
STATUTORY INSTRUMENTS

1993 No. 3044

**The Local Government Superannuation
(Scotland) Amendment (No.3) Regulations 1993**

Contributions and remuneration during maternity absence

4.—(1) In regulation C3(1) of the principal Regulations at the beginning there shall be added the words “Subject to regulation C3A,”;

(2) After regulation C3 of the principal Regulations there shall be added the following regulation:—

“Maternity absence

C3A. –

(1) This regulation applies to a person who—

- (a) has a period of maternity absence; and
- (b) immediately before the period of maternity absence was a pensionable employee, or had made an election under regulation B3 or B4B.

(2) A person to whom this regulation applies shall make contributions to the appropriate superannuation fund in relation to any period (“the relevant period”) which is, or is part of, a period of maternity absence and for which she is entitled to receive remuneration, and the amount of any such contributions shall be equal to the amount of the contributions she would have been required to make under regulation C2 based on the remuneration which she is entitled to receive for the relevant period.

(3) A person to whom this regulation applies may elect to make contributions to the superannuation fund in relation to any period (“the unpaid period”) which is, or is part of, a period of maternity absence and for which she is not entitled to receive remuneration, and the amount of any such contributions shall be equal to the amount of the contributions she would have been required to make under regulation C2 based on the remuneration which she was entitled to receive immediately before the beginning of the unpaid period.

(4) An election under paragraph (3) shall be made by notice in writing to the employing authority by 30th June 1994 or, if later, by the date 30 days after the earlier of—

- (a) the day on which she returns to duty;

or

- (b) the day on which she ceases to be employed by that authority.

(5) Paragraphs (2) and (3) of this regulation do not affect the right of an employee to give notice under regulation B4A during a period of maternity absence.

(6) For the purposes of this regulation—

- (a) an employee’s remuneration shall include any statutory maternity pay payable to the employee under the Social Security Contributions and Benefits Act 1992(1); and

- (b) “period of maternity absence” means any period throughout which a woman—
- (i) is absent from duty by reason of pregnancy or confinement; and
 - (ii) may exercise the right under her contract of employment to return to work.”.

(3) In regulations C11(1)(a), C12(11)(a)(i), D1(2)(a) and P9(2) of the principal Regulations, for the words “or C3” there shall be substituted the words “, C3 or C3A”;

(4) In regulation E22(7)(a) of the principal Regulations after the words “(leave of absence)” there shall be inserted the words “or C3A (maternity absence)”;

(5) In paragraph 3 of Part II of Schedule 5 and paragraph 7 of Part III of Schedule 6 to the principal Regulations—

- (i) in sub-paragraph (2), at the beginning there shall be inserted the words “Except in the case of a period of maternity absence,”; and

(ii) after sub-paragraph (2) there shall be added the following sub-paragraph:—

“(3) In this paragraph, “period of maternity absence” has the same meaning as in regulation C3A.”.