is payable (Regulations 12 and 7(2));

8. Clarifying that the Secretary of State cannot determine an appeal against the way in which a discretion is exercised in terms of the regulations by a local authority: the regulation has no retrospective effect (Regulations 13 and 14);

9. Raising to a rate of 1% above the base rate, defined by reference to the base rate of the three Scottish clearing banks, the rate of interest payable where all or part of the sum due by an employing authority to the administering authority in respect of employees' superannuation contributions remains unpaid for more than 1 month (Regulation 16);

10. Making provision for payments between local government superannuation funds or apportionment of such funds when employees move from one local government employment to another (Regulations 17, 18, 22 and 23);

11. Giving to those employees who left local government employment between 16th May 1974 and 5th April 1978 (inclusive) and who were

obliged to accept a return of superannuation contributions the right to reinstate their former service on a return to local government employment by refunding these contributions (Regulation Q5 introduced by Regulation 18);

12. Conferring on employees who leave local government employment with a right to a return of superannuation contributions but who do not receive them before they return to local government employment the automatic right to count their previous service in the new local government employment unless they opt for an immediate return of contributions (Regulation 7 and Regulation Q4 introduced by Regulation 18);

13. Introducing a table to Schedule 4 for calculation of the lump sum payable by employees where additional contributions for added years under Regulation D13 would bring these total superannuation contributions over the Inland Revenue limit of 15% of remuneration (Regulation 19);

14. Revising the tables for the calculation of the amounts payable by employees for added years under new contracts entered into after the date of the Regulations (Regulation 20);

15. Revoking most of the now moribund interchange rules which governed the transfer of superannuation rights to and from the local government superannuation scheme prior to the Local Government Superannuation (Scotland) Regulations 1974 to 1981 (Regulation 21(2));

16. Correcting an error in the principal regulations to preclude the value of pensions increase from being taken into consideration in transfer values payable under regulation G5 which governs the superannuation position of certain non local government employees who are members of the local government scheme (Regulations 22(2)(b) and (4));

17. Making an amendment consequential upon 10 (Regulation 3).

Under powers conferred by section 12 of the Superannuation Act 1972, Regulations 8, 9 and 15 are brought into force retrospectively from 16th May 1974, Regulation 12 from 14th November 1978 and Regulations 22(2)(b) and (4) from 19th March 1980. Provision is made for opting out if a person is placed in a worse position as a result of the retrospective effect of any of the Regulations.

SI 1981/1892
ISBN 0-11-017892-0



780110 178929