

SCHEDULE 1

AMENDMENT TO THE LOCAL GOVERNMENT (DISCRETIONARY PAYMENTS AND INJURY BENEFITS) (SCOTLAND) REGULATIONS 1998

Amendments to Part III: Compensation for Premature Retirement

1. In regulation 5 (interpretation of Part III)–
 - (a) in paragraph (2)(c)(ii) after “married” insert “or formed a civil partnership with”; and
 - (b) after paragraph (2) insert–
 - “(2A) In paragraph (2)(c)(iii) a family includes a family resulting from the formation of a civil partnership.”.
2. For the italicised heading relating to regulations 20 and 21 substitute–

“Awards to surviving spouses or civil partners”.
3. Regulation 20(1) (entitlement to surviving spouse’s short-term and long-term compensation) is amended in accordance with paragraphs 4 to 9.
4. In the heading after “surviving spouse's” insert “or civil partner's”.
5. In paragraph (1)–
 - (a) for “a spouse or spouses” substitute “a spouse, spouses or a civil partner”; and
 - (b) for “(surviving spouses' pensions)” substitute “(surviving spouses' or civil partners' pensions)”.
6. In paragraph (2)–
 - (a) after “surviving spouse”, in both places in which it occurs, insert “or civil partner”; and
 - (b) after “surviving spouse's”, in both places in which it occurs, insert “or civil partner's”.
7. In paragraph (3)–
 - (a) after “marriage” insert “or formation of the civil partnership”;
 - (b) after “surviving spouse” insert “or civil partner”; and
 - (c) after “surviving spouse's”, in both places in which it occurs, insert “or “civil partner's”.
8. In paragraph (4)–
 - (a) after “surviving spouse”, in both places in which it occurs, insert “or civil partner”;
 - (b) in sub-paragraph (a) after “marriage”, in both places in which it occurs, insert “or civil partnership”; and
 - (c) in sub-paragraph (b)–
 - (i) after “surviving spouse's” insert “or civil partner's”; and
 - (ii) after “marriage” insert “, civil partnership”.
9. For paragraph (5) substitute–

“(5) Where two persons referred to in paragraph (5A), each of whom is entitled to short-term or long-term compensation under this regulation, marry each other, form a civil partnership or begin to live with each other as if they were husband and wife or as if they were civil partners–

(1) Regulation 20 was amended by S.I.1998/364, Schedule 3, paragraph 4 and S.S.I. 2000/77, regulation 5.

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- (a) only such one of them as they may determine shall be so entitled; and
- (b) the other shall cease to be so entitled until the end of the marriage, civil partnership or period of cohabitation.

(5A) Those persons are—

- (a) a widower,
- (b) a widow, or
- (c) a surviving civil partner

of any eligible person who ceased employment before 1st April 1998.

(5B) For the purposes of this regulation, two people of the same sex are to be regarded as living together as if they were civil partners if they would be regarded as living together as husband and wife if they were not of the same sex.”.

10. Regulation 21(2) (amount of surviving spouse’s short term and long term compensation) is amended in accordance with paragraphs 11 to 15.

11. In the heading, after “surviving spouse's” insert “or civil partner's”.

12. In paragraph (1) after “Surviving spouse's” insert “or civil partner's”.

13. In paragraph (2) after “Surviving spouse's” insert “or civil partner's”.

14. In paragraph (4)—

- (a) after “surviving spouse” insert “or civil partner”; and
- (b) after “surviving spouse's” insert “or civil partner's”.

15. In paragraph (5) after “surviving spouse” insert “or civil partner”.

16. In regulation 22(3)(3) (entitlement to children’s short-term compensation)—

- (a) after “surviving spouse's” insert “or civil partner's”; and
- (b) after “surviving spouse” insert “or civil partner”.

17. In regulation 25(2)(4) (amount of children’s long term compensation)—

- (a) after “surviving spouse”, in the three places in which it occurs, insert “or civil partner”; and
- (b) after “surviving spouse's” insert “or civil partner's”.

(2) Regulation 21 was amended by S.I. 1998/364, Schedule 3, paragraph 4.

(3) Regulation 22 was amended by S.I. 1998/364, Schedule 3, paragraph 4.

(4) Regulation 23 was amended by S.I. 1998/364, Schedule 3, paragraph 4.