
STATUTORY INSTRUMENTS

1987 No. 1850

**The Local Government Superannuation
(Scotland) Regulations 1987**

PART A

PRELIMINARY

Citation and commencement

A1. These Regulations may be cited as the Local Government Superannuation (Scotland) Regulations 1987 and shall come into force on 21st December 1987.

Interpretation

A2.—(1) Schedule 1 contains a glossary of expressions and in these Regulations, unless the context otherwise requires, any expression listed in column 1 of that Schedule has the meaning given against it in column 2 of that Schedule or is to be construed in accordance with directions given against it in column 2 of that Schedule.

(2) In these Regulations, unless the context otherwise requires—

- (a) any reference to a numbered regulation, Part or Schedule is to be construed as a reference to the regulation, Part or Schedule, as the case may be, which bears that number in these Regulations, and any reference to a numbered paragraph in a regulation of, or a Schedule to, these Regulations is to be construed as a reference to the paragraph bearing that number in that regulation or, as the case may be, that Schedule;
- (b) any reference to, or to things done or falling to be done under or for the purposes of, any provision of these Regulations is, if and so far as the nature of the reference permits, to be construed as including, in relation to circumstances or purposes in relation to which the corresponding provision in the 1974 Regulations has or had effect, a reference to, or as the case may be to things done or falling to be done under or for the purposes of, that corresponding provision;
- (c) any reference to—
 - (i) any enactment applying to Scotland listed in the table in paragraph 5 of Schedule 7 to the Act of 1972, or
 - (ii) any instrument (including a scheme) made under any enactment so listed, or
 - (iii) any provision of any such enactment or instrument, is to be construed as a reference to that enactment, instrument or provision as having effect by virtue of subparagraph (1) of that paragraph and as amended by the Miscellaneous Provisions Regulations.

(3) Where these Regulations require anything to be done within a specified period after or from a specified day or event, the period begins immediately after the specified day or, as the case may be, the day on which the specified event occurs.

Application of the Regulations to the Scottish Special Housing Association and its employees

A3. Subject to the modifications set out in Schedule 2, these Regulations and any other Regulations having effect as if made under section 7 of the Act of 1972 shall apply to the Scottish Special Housing Association and its employees as though it were a body described in Part I of Schedule 3 and an administering authority.

Transfers from England and Wales to Scotland

A4.—(1) In this regulation “previous local government employment” means employment or employments in England and Wales—

- (a) in relation to any time before 1st April 1974, as a contributory employee within the meaning of the Local Government Superannuation Act 1937⁽¹⁾ or as a local Act contributor within the meaning of that Act, and
- (b) in relation to any time after 31st March 1974, in which the person was or was deemed to be a pensionable employee within the meaning of the Local Government Superannuation Regulations 1974⁽²⁾ or by virtue of which the person was a contributor to the local Act Superannuation Fund within the meaning of the Local Government Superannuation (City of London) Regulations 1977⁽³⁾.

(2) This regulation shall apply to a person who was in previous local government employment and to whom Part II of the Local Government Superannuation (England and Scotland) Regulations 1948 to 1970⁽⁴⁾ did not apply and who—

- (a) entered employment with a scheduled body on or after 1st April 1974, or
- (b) had ceased to be in previous local government employment on or after 1st April 1972, and more than a year after so ceasing became a contributing employee or local Act contributor.

(3) Where this regulation applies—

- (a) “appointed day” for the purposes of the 1974 Regulations shall be 1st April 1974;
- (b) these Regulations shall apply as if any period of previous local government employment was service with a scheduled body;
- (c) except in regulation A5, any reference in these Regulations to an enactment, rule or regulation shall be deemed to include a reference to the corresponding provisions which applied or which apply in England and Wales.

Transfers from Scotland to England and Wales

A5.—(1) This regulation shall apply to a person—

- (a) who on or after 31st March 1972 ceases to be employed in a local government employment;
- (b) who subsequently enters employment with a scheduled body within the meaning of the Local Government Superannuation Regulations 1974 or the Local Government Superannuation Regulations 1986⁽⁵⁾ (hereinafter referred to as “the new employment”); and
- (c) to whom Part III of the Local Government Superannuation (England and Scotland) Regulations 1948 did not apply.

(1) 1937 c. 68

(2) S.I. 1974/520; the relevant amending instruments are 1977/1341, 1978/822 and 1979/1534

(3) S.I. 1977/1341

(4) S.I. 1948/1131, 1949/631, 1954/1250, 1970/1126

(5) S.I. 1986/24

(2) Part Q of these Regulations shall apply to a person to whom this regulation applies as if on the date of entry to the new employment he had become employed by a scheduled body and any references to “new local government employment” and “new fund authority” in that Part of these Regulations shall be treated as if they included a reference to the corresponding terms in Part Q of the Local Government Superannuation Regulations 1986.

Payment of benefits

A6. Except where the contrary intention appears any benefit payable under these Regulations shall be paid out of the appropriate superannuation fund.