
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 471

**The Local Governance (Scotland) Act 2004
(Severance Payments) Regulations 2006**

Application procedures for severance payments

6.—(1) For the purposes of section 12(2)(b) of the 2004 Act, a member of a local authority wishing to apply for a severance payment shall make an application to the local authority of which they are a member.

(2) Unless the circumstances in paragraph (3) apply, an application for a severance payment shall be submitted by a member of a local authority to be received by that authority on or before the date which is the later of—

- (a) 20th October 2006; or
- (b) the date that is 4 weeks after the date when, in respect of that local authority area, the next Order is made by the Scottish Ministers under section 17(2) of the 1973 Act⁽¹⁾ (Commission's reports and their implementation) which Order determines the electoral wards in that area, but provided that where such Order has not been made by 17th November 2006, that date shall be deemed to be 15th December 2006.

(3) Where as at the date of making an application, a connected person has either died within 3 weeks prior to that date, or is terminally ill, then an application for a severance payment shall be submitted by a member of a local authority to be received by that authority on or before 22nd March 2007.

(4) An application for a severance payment shall contain the information relating to the member of the local authority who is applying, as specified in paragraph (5).

- (5) That information is—
- (a) the name and residential address of the member;
 - (b) the date of birth of the member;
 - (c) the political party affiliation of the member (if any);
 - (d) the member's assessment of their total number of years of service calculated in accordance with Regulation 5(2);
 - (e) the member's assessment of the amount of the severance payment to which they are entitled in accordance with Regulation 5(1);
 - (f) a declaration by the member which confirms that the information in the application is accurate as far as the member is aware;
 - (g) where the circumstances stated in paragraph (3) apply, and a member decides to make an application by the date provided for in that paragraph, a declaration by the member that those circumstances apply; and
 - (h) a declaration by the member to the effect that they do not intend to be a candidate at any ordinary elections.

(1) The functions of the Secretary of State in section 17(2) transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

- (6) On or before the date provided for in paragraph (7), each local authority shall—
- (a) compile the information (as specified in paragraph (5)) relating to the members of that local authority who have applied for a severance payment and any other information that the local authority reasonably considers is required to make a severance payment to such members, and
 - (b) provide in writing to the Scottish Ministers—
 - (i) that information for such members; and
 - (ii) confirmation that either the head of paid service or the monitoring officer of the local authority⁽²⁾, as each local authority considers appropriate, has examined the information and confirms that they consider that the information is accurate.
- (7) That date is—
- (a) 17th November 2006, for those applications that must be received by the local authority on or before the date specified in paragraph (2)(a);
 - (b) 10th January 2007, for those applications that must be received by the local authority on or before the date provided for in paragraph (2)(b);
 - (c) 5th April 2007, for those applications that must be received by the local authority on or before the date specified in paragraph (3).
- (8) Each local authority shall make a severance payment to each of the persons entitled to receive payment (in accordance with the provisions of Regulations 3 to 5) on or before the date that is 14 calendar days after the date of the next ordinary election to be held.
- (9) An application for a severance payment shall remain valid where it does not contain some or all of the information specified in paragraph (5), but it is not valid where either—
- (a) it does not contain the name of the member;
 - (b) it is not signed by the member;
 - (c) it does not contain the declaration required by paragraph (5)(f);
 - (d) where the circumstances stated in paragraph (3) apply, and a member decides to make an application by the date provided for in that paragraph, it does not contain the declaration required by paragraph (5)(g); or
 - (e) it does not contain the declaration required by paragraph (5)(h).
- (10) The Scottish Ministers shall publish the names of the members who have applied for a severance payment at any time during January 2007.

(2) The head of paid service and the monitoring officer are designated by a local authority by virtue of sections 4 and 5 of the Local Government and Housing Act 1989 (c. 42) respectively.