

## 1982 No. 917 (S. 121)

## LOCAL GOVERNMENT, SCOTLAND

**The Local Government (Compensation for Premature Retirement) (Scotland) Amendment Regulations 1982**

<i>Made</i> - - - - -	17th June 1982
<i>Laid before Parliament</i>	20th July 1982
<i>Coming into Operation</i>	10th August 1982

In exercise of the powers conferred on me by section 24 of the Superannuation Act 1972(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Local Government (Compensation for Premature Retirement) (Scotland) Amendment Regulations 1982 and shall come into operation on 10th August 1982.

*Interpretation*

2. In these regulations, unless the context otherwise requires—

“the principal regulations” means the Local Government (Compensation for Premature Retirement) (Scotland) Regulations 1979(b).

*Amendment of the principal regulations*

3. In regulation 3 of the principal regulations the following definition shall be inserted after the definition of “beneficiary”—

“educational establishment” means an establishment of a kind specified in paragraphs (f), (g) or (h) of Schedule 1;

4. In regulation 20(1) of the principal regulations after the words “paragraph (2)” there shall be inserted the words “and regulation 21”.

5. After regulation 20 of the principal regulations there shall be added the following regulation—

“21.—(1) This regulation applies in the case of an eligible person employed by an employing authority listed in paragraphs (f), (g) or (h) of Schedule 1, and of any person entitled to compensation by virtue of the employment of such an eligible person.

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(a) 1972 c. 11.

(b) S.I. 1979/785.

(2) Compensation payable under these regulations to any person to whom this regulation applies, which such a person is entitled to receive at a date following on the date of closure of the educational establishment in which the former employment was held, shall be paid by the Secretary of State.

(3) For the purpose of this regulation—

- (a) the date of closure of an educational establishment referred to in paragraphs (f) or (g) of Schedule 1 shall be the date with effect from which the establishment is dissolved by regulations made by the Secretary of State in terms of section 77 of the Education (Scotland) Act 1980(a), and where no provision has been made in such regulations for the transfer of the obligation imposed upon that establishment under regulation 20(1) of these regulations, and
- (b) the date of closure of an educational establishment referred to in paragraph (h) of Schedule 1 shall be the date with effect from which any certificate of approval of the establishment issued under section 83 of the Children and Young Persons (Scotland) Act 1937(b) is withdrawn by the Secretary of State or surrendered by the managers.”

6. In Schedule 1 to the principal regulations (employing authorities who may credit certain pensionable employees with an additional period of service) there shall be added the following paragraphs after paragraph (e)—

- “(f) The governing body of a college of education as defined in section 135(1) of the Education (Scotland) Act 1980;
- (g) The governing body of a central institution as defined in section 135(1) of the Education (Scotland) Act 1980 other than a college of agriculture;
- (h) The managers, other than a local authority, of a school which immediately before the commencement of Part III of the Social Work (Scotland) Act 1968(c) was approved under section 83 of the Children and Young Persons (Scotland) Act 1937 if that approval remains in force at the date when the pensionable employee ceased to be employed by those managers.”

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St Andrew's House,  
Edinburgh.  
17th June 1982

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(a) 1980 c. 44.

(b) 1937 c. 37.

(c) 1968 c. 49.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations by extending the application of the Local Government (Compensation for Premature Retirement) (Scotland) Regulations 1979 allow for the payment of compensation to or in respect of persons aged 50 or over, who are members of the Local Government Superannuation Scheme, and employed in a college of education, central institution or List D School. Compensation is payable to such persons in terms of the principal regulations, as amended by these regulations, where such persons are prematurely retired by their employing authorities on redundancy or in the interests of the efficiency of their employing authorities' functions. The compensation is in the form of additions to accrued superannuation benefits. The regulations also make provision for the payment of such compensation in the event of closure of the college of education, central institution or List D School in which such persons were employed at the time of their premature retirement.

SI 1982/917  
ISBN 0-11-026917-9



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