
STATUTORY INSTRUMENTS

1989 No. 967 (S.93)

PENSIONS

**The Local Government Superannuation
(Scotland) Amendment (No.2) Regulations 1989**

<i>Made</i>	- - - -	<i>7th June 1989</i>
<i>Laid before Parliament</i>		<i>19th June 1989</i>
<i>Coming into force</i>	- -	<i>10th July 1989</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972((1)) and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned and such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate in accordance with section 7(5) of that Act, and not having considered consultation with any individual local authority desirable, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Local Government Superannuation (Scotland) Amendment (No.2) Regulations 1989.

(2) These Regulations shall come into force on 10th July 1989 and shall have effect from 1st April 1989.

Interpretation

2. In these Regulations “the principal Regulations” means the Local Government Superannuation (Scotland) Regulations 1987((2)).

Application of the Regulations to Scottish Homes, their employees, and former employees of the Scottish Special Housing Association

3. In regulation A3 of the principal Regulations—

(a) in paragraph (1) for the words “and (4),” there shall be substituted the words “, (4) and (5),” ; and

(b) at the end of the regulation there shall be inserted the following paragraph:—

(1) 1972 c. 11; section 7(3) was extended by the Pensions (Increase) Act 1974 (c. 9), section 2(2).
(2) S.I.1987/1850, amended by S.I. 1988/625, 1989/422 and 802.

“(5) Regulation P3A shall not apply in respect of pensions, allowances or gratuities payable under these Regulations out of the superannuation fund maintained by Scottish Homes.”.

Pensions increase for certain employees admitted to the fund or further fund

4. For the heading of regulation P3 of the principal Regulations there shall be substituted “Pensions increase for certain employees admitted to the fund or further fund” .

Pensions increase

5. After regulation P3 of the principal Regulations there shall be inserted the following regulation:—

“Pensions increase

P3A.—(1) Subject to paragraph (2), and to regulation A3(5), the appropriate superannuation fund shall bear the costs of all increases under the Pensions (Increase) Act 1971((3)) in respect of pensions, allowances and gratuities payable to, or in respect of, a person under these Regulations, other than under Parts K and L.

(2) This regulation shall not apply to a person in respect of whom increases are provided for by regulation P3.”.

St. Andrew’s House,
Edinburgh
7th June 1989

Michael B. Forsyth
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government Superannuation (Scotland) Regulations 1987 to provide for the cost of increases under the Pensions (Increase) Act 1971 in respect of benefits payable under the 1987 Regulations to be borne by the appropriate superannuation fund instead of the employing authority. This does not apply to gratuities under Part K of the 1987 Regulations or injury allowances under Part L. It does not apply to benefits payable out of the fund maintained by Scottish Homes. For certain benefits the cost of increase is already borne by the fund under regulation P3 of the 1987 Regulations. By reason of section 7(3) of the Superannuation Act 1972, these Regulations prevail over provisions of the Pensions (Increase) Act 1971 and regulations made under it.

These Regulations have retrospective effect as authorised by section 12 of the Superannuation Act 1972.