
 S T A T U T O R Y I N S T R U M E N T S

1983 No. 1421 (S. 124)

PENSIONS

**The Local Government Superannuation (Scotland)
Amendment Regulations 1983**

<i>Made</i> - - - - -	<i>2nd September 1983</i>
<i>Laid before Parliament</i>	<i>4th October 1983</i>
<i>Coming into Operation</i>	<i>25th October 1983</i>

In exercise of the powers conferred on me by sections 7 and 12 of the Superannuation Act 1972(a), as read with paragraph 5(1) of Schedule 7 to that Act, and of all other powers enabling me in that behalf, after consultation with such associations of local authorities as appeared to me to be concerned and such representatives of other persons likely to be affected by the regulations as appeared to me to be appropriate in accordance with section 7(5) of the said Act, I hereby make the following regulations:—

Title and commencement

1.—(1) These regulations may be cited as the Local Government Superannuation (Scotland) Amendment Regulations 1983 and the Local Government Superannuation (Scotland) Regulations 1974 to 1982 and these regulations may be cited together as the Local Government Superannuation (Scotland) Regulations 1974 to 1983.

(2) In these regulations “the principal regulations” means the Local Government Superannuation (Scotland) Regulations 1974(b).

(3) These regulations shall come into operation on and have effect from 25th October 1983 except regulations 8, 9 and 21(2) which shall have effect as from 15th October 1982 and regulation 20 which shall have effect as from 19th March 1980.

Interpretation

2. In these regulations, unless the context otherwise requires, words and expressions to which meanings are assigned by the principal regulations have the same respective meanings.

Definitions

3. In regulation A3(1) of the principal regulations in the definition of “child” for the figure “16” wherever it occurs there shall be substituted the figure “17”.

(a) 1972 c. 11.

(b) S.I. 1974/812, 1975/638, 1978/425, 1378, 1794, 1926, 1980/198, 342, 1885, 1981/1892, 1982/385, 1303.

Use and investment of superannuation fund's moneys

4. The following regulation shall be substituted for regulation B6 of the principal regulations:—

“**B6.**—(1) Subject to paragraphs (3) to (7), an administering authority—

(a) shall invest any moneys forming part of the superannuation fund maintained by them (“fund moneys”) under this part that are not for the time being required to meet payments to be made out of the fund under these regulations, and

(b) may vary the manner in which any fund moneys are for the time being invested.

(2) For the purposes of this regulation and of regulation B5(c), investment includes use by the administering authority for any purpose for which they have a statutory borrowing power.

(3) On the total of any fund moneys used by them and for the time being not repaid an administering authority shall pay interest to the fund at a rate no lower than the lowest rate at which that amount could have been borrowed by them at arm’s length, otherwise than by way of overdraft from a bank, at 7 days’ notice.

(4) An administering authority shall not—

(a) make any investment in securities of companies other than listed securities so as to cause the total value of such investments (except investments made in accordance with a scheme under section 11 of the Trustee Investments Act 1961(a)) to exceed 10% of the value at the time of all investments of fund moneys, or

(b) make any investment, other than—

(i) an investment made in accordance with a scheme under section 11 of the Trustee Investments Act 1961, or

(ii) an investment falling within paragraph 1 of Part I or paragraph 1 or 2 of Part II of Schedule 1 to that Act, or

(iii) a deposit with a bank, institution or person falling within section 2 of the Banking Act 1979(b),

so as to result in more than 5% of the value at the time of all investments of fund moneys being represented by a single holding, or

(c) make any deposit falling within sub-paragraph (b)(iii) so as to bring the aggregate of fund moneys deposited with any one bank, institution or person other than the National Savings Bank to an amount which exceeds 10% of the value at the time of all investments of fund moneys, or

(a) 1961 c. 62.

(b) 1979 c. 37.

(d) lend to any person other than Her Majesty's Government in the United Kingdom or the Government of the Isle of Man, or use as mentioned in paragraph (2), or deposit with a person specified in paragraph 13 or 14 of Schedule 1 to the Banking Act 1979 any further fund moneys so as to bring the aggregate of all fund moneys so lent, used or deposited to an amount which exceeds 10% of the value at the time of all investments of fund moneys.

(5) For the purposes of paragraph 4(d) moneys are not lent if they are invested in registered securities to which section 1 of the Stock Transfer Act 1963 (a) applies or in listed securities.

(6) In the discharge of their functions under this regulation an administering authority shall have regard—

(a) to the need for diversification of investments of fund moneys,

(b) to the suitability of investments of any description of investment proposed and of any investment proposed as an investment of that description, and

(c) to proper advice, obtained at reasonable intervals.

(7) Paragraph (6)(c) does not apply where functions under this regulation are lawfully discharged, under arrangements made under section 56 of the Local Government (Scotland) Act 1973(b) or otherwise, by an officer who is competent to give proper advice.

(8) Where any fund moneys are used as mentioned in paragraph (2), sub-paragraphs (2) and (3) of paragraph 25 of Schedule 3 to the Local Government (Scotland) Act 1975(c) shall apply as they apply in the case of money so used under that paragraph; but except as aforesaid that paragraph shall not apply to a superannuation fund maintained under these regulations.

(9) An administering authority may pay out of fund moneys any costs, charges and expenses incurred by them in the discharge of their functions under this regulation.

(10) For the purposes of this regulation—

“companies” includes companies established under the law of any territory outside the United Kingdom;

“listed securities” means securities in respect of which a listing has been granted and not withdrawn—

(a) on a stock exchange in the United Kingdom which is a recognised stock exchange within the meaning of the Prevention of Fraud (Investments) Act 1958(d), or

(a) 1963 c. 18; section 1(4)(c) was amended by the Post Office Act 1969 (c. 48), section 108(1)(f).

(b) 1973 c. 65.

(c) 1975 c. 30.

(d) 1958 c. 45.

(b) on a stock exchange outside the United Kingdom of international repute;

“local authority” means a local authority within the meaning of the Local Government (Scotland) Act 1973 or the Local Government Act 1972(a), the Common Council of the City of London, the Council of the Isles of Scilly, and a district council within the meaning of the Local Government (Northern Ireland) Act 1972(b);

“proper advice” means the advice of a person, including an officer of theirs, who is reasonably believed by the administering authority to be qualified by his ability in and practical experience of financial matters;

“securities” includes shares, stock and debentures;

“single holding” means investments—

(a) in securities of or in units or other shares of the investments subject to the trusts of unit trust schemes managed by, or in loans to or deposits with, any one body, or

(b) in the acquisition, development or management of, or in any advance of money upon the security of, any separate interest in any one item of heritable property, or

(c) in the acquisition of any one item of moveable property;

and the value at any time of all investments of fund moneys, is to be taken to include the amount of any fund moneys used as mentioned in paragraph (2) and for the time being not repaid.”.

Absence due to trade dispute

5. In regulation C1A(3) of the principal regulations for the semi-colon there shall be substituted a full stop and the words thereafter shall be deleted.

Employer's additional contributions

6. The following regulation shall be substituted for regulation C6 of the principal regulations:—

“C6.—(1) Where a consent is given under regulation D10 in respect of an employee or was given under regulation 12 of the Benefits regulations in respect of an employee who is such a person as is mentioned in regulation D11, the employing authority shall be liable, so long as the employee remains in their employment, to contribute to the appropriate superannuation fund—

(a) contributions equal to the amount of the added period payments payable by the employee under that regulation; and

(b) contributions equal to any amounts by which, under the proviso to paragraph 1 of Schedule 6 or proviso (ii) to regulation 12(3) of the Benefits regulations the amounts payable by the employee as aforesaid have been reduced.

(2) Where the amounts payable by an employee have been reduced as mentioned in paragraph (1)(b) above or an employee is required by Schedule 4 to satisfy his liability in respect of the excess over 15 per cent. by payment in the manner therein mentioned, the amounts payable by the employing authority in respect of their liability under paragraph (1)(a) shall be amounts equal to those which would have been payable by the employee but for the reduction or the requirements of that schedule.

(3) Where on the employee's ceasing to hold his employment the employing authority agree to pay a sum under paragraph 2A of Schedule 5 and the employee pays the required amount for the purposes of that paragraph, the employing authority shall pay the agreed sum to the appropriate superannuation fund before the end of the period of one month beginning on the date of the payment by the employee.

(4) Whenever all or part of any sum due under the provisions of this regulation remains unpaid at the end of the period of one month after the date on which it becomes due, or of any subsequent period of one month, the employing authority shall pay to the administering authority a further sum equal to one-twelfth of a year's interest, at 1 per cent. above what was the base rate at the end of the first day of the period, on the amount remaining unpaid.

(5) Payments made in pursuance of paragraph (4) shall be paid into the appropriate superannuation fund.

(6) Where by virtue of paragraph 6 of Schedule 5 an election under regulation D10 continues to have effect then for the purposes of this regulation the employing authority in whose employment the employee became again a pensionable employee shall be deemed from the date of his becoming again a pensionable employee to be the employing authority who gave consent to the election under regulation D10."

Amount of retirement pension and retiring allowance

7. In regulation E3(6AA) of the principal regulations the figure "(i)" shall be deleted.

Entitlement to widow's short-term pension and widow's long-term pension

8. For regulation E5(1)(c) of the principal regulations there shall be substituted the following paragraph:—

"(c) was entitled at the time of his death to a retirement pension, but was not entitled at that time to receive payments in respect of that pension, other than by reason of the operation of regulation E15,".

Entitlement to children's short-term pension and children's long-term pension

9. For regulation E8(1)(c) of the principal regulations there shall be substituted the following paragraph:—

"(c) was entitled at the time of his death to a retirement pension, but was not entitled at that time to receive payments in respect of that pension, other than by reason of the operation of regulation E15,".

Amount of children's short-term pension and children's long-term pension

10. In regulation E9(4) of the principal regulations, for the figure "16" there shall be substituted the figure "17".

Pensions of widowers, etc.

11.—(1) At the beginning of regulation E12 of the principal regulations there shall be inserted the figure "—(1)".

(2) In the said regulation E12 for paragraphs (a) and (b) there shall be substituted the following paragraphs:—

"(a) has a husband who is permanently incapacitated by reason of ill-health or infirmity of mind or body and who is wholly or mainly dependent on her, and notifies the appropriate administering authority in writing that she wishes to have the provisions of this regulation applied to her, or

(b) has no husband but has an eligible child or eligible children,".

(3) In the proviso to the said regulation E12—

(a) for the words "Provided that if after giving a notification under paragraph (b) she marries or" there shall be substituted the words "(2) Where a female pensionable employee gives notice under paragraph 1(a) and thereafter she", and

(b) at the end the full stop shall be deleted and there shall be added the words "and she gives a further notification under paragraph (1)(a).".

Payments by employing authorities to administering authorities

12.—(1) In regulation L5(1) of the principal regulations sub-paragraph (a) shall be renumbered "(a)(i)".

(2) After the said renumbered sub-paragraph (a)(i) there shall be added the following sub-paragraphs:—

"(ii) any amount received by the employing authority under regulation C1A(3), by deduction from remuneration or otherwise, during the interval; and

(iii) any amount due under regulation C6(1), (2) and (6); and

(iv) any extra charge or additional benefit repayable under regulation C7 the amount of which has been notified by the administering authority to the employing authority during the interval; and".

Amendments

13. The following regulation shall be substituted for regulation M1 of the principal regulations:—

"M1. The enactments specified in Schedule 16 shall have effect subject to the amendments set out therein.".

Injury allowances, etc.

14. After Part R of the principal regulations there shall be added the following Part:—

“PART S
INJURY ALLOWANCES, ETC.

Interpretation

S1. In this Part, unless the context otherwise requires—

“benefits” means any allowance or lump sum payable under this Part;
“relevant body” has the meaning given by regulation S7; and
“relevant employment” has the meaning given by regulation S2(2).

Persons to whom Part S applies

S2.—(1) Subject to paragraph (4), this Part applies to a person employed in a relevant employment if he—

- (a) sustains an injury, or
- (b) contracts a disease,

as a result of anything he was required to do in carrying out his work.

(2) “Relevant employment” is employment, otherwise than as a teacher, with a body listed in Part I of Schedule 1 or column (3) of Part II of that Schedule or the predecessor of such a body; and for the purposes of this Part a police cadet appointed under section 8 of the Police (Scotland) Act 1967^(a) shall be deemed to be in employment with the police authority who maintain the police force with which he is undergoing training.

(3) A person is to be treated for the purpose of paragraph (1) as having sustained an injury as mentioned in that paragraph if—

- (a) he sustains the injury while travelling by vehicle as a passenger with the express or implied permission of his employer to or from his place of work, and
- (b) at the time of the injury the vehicle was being operated, otherwise than in the course of a public transport service, by or on behalf of his employer or pursuant to arrangements made by his employer.

(4) This Part does not apply where the injury or disease is one in respect of which the person is entitled to an injury award under a scheme made in accordance with section 26 of the Fire Services Act 1947^(b) or is entitled to injury benefits under regulations made in accordance with section 27 of the Police (Scotland) Act 1967.

Loss of employment through permanent incapacity

S3.—(1) If, as a result of an incapacity which is likely to be permanent caused by the injury or disease, a person to whom this Part applies ceases to be employed in a relevant employment (whether or not it is the same employment as that in which the injury or disease was sustained or contracted), he shall be entitled to an annual allowance.

(2) The allowance is to be paid by the relevant body and is to be of such amount as the body may from time to time determine.

^(a) 1967 c. 77.

^(b) 1947 c. 41.

(3) The relevant body may suspend or discontinue the allowance if the person becomes capable of working again.

(4) The allowance is not to be paid at a rate which exceeds 85 per cent. of the person's annual rate of remuneration in respect of the employment when he ceased to be employed.

(5) In ascertaining for the purposes of paragraph (4) a person's annual rate of remuneration in respect of the employment when he ceased to be employed—

(a) the annual rate of any fluctuating element of his remuneration is to be estimated by reference to an average taken over a representative period;

(b) the annual rate of any benefit in kind included in his remuneration is to be the estimated annual value of the benefit in kind at the date on which he ceased to be employed;

(c) if at that date he had no remuneration or his remuneration was reduced because of absence from duty, the annual rate is to be taken to be the annual rate which would have applied if he had not been absent;

(d) if at that date he was entitled to an allowance under regulation S4 by reason of a reduction in his remuneration, whether as a result of the same or of some other injury or disease, the annual rate is to be taken to be the annual rate which would have applied if his remuneration had not been reduced;

(e) if his remuneration is retrospectively altered as a result of a pay award, the annual rate of his remuneration is to be based on the retrospective pay award; and

(f) if his remuneration is not calculated by reference to an annual rate but by reference to some other rate, the annual rate is to be derived from the applicable rate at the date on which he ceased to be employed.

(6) In determining the amount of the allowance the relevant body is to have regard to all the circumstances of the case, including the matters specified in regulation S8.

Reduction in remuneration

S4.—(1) If as a result of the injury or disease a person to whom this Part applies suffers a reduction in his remuneration while he is employed in relevant employment (whether or not it is the same employment as that in which the injury or disease was sustained or contracted) and regulation S3 does not apply, he shall be entitled to an allowance while the reduction continues.

(2) A person's remuneration is to be treated for the purposes of paragraph (1) as reduced if at any time it is lower than it would have been but for the injury or disease.

(3) The allowance is to be paid by the relevant body and is to be of such amount as the body may from time to time determine.

(4) The amount of the allowance, together with the person's remuneration in the relevant employment, is not in any year to exceed the remuneration he would have been paid if he had not sustained or contracted the injury or disease.

(5) In determining the amount of an allowance under this regulation the relevant body is to have regard to all the circumstances of the case, including the matters specified in regulation S8.

Allowances for pensioners

S5.—(1) If on ceasing to be employed in a relevant employment a person becomes entitled under regulation E2 to receive payments in respect of an annual retirement pension and—

- (a) immediately before ceasing to be so employed he was entitled to an allowance under regulation S4, and
- (b) on ceasing to be so employed he does not become entitled to an allowance under regulation S3, and
- (c) regulation E1(2)(b)(ii) does not apply,

the relevant body may pay him an allowance under this regulation.

(2) An allowance under this regulation—

- (a) is not in any year to exceed the amount by which the annual rate of the retirement pension falls short of what it would have been if the amount of the allowance paid under regulation S4 during the relevant period (within the meaning of regulation E1(2)) had been part of his remuneration in the relevant employment, and
- (b) continues for such period as the relevant body may determine.

Death benefits

S6.—(1) If a person to whom this Part applies dies as a result of the injury or disease—

- (a) if he leaves a widow who qualifies under paragraph (2), she shall be entitled to an annual allowance or lump sum, and
- (b) if he leaves a dependant, the dependant shall be eligible for an annual allowance or lump sum.

(2) A widow qualifies for an annual allowance or lump sum unless—

- (a) her marriage to the person in question took place after he ceased to be employed in relevant employment and he was not subsequently employed in such employment; or
- (b) at the date of death she was judicially separated or living with another man as his wife.

(3) The allowance or lump sum is to be paid by the relevant body and is to be of such amount as the body may from time to time determine or, as the case may be, may determine.

(4) In determining the amount of any allowance or lump sum the relevant body is to have regard to all the circumstances of the case, including the matters specified in regulation S8.

(5) An allowance to a widow shall cease if she remarries or lives with another man as his wife, but if she again becomes a widow or the marriage is dissolved or she is no longer living with a man as his wife, the relevant body may restore the allowance for such period as they may determine.

(6) An allowance to a dependant shall continue for such period as the relevant body may determine.

(7) This regulation shall apply with necessary modifications to a widower who at the date of his wife's death is permanently incapacitated by reason of ill-health or infirmity of mind or body and wholly or mainly dependent on her.

The relevant body

S7.—(1) The relevant body for the purposes of this Part is—

- (a) the body by whom the person in question was employed immediately before he first qualifies for any benefit under this Part; or
- (b) if he dies without qualifying for any benefit under this Part, the body which last employed him in a relevant employment before his death; or
- (c) if the body specified in sub-paragraph (a) or (b) has ceased to exist, the body to which he would have been transferred if he had continued in the employment in question.

(2) Any question arising under paragraph (1)(c) as to the identity of the body to which the person would have been transferred shall be determined by the Secretary of State.

Rights and payments to be taken into account in determining amount of benefit

S8. In determining the amount of any benefit under this Part the relevant body is to have regard to—

- (a) any right to benefit under Chapter IV or Chapter V of Part II of the Social Security Act 1975^(a) or corresponding provisions of earlier enactments;
- (b) any other statutory right to benefit or compensation;
- (c) any right to receive superannuation benefit (whether payable under an enactment or otherwise) out of any fund to which any body which employed him in relevant employment has made any contributions in respect of him or out of any fund to which assets of any such fund were transferred; and
- (d) any damages recovered and any sum received by virtue of a contract of insurance.

^(a) 1975 c. 14.

Retrospective effect

S9.—(1) Subject to the following provisions of this regulation, this Part applies even if the injury or disease was sustained or contracted before 31st March 1972 provided that for the purposes of regulation S3, S4, S5 or S6, as the case may be, the relevant event occurs on or after that date.

(2) For regulations S3 and S5 the relevant event is the cessation of the employment, for regulation S4 it is the reduction of remuneration and for regulation S6 it is the death of the employee.

(3) If adequate provision has already been made for the person in question under regulation 7 of the Benefits regulations, this Part does not apply to him.

(4) If regulation S3, S4, S5 or S6 applies in any case by virtue of paragraph (1) and paragraph (3) does not apply, the relevant body shall decide what benefit, if any, is to be granted in accordance with the applicable regulation for any past or future period but in making that decision they shall take into account any allowance to which the person is or was entitled under regulation 7 of the Benefits regulations.

Finance

S10. Benefits under this Part are not to be met out of any superannuation fund.

Appeals

S11. Regulation H3 shall not apply to this Part.

Notice of decisions

S12. The relevant body shall give notice in writing of any decision relating to any benefit under this Part to the person affected and shall inform him about his right of appeal under regulation H2 and the time in which it must be exercised.”.

Provisions applicable as respects additional contributions while any amount remains outstanding

15. In Schedule 5 to the principal regulations the following paragraphs shall be substituted for paragraph 2A—

“(2A) If the employee becomes entitled to benefits under regulation E2(1)(b)(iii) he may by notice given to the appropriate administering authority elect to pay to the appropriate superannuation fund within 3 months of ceasing to be employed the actuarial equivalent of the balance of contributions due in terms of paragraph 2B, and if he makes such payment within the time stipulated in paragraph 2D he shall be treated as having completed the payments required under regulation D10 or as the case may be, D13.

(2B) The contributions due for the purposes of paragraph 2A shall be—

(a) where regulation D10 applies, the aggregate of the contributions which would have been due by the employee and by the employer, or

(b) where regulation D13 applies, the contributions which would have been due by the employee,

had the employment continued.

(2C) Where regulation D10 applies, and the employee makes an election under paragraph 2A the employing authority may decide at their discretion to pay a sum not exceeding one-half of the said actuarial equivalent and where the authority so decide to pay, the amount due to be paid by the employee shall be reduced by an equivalent amount.

(2D) The period in which the employee must make payment in accordance with paragraph 2A is the period of one month beginning on the date on which the person is notified by the appropriate administering authority of the required amount.”.

Modifications to the regulations in their application to employees of the Scottish Special Housing Association

16. In Schedule 15 to the principal regulations for paragraph 2 there shall be substituted—

“(2) Regulation B6 shall have effect as if paragraph (2) of that regulation were deleted.”.

Amendments

17.—(1) In the heading of Schedule 16 to the principal regulations the words “Part I” and “Enactments” shall be deleted.

(2) In the said Schedule 16 to the principal regulations paragraph (2) shall be deleted and paragraphs (3) and (4) shall be renumbered paragraphs (2) and (3).

(3) In the said Schedule 16 Part II shall be deleted.

Revocations and repeals

18.—(1) In column (2) of Part I of Schedule 17 to the principal regulations—

(a) in the entry relating to the Local Government Superannuation (Scotland) Act 1937^(a) the figure “23”, and the words “and Schedule 2” shall be deleted, and

(b) in the entry relating to the Local Government Superannuation Act 1953^(b) the words “(2), (3)(c) and (d), (4)(c),” and “and (7)” shall be deleted.

^(a) 1937 c. 69.

^(b) 1953 c. 25.

- (2) In column (2) of Part III of Schedule 17 to the principal regulations—
- (a) in the entry relating to the Local Government Superannuation (Benefits) (Scotland) Regulations 1954**(a)** the words “, except regulations 1 and 7” shall be deleted, and
 - (b) in the entry relating to the Local Government Superannuation (Benefits) (Scotland) Amendment Regulations 1955**(b)** the words “, except regulations 1 and 3” shall be deleted.
- (3) In Part III of Schedule 17 to the principal regulations there shall be added at the end thereof—
- (a) in column (1) the words “S.I. 1939/453” and in column (2) the words “The Local Government Superannuation (Asylums, etc., Employment) (Scotland) Regulations 1939.”**(c)** and
 - (b) in column (1) the words “S.I. 1954/1257” and in column (2) the words “The Local Government Superannuation (Mental Hospital, etc., Employment) (Scotland) Amendment Regulations 1954.”**(d)**.

Modifications to the Trustee Investments Act 1961 in its application to investment of superannuation fund's moneys

- 19.** Schedule 18 to the principal regulations shall be deleted.

Fund Apportionment where 100 or more transfer their rights under regulation G5

- 20.** In paragraph 8 of Schedule 23 to the principal regulations for the figure “6” there shall be substituted the figure “7”.

Revocations

- 21.**—(1) The provisions of the enactments set out in column (1) of Part I of the Schedule to these regulations are revoked to the extent indicated in column (2).

- (2) The provisions of the enactment set out in column (1) of Part II of the Schedule to these regulations are revoked to the extent indicated in column (2).

(a) S.I. 1954/1059.
(d) S.I. 1954/1257.

(b) S.I. 1955/1226.

(c) S.I. 1939/453.

Right to opt out

22. No provision of these regulations shall apply to any person to whom at any time before the date of coming into operation of these regulations any benefit (including a return of contributions and any pension payable to a widow or any dependant by virtue of a surrender) was or is being paid or became or may become payable if—

- (a) he is placed by that provision in a worse position than he would have been if it had not applied in relation to that benefit; and
- (b) that provision relates to a benefit paid or payable in respect of a person who—
 - (i) ceased before the said date of coming into operation to hold an employment in respect of which he was a pensionable employee, or
 - (ii) died before that date while still in such an employment; and
- (c) the first-mentioned person, by notice in writing given to the appropriate administering authority within 3 months after the said date of coming into operation, elects that that provision shall not apply to him.

New St. Andrew's House,
Edinburgh.
2nd September 1983.

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

SCHEDULE

Regulation 20

REVOCATIONS

(1) References	(2) Enactments ceasing to have effect
PART I	
1937 c. 69	The Local Government Superannuation (Scotland) Act 1937, section 23 and Schedule 2 to the extent that those provisions have effect as regulations under section 7 of the Act of 1972 by virtue of Schedule 7 to that Act of 1972 and regulation A4 of and Schedule 17 to the principal regulations.
1953 c. 25	The Local Government Superannuation Act 1953, sections 1(2), (3)(c) and (d), 4(c) and (7) so far as applying to Scotland and to the extent that those provisions have effect as regulations under section 7 of the Act of 1972 by virtue of Schedule 7 to that Act of 1972 and regulation A4 of and Schedule 17 to the principal regulations.
S.I. 1939/453	The Local Government Superannuation (Asylums, etc., Employment) (Scotland) Regulations 1939, the whole enactment.
S.I. 1954/1059	The Local Government Superannuation (Benefits) (Scotland) Regulations 1954, so far as unrevoked.
S.I. 1954/1257	The Local Government Superannuation (Mental Hospital, etc., Employment) (Scotland) Amendment Regulations 1954, the whole enactment.
S.I. 1955/1226	The Local Government Superannuation (Benefits) (Scotland) Amendment Regulations 1955, so far as unrevoked.
PART II	
S.I. 1982/1303	The Local Government Superannuation (Scotland) Amendment (No. 2) Regulations 1982, regulations 19(2) and 22(2).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Local Government Superannuation (Scotland) Regulations 1974 to 1982 by—

- (1) Raising the age limit used in the definition of a child from 16 years to 17 years of age (regulations 3 and 10);
- (2) Relaxing controls over the investment of superannuation funds (regulations 4, 16 and 19);
- (3) Bringing payments made to buy-in strike periods and certain other payments within the category on which interest may be charged for late payment by the employing authority to the administering authority. A consequential amendment is made to regulation C1A(3) (regulations 5 and 12);
- (4) Giving employing authorities the discretion to pay part of the actuarial equivalent of any outstanding contributions for shared cost added years when an employee is made redundant. Consequential amendments are made to Schedule 5. It is also made clear that following a change of employer the new employer is responsible for the employer's contributions where a contract for shared cost added years is continued by the employee (regulations 6 and 15);
- (5) Removing the notification requirement for children's pensions to be payable in the case of a female employee who has eligible children but no husband and making a consequential amendment to regulation E3(6AA) (regulations 7 and 11);
- (6) Making provision for certain local government employees or their dependants to receive an allowance where the employee sustains an injury or contracts a disease as a result of anything he was required to do in carrying out his work. Those who are obliged to leave employment as a result of an injury or disease are to receive an annual allowance of such amount up to a maximum of 85 per cent. of remuneration as their employer may determine. Employees who suffer a reduction in remuneration are to receive an allowance of such an amount as the authority may determine which together with their remuneration does not exceed the remuneration which would otherwise have been payable to them. In certain circumstances widows are entitled to an annual allowance or lump sum where a spouse dies in consequence of an injury or disease. Relevant authorities may also make payments to dependants in such circumstances (regulation 14);
- (7) Revoking outdated provisions relating to inter-authority payments in relation to former Asylum Officers (regulations 18 and 21(1));
- (8) Introducing certain minor corrective amendments (regulations 8, 9, 20 and 21(2)).

Provision is also made for the revocation of certain provisions of the former regulations superseded by regulation 14 (regulations 13, 17, 18 and 21(1)).

Under powers conferred by section 12 of the Superannuation Act 1972 the provisions of regulations 8, 9 and 20(2) are brought into force from 15th October 1982, the provisions of regulation 20 are brought into force from 19th March 1980 and the provisions of regulation 14 are applied to persons where the cessation of employment or reduction in remuneration took place on or after 31st March 1972 but before the date of coming into operation of these regulations.

Provision is made for opting out if a person is placed in a worse position as a result of the retrospective effect of any of the regulations (regulation 22).

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