

---

STATUTORY INSTRUMENTS

---

**1995 No. 750 (S.70)**

**LOCAL GOVERNMENT, SCOTLAND  
PENSIONS**

**The Local Government (Superannuation and  
Compensation for Premature Retirement)  
(Scotland) Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>14th March 1995</i>
<i>Laid before Parliament</i>		<i>16th March 1995</i>
<i>Coming into force</i>	- -	<i>6th April 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 24 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, individual local authorities with whom consultation appeared to him to be desirable 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, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Local Government (Superannuation and Compensation for Premature Retirement) (Scotland) Amendment Regulations 1995 and shall come into force on 6th April 1995.

**Interpretation**

2. In these Regulations—

“the 1979 Regulations” means the Local Government (Compensation for Premature Retirement) (Scotland) Regulations 1979(2);

“the 1987 Regulations” means the Local Government Superannuation (Scotland) Regulations 1987(3).

---

(1) 1972 c. 11; section 7(3) was extended by the Pensions (Increase) Act 1974 (c. 9), section 2(2).  
(2) S.I. 1979/785; amended by S.I. 1982/917, 1984/846, 1986/409, 1990/125, 1992/1025 and 1597, 1993/490, 1994/1715 and 3068 and 1995/340.  
(3) S.I. 1987/1850; amended by S.I. 1988/625, 1989/422, 802 and 967, 1990/422 and 1284, 1991/78, 1992/1220, 1597 and 3025, 1993/1593, 2013 and 3044, 1994/531 and 1995/214.

### Amendment of the 1979 Regulations

3. Schedule 1 (employing authorities who may credit certain pensionable employees with an additional period of service) to the 1979 Regulations shall be amended—

- (a) by substituting in paragraph (b) for the words “paragraph (a)” the words “paragraph (a) or (m)”; and
- (b) by inserting at the end of the Schedule the following paragraphs:—
  - “(m) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(4)</sup> in respect of which elections require to be held on 6th April 1995 in terms of section 5(2) of that Act;
  - (n) a body established under section 62(1) of the Local Government etc. (Scotland) Act 1994 (new water and sewerage authorities);
  - (o) the Scottish Children’s Reporter Administration, established under section 128 of the Local Government etc. (Scotland) Act 1994.”.

### Amendment of the 1987 Regulations

4.—(1) Regulation C1 (appropriate superannuation fund) of the 1987 Regulations shall be amended by inserting after paragraph (3) the following new paragraph:—

“(3A) In relation to the pensionable employees of the employing authorities specified in column (1) of the Table below the appropriate superannuation fund shall be the fund maintained by the administering authority specified in column (2) of that Table opposite the name of the employing authority.

TABLE

(1) Employing authority	(2) Administering authority
East of Scotland Water Authority	Lothian Regional Council
West of Scotland Water Authority	Strathclyde Regional Council
North of Scotland Water Authority	Grampian Regional Council
Scottish Children’s Reporter Administration	Central Regional Council”.

(2) Regulation E2 (entitlement to retirement pension and retiring allowance) of the 1987 Regulations shall be amended—

- (a) by inserting in paragraph (5) at the beginning the words “Subject to paragraph (5A),”; and
- (b) by inserting after paragraph (5) the following new paragraph:—

“(5A) A person entitled to benefits by virtue of paragraph (1)(b)(iii), who is also a person to whom the provisions of regulation 7 of the Local Government (Compensation for Redundancy or Premature Retirement on Reorganisation) (Scotland) Regulations 1995<sup>(5)</sup> applies, may waive his entitlement under paragraph (1)(b)(iii) by notice in writing to his employing authority, but such waiver shall not prejudice his entitlement to benefit under any other provision of this regulation.”.

(3) Regulation E24 (certificates as to reduction in remuneration) of the 1987 Regulations shall be amended by inserting at the end of paragraph (1A) the following sub-paragraph:—

---

(4) 1994 c. 39.

(5) S.I. 1995/340.

“or

- (c) as a consequence of the provisions of the Local Government etc. (Scotland) Act 1994 at any time during the period beginning with 6th April 1995 and ending with 1st April 1996 he ceases to be employed by a local authority constituted under section 2 of the Local Government (Scotland) Act 1973(6), a joint board or joint committee the members of which are all such local authorities or by Central Scotland Water Development Board and obtains employment at a reduced remuneration with either a body constituted under sections 2, 62(1) or 128 of the Local Government etc. (Scotland) Act 1994 or a joint board the constituent authorities of which are all councils constituted under section 2 of that Act.”.
- (4) Part I of Schedule 3 (pensionable employees) to the 1987 Regulations shall be amended—
  - (a) by substituting in paragraph 2 for the words “such councils as aforesaid” the words “councils specified in paragraph 1 or 7 of this Part”; and
  - (b) by inserting at the end the following paragraphs:—
    - “7. A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in respect of which elections require to be held on 6th April 1995 in terms of section 5(2) of that Act.
    - 8. A body established under section 62(1) of the Local Government etc. (Scotland) Act 1994 (new water and sewerage authorities).
    - 9. The Scottish Children’s Reporter Administration, established under section 128 of the Local Government etc. (Scotland) Act 1994.”.

St Andrew’s House,  
Edinburgh  
14th March 1995

*Fraser of Carmyllie*  
Minister of State, Scottish Office

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations extend the scope of the Local Government (Compensation for Premature Retirement) (Scotland) Regulations 1979 (S.I. 1979/785) and the Local Government Superannuation (Scotland) Regulations 1987 (S.I. 1987/1850) (“the 1987 Regulations”) so that the provisions of these Regulations will apply to staff of new councils, new water and sewerage authorities and the Scottish Children’s Reporter Administration which are all constituted or established in terms of the Local Government etc. (Scotland) Act 1994 (c. 39) (“the 1994 Act”) (regulations 3 and 4(4)).

These Regulations also make three further amendments to the 1987 Regulations.

Regulation C1 of the 1987 Regulations is amended by adding a new paragraph to identify which of the existing superannuation funds maintained under regulation P1 of those Regulations is to be the appropriate superannuation fund in relation to the pensionable employees of the three new water and sewerage authorities and the Scottish Children’s Reporter Administration. (Regulation 4(1)).

A new paragraph is added to regulation E2 of the 1987 Regulations to enable staff aged 50 or over with reckonable service and qualifying service amounting in aggregate to 2 or more but less than 5 years who are eligible to receive payment of compensation in terms of the Local Government (Compensation for Redundancy or Premature Retirement on Reorganisation) (Scotland) Regulations 1995 (S.I. 1995/340) (“the 1995 Regulations”) to waive their right to immediate payment of an annual retirement pension and a lump sum retiring allowance in terms of regulation E2(1)(b)(iii) and E2(5) of the 1987 Regulations. Such employees are required to waive this right before they can receive compensation under the 1995 Regulations. A waiver of this right will not affect the employee’s right to benefit when he qualifies under any other provision in regulation E2. (Regulation 4(2)).

Regulation E24 of the 1987 Regulations is amended by providing that where during the period starting on 6th April 1995 and ending on 1st April 1996 an employee of a local authority constituted under section 2 of the Local Government (Scotland) Act 1973, a joint board or joint committee comprising only such authorities or Central Scotland Water Development Board ceases to be employed by that body in consequence of the provisions of the 1994 Act and obtains employment with a new council, a new water and sewerage authority or the Scottish Children’s Reporter Administration or a joint board the constituent authorities of which are all new councils, at a reduced remuneration, such a reduction is to be treated as a “reduction in remuneration” for the purposes of regulation E24. He shall therefore be entitled to be issued with a certificate to that effect. Issue of such a certificate has certain consequences for the purpose of determining the employee’s pensionable remuneration in terms of regulation E22 of the 1987 Regulations. (Regulation 4(3)).