
STATUTORY INSTRUMENTS

1994 No. 3068

The Local Government (Compensation for Redundancy) (Scotland) Regulations 1994

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Local Government (Compensation for Redundancy) (Scotland) Regulations 1994 and shall come into force on 28th December 1994, but shall have effect for the purposes of regulations 2, 5 and 6 from 1st April 1980.

Interpretation

2.—(1) In these Regulations—

“eligible employee” means—

- (a) a pensionable employee; or
- (b) a person who the employing authority are satisfied would either be, or be treated as being, a pensionable employee but for a relevant disqualification;

“reckonable service” means any period of reckonable service within the meaning of the Superannuation Regulations, together with any period of special service not being special service consisting of periods of unpaid leave or other unpaid absence from duty;

“relevant assumptions” mean the assumptions that—

- (a) during any period of special service a person was a pensionable employee;
- (b) the person’s reckonable service for the purpose of the Superannuation Regulations included any periods of special service which did not consist of periods of unpaid leave or other unpaid absence from duty;
- (c) any notice or determination which, on the assumptions mentioned above, might have been given or made under regulation E22(3)(b) of those Regulations with respect to a period of special service had been given or made;
- (d) any notice or determination which, on the assumptions mentioned above, might have been given or made under regulation E22(4) or (5)(c) of those Regulations with respect to a period of special service had not been given or made; and
- (e) regulation E22(7) of those Regulations did not apply with respect to a period of special service;

“relevant disqualification” in relation to a person means—

- (a) the failure of a medical examination required under regulation B2(2) of the Superannuation Regulations;

- (b) the absence of an election under regulation B3(1) of those Regulations with respect to any period;
- (c) the giving of a notification under regulation B4A of those Regulations;
- (d) the making of an election with respect to any period under regulation 47(1)(c) of the Local Government Superannuation (Scotland) Amendment Regulations 1989(1); and
- (e) the fact that in terms of his contract of employment he is required to work fewer than 35 weeks per annum;

in consequence of one or more of which (either individually or cumulatively) that person has not become, has ceased to be, or has not been treated as being, a pensionable employee;

“relevant year” means the period of 365 days ending on the material date or, where it would yield a higher amount of remuneration, either of the two years immediately preceding the start of that period.

“remuneration”, in the case of a pensionable employee, means pensionable remuneration and, in the case of an eligible employee who is not a pensionable employee, means the remuneration which, but for a relevant disqualification and on the relevant assumptions, would be his pensionable remuneration, in both cases during the relevant year;

“special service” means any period of employment with respect to which the employing authority is satisfied that the person concerned would have been, or been treated as being, a pensionable employee but for either a relevant disqualification or the fact that he was a part-time employee, as defined in Schedule 1 to the Superannuation Regulations, who was not at the relevant time eligible to elect to become a pensionable employee, except that, in relation to any employment ending before he began his former employment, it only includes such periods as are continuous with the former employment; and a period of employment is continuous with the former employment for this purpose if in the interval between its ending and the former employment beginning there have been no breaks in employment with a scheduled body for periods greater than one month and one day;

“the Superannuation Regulations” means the Local Government Superannuation (Scotland) Regulations 1987(2);

“the 1979 Regulations” means the Local Government (Compensation for Premature Retirement) (Scotland) Regulations 1979(3).

(2) In these Regulations, subject to paragraph (1) of this regulation and unless the context otherwise requires, any expression which is also used in the 1979 Regulations has the same meaning as in those Regulations.

(1) 1989/802.

(2) S.I. 1987/1850, amended by S.I. 1988/625, 1989/422, 802 and 967, 1990/422 and 1284, 1991/78, 1992/1220, 1597 and 3025, 1993/1593, 2013 and 3044 and 1994/531.

(3) S.I. 1979/785, amended by S.I. 1982/917, 1984/846, 1986/409, 1990/125, 1992/1025 and 1597, 1993/490 and 1994/1715.