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STATUTORY INSTRUMENTS

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**1998 No. 192**

**The Local Government (Discretionary Payments  
and Injury Benefits) (Scotland) Regulations 1998**

**PART V**

**INJURY ALLOWANCES ETC.**

**Allowances for pensioners**

- 41.**—(1) Where a person ceases to be employed in a relevant employment, if—
- (a) immediately before so ceasing he was entitled to an allowance under regulation 40;
  - (b) on so ceasing regulation 39 does not apply, but he becomes entitled under Part E of the Superannuation Regulations to receive payments in respect of an annual retirement pension and regulation E22(4) of those Regulations (different relevant period for calculating pensionable remuneration where a material reduction has been certified) does not apply; and
  - (c) the annual rate of the retirement pension in any year falls short of what it would have been if the amount of the allowance paid under regulation 40 during the period which is the relevant period for the purposes of regulation E22 of the Superannuation Regulations had been part of his remuneration in the relevant employment,

the relevant employer may pay him an allowance (but not of an amount in any year exceeding that shortfall).

(2) An allowance under this regulation continues for such period as the relevant employer may determine.