

SCHEDULE 2

other entitlement

Regulations 4(1)(b) and 14(2)

PART I

RESIDUAL ENTITLEMENT

1. Where a designated teacher has been credited with a period of extra service in respect of the cessation of an employment before the material date, he shall, for the purposes of regulation 4(1)(b), have to his credit a period of residual entitlement, which shall be calculated in accordance with paragraph 3.

2. Where a designated teacher ceases to hold a new employment, he shall, for the purposes of regulation 14(2), have to his credit a period of residual entitlement, which shall be calculated in accordance with paragraph 4.

3. For the purposes of regulation 4(1)(b), a designated teacher's period of residual entitlement shall, subject as mentioned in paragraph 5(d), be

$$(A + B + C) - D,$$

where—

A is the period of extra service credited to him, reduced as necessary in accordance with paragraph 5(e);

B is the period of his former employment;

C is the aggregate of any periods falling between the first cessation of employment that gave rise to A and the commencement of the former employment during which he was in pensionable employment or in employment which would have been pensionable employment but for an election under regulation B6 of the Superannuation Regulations; and

D is the period beginning with the date immediately following the first cessation of employment which gave rise to A and ending on the material date.

4. For the purposes of regulation 14(2), a designated teacher's period of residual entitlement shall be the aggregate of—

(a) any period of extra service granted to him, reduced as may be necessary in accordance with paragraph 5(e); and

(b) the period of additional service credited under regulation 4, reduced as may be necessary in accordance with paragraph 5(f).

5. In this Part—

(a) “first cessation”, in relation to a designated teacher, means—

(i) if a period of extra service has been granted to him in respect of one cessation of employment, that cessation; or

(ii) if a period of extra service has been granted to him in respect of more than one such cessation, the first of those cessations;

(b) “period of extra service”, in relation to a designated teacher, means a period by which his service has been increased or the period of service with which he has been credited, before the material date, for the purpose of calculating—

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- (i) retirement compensation under regulations made under section 219 of the Local Government (Scotland) Act 1973, or a similar instrument, on account of loss of employment; or
- (ii) benefit under regulations made under section 220 of the Local Government (Scotland) Act 1973(1), or a similar instrument; or
- (iii) compensation under any scheme made under section 1 of the 1972 Act, or a similar instrument, on account of his retirement in the public interest; or
- (iv) compensation under these Regulations or any other regulations made under section 24 of the 1972 Act, or a similar instrument, on account of his ceasing to hold an employment with an authority by reason of redundancy or in the interests of the efficient exercise of the functions of that authority,

or, if more than one period of extra service has been credited to him, the aggregate of those periods;

- (c) “similar instrument” means any instrument made under any provision to the like effect in any other enactment (whenever enacted);
- (d) in a case where period D described in paragraph 3 exceeds the aggregate of periods A, B and C described in that paragraph, no account shall be taken of the excess;
- (e) where a person, after his first cessation, has ceased to hold an employment and his—
 - (i) period of extra service has been reduced by; or
 - (ii) compensation or benefit, attributable to a period of service, has been reduced on account of,

the period of that employment or a part thereof (in this sub-paragraph referred to as “that period”), period A described in paragraph 3 or, as the case may be, his period of extra service for the purposes of paragraph 4(a) shall be reduced by that period; and

- (f) where a designated teacher’s annual compensation has been reduced in accordance with regulation 14 on account of a period of previous new employment or a part thereof (in this sub-paragraph referred to as “that period”), the period of his additional service shall, for the purposes of paragraph 4(b), be reduced by that period; and in this sub-paragraph “annual compensation” has the meaning given in regulation 14(4)(a), and “previous new employment” has the meaning given in regulation 14(4)(c).

Regulation 5(2) and (3)

PART II

PREVIOUS ENTITLEMENT

6. Where a designated teacher has become entitled to receive a lump sum, or an allowance for life or other period, under an enactment (whenever enacted) or under a contract or arrangement with his employer as compensation for loss of an employment, or his retirement or removal from an employment, which loss, retirement or removal occurred before the material date and that lump sum or allowance—

- (a) is not compensation or benefit described in paragraph 5(b), or an excepted payment in relation to that employment; and
- (b) was calculated by reference to a period of service which the employing authority has taken into account for the purpose of granting him additional service,

(1) 1973 c. 65; section 220 was repealed by the Local Government and Planning (Scotland) Act 1982 (c. 43), Schedule 4, Part I.

he shall be treated as previously entitled to the lump sum or allowance for the purposes of regulation 5.

7. The amount of the lump sum or allowance to which a designated teacher is previously entitled shall be ascertained in the following manner:—

(a) for the purposes of regulation 5(2), the amount is an amount equal to—

$$A \times \frac{C}{D}$$

and

(b) for the purposes of regulation 5(3), the amount is an amount equal to—

$$B \times \frac{C}{D}$$

where—

A is the amount of the lump sum first referred to in paragraph 6;

B is the annual rate of the allowance which is payable in respect of a period beginning after the material date;

C is the period of service referred to in paragraph 6(b), expressed in years and fractions of a year; and

D is the period of service which the employer took into account for the purpose of granting him the lump sum or allowance first referred to in paragraph 6, expressed in years and fractions of a year.