
STATUTORY INSTRUMENTS

1987 No. 1850

**The Local Government Superannuation
(Scotland) Regulations 1987**

**PART E
BENEFITS**

Further provision as to pensionable remuneration

E23.—(1) This regulation applies to a person who has at any time after 31st March 1978 ceased to hold an employment in which he was a pensionable employee and who—

- (a) was at a material time a person whose remuneration fell to be determined by reference to the Scottish Teachers Salaries Memorandum 1978, as from time to time amended, or
- (b) was affected by a staging agreement.

(2) A person who has ceased to hold an employment as mentioned in paragraph (1) is affected by a staging agreement if—

- (a) there has been an agreement or award—
 - (i) which, whether before or after he ceased to hold his employment, gave rise to rights enforceable by every member of a class or description of employees to which he belonged at a material time, and
 - (ii) which, whether or not it entitled him to any interim increase, entitled him, or would if he had not ceased to hold his employment have entitled him, in that employment to the payment of remuneration from a specified date at an increased rate (“the final rate”) which was either specified in or to be determined by a method or in a manner specified in the agreement or award, and
 - (iii) under the terms of which either the final rate or any interim increase became payable on or before 1st January 1980;
- (b) but for considerations of economy the final rate would have been payable from a date (“the relevant date”) earlier than the date mentioned in sub-paragraph (a)(ii); and
- (c) his remuneration at a material time was less than it would have been if the final rate had become payable from the relevant date.

(3) Subject to paragraph (4), where this regulation applies to a person the amount of any remuneration that is material for the purpose of regulation E22 shall for those purposes—

- (a) where paragraph (1)(a) applies, be taken to be what it would have been on the hypotheses set out in regulation 3(2) of the Teachers' Superannuation (Notional Salaries) (Scotland) Regulations 1982(1), and
- (b) where paragraph (1)(b) applies, be taken to be what it would have been if the final rate had become payable from the relevant date.

(4) Paragraph (3) does not apply to the calculation of a person's pensionable remuneration for the purposes of regulations E6(1)(b) or (c), E7 and E10.

(5) For the purposes of this regulation—

(a) a material time is a time material for the purpose of calculating the person's pensionable remuneration under regulation E22,

(b) in paragraph (1)(a) the reference to the Scottish Teachers Salaries Memorandum 1978 is a reference to the document published by Her Majesty's Stationery Office on 14th December 1978 under that title, and

(c) a class or description of employees may include persons who neither are nor are deemed to be employees of a scheduled body.

(6) In relation to a person to whom regulation G1 applies, any reference in this regulation to regulation E22 is to be construed as a reference to regulation E22 as it has effect in relation to him by virtue of regulation G1.