
STATUTORY INSTRUMENTS

1990 No. 422

**The Local Government Superannuation
(Scotland) Amendment Regulations 1990**

Payment in respect of previous service by a person who elected under regulation B2A of the 1974 Regulations

12. After regulation C16 of the principal Regulations there shall be added the following regulation—

“Payment in respect of previous service by a person who elected under regulation B2A of the 1974 Regulations

C17.—(1) This regulation applies to a pensionable employee or former pensionable employee or the widow or widower of such a person who, on 1st April 1986, or within 12 months of that date, made an election under regulation B2A of the 1974 Regulations⁽¹⁾ and who is entitled to reckon a period as qualifying service by virtue of regulation D2(2)(b).

(2) Subject to paragraphs (3) and (4), a person to whom this regulation applies may, by notice in writing given to the appropriate administering authority, elect to make payment to the appropriate superannuation fund in order to become entitled under regulation D12 to reckon such qualifying service as is specified in paragraph (1), or part thereof, as reckonable service.

(3) A notice under paragraph (2) shall specify—

- (a) whether payment is to be made in respect of the whole of the qualifying service specified in paragraph (1) or, if not, the length and dates of the part of that service it is desired to reckon as reckonable service; and
- (b) whether payment is to be made by lump sum or, where the person is still a pensionable employee, by instalments; and
- (c) where payment is to be made by instalments, over what period of years the instalments are to be paid; such period not exceeding 5 years or the period between the date of the election and the date on which the pensionable employee attains the age of 65 years, whichever is the shorter.

(4) An election under this regulation shall be made within 6 months of this regulation coming into force.

(5) Subject to paragraphs (6) to (8), where a notice under paragraph (2) specifies that payment is to be made by lump sum, the payment to be made shall be 12% of the pensionable employee's, or former pensionable employee's, annual rate of remuneration as at 1st April 1986 for each complete year specified in the notice and pro rata for any fraction of a year.

(6) The appropriate employing authority shall meet 50% of the sum, calculated in accordance with paragraph (5), in respect of such service as is specified in the notice under paragraph (2) occurring between 1st April 1974 and 31st March 1978 or, in the case of a manual worker, between 1st April 1973 and 31st March 1978.

(1) S.I.1974/812; the relevant amending instrument was S.I. 1986/214.

(7) The appropriate employing authority may give notice to a person who has given notice under paragraph (2), and to the appropriate administering authority, of their intention to meet a proportion, not exceeding 50%, of the sum calculated in accordance with paragraph (5) in respect of such service as is specified in the notice under paragraph

(2) occurring after 31st March 1978.

(8) Where paragraph (6) and, as the case may be, paragraph (7) apply, the sum or sums to be paid by the person who has given notice under paragraph (2) shall be correspondingly reduced and—

- (a) the appropriate employing authority shall make the appropriate payment, where the pensionable employee has opted to pay by lump sum, within one month of that person paying a lump sum to the appropriate administering authority; or
- (b) where payments are being made by instalments, payments to be made by the employing authority shall be made at the same time as the instalments fall to be made by the person who has given notice under paragraph (2).

(9) Where a notice given under paragraph (2) specifies that payment is to be made by instalments, they shall be of equal amounts and be paid at such intervals as the appropriate administering authority determines, not being periods of more than one month.

(10) Where, before completion of payment of the instalments specified in a notice under paragraph (2), the person ceases to be employed and subsequently takes up a new local government employment and a transfer value, under regulation Q2, in respect of his benefits is paid for the credit of a superannuation fund maintained under these Regulations by a different administering authority from the one to which the above-mentioned notice was given, the remaining instalments shall be paid to that superannuation fund.

(11) Where, before completion of payment of the instalments specified in a notice given under paragraph (2), the person ceases to be a pensionable employee, and becomes entitled to benefits under regulation E2(1)(c) or to a transfer value under regulation J2, the person may elect to pay the balance of the instalments within 3 months of so ceasing to be a pensionable employee, but if the person does not so elect, or fails otherwise to make payment of any of the instalments, the reckonable service specified in the notice shall be reduced pro rata by the same proportion that the sum of the outstanding instalments bears to the sum of the total instalments that would have been paid.

(12) Where, before completion of payment of the instalments specified in a notice given under paragraph (2), the person ceases to be a pensionable employee and becomes entitled to benefits under regulation E2(1)(a), (b)(iii) or (d), the appropriate administering authority shall deduct an amount equivalent to the balance of the instalments outstanding from the person's lump sum retiring allowance.

(13) Where, before completion of payment of the instalments specified in a notice given under paragraph (2), a pensionable employee dies, or ceases to hold his employment by reasons of permanent ill-health or infirmity of mind on body, the payments will be deemed to have been completed.

(14) Payment of instalments specified in a notice given under paragraph (2) may be discontinued if the pensionable employee satisfies the appropriate administering authority that its continuance would cause financial hardship and, in such circumstances, the reckonable service specified in the notice shall be reduced pro rata by the same proportion that the sum of the outstanding instalments bears to the sum of the total instalments that would have been paid.

(15) Where a reduction in reckonable service has been made under paragraph (14), payment of instalments may be resumed if the pensionable employee satisfies the appropriate administering authority that payment would no longer cause financial hardship.

- (16) In this regulation “appropriate employing authority” means–
- (a) in the case of a pensionable employee, the body employing him; and
 - (b) in the case of a former pensionable employee, the body employing him when he made an election under regulation B2A of the 1974 Regulations.”.