
STATUTORY INSTRUMENTS

1998 No. 192

The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998

PART I
GENERAL

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 and shall come into force on 4th March 1998.

(2) These Regulations shall, in the circumstances and to the extent specified in regulation 33, have effect from a date earlier than the making of the Regulations.

General interpretation

2.—(1) Unless the context otherwise requires, in these Regulations—

“the 1972 Act” means the Superannuation Act 1972;

“the 1978 Act” means the Employment Protection (Consolidation) Act 1978⁽¹⁾;

“the 1996 Act” means the Employment Rights Act 1996⁽²⁾;

“assumed pensionable employee” has the meaning given in regulation 6(2);

“employing authority” means a LGSS employer of a kind specified in paragraph (a) or (b) of the definition in this paragraph of such an employer, and in relation to a person whose employment ceases as described in regulation 6(1)(a) means the employing authority by whom he is employed on the material date;

“employment” includes office and service;

“LGSS” means the Local Government Superannuation Scheme constituted under the Superannuation Regulations;

“LGSS employer” means—

- (a) a body specified in Part I of Schedule 3 to the Superannuation Regulations;
- (b) in relation to an employee described in Part II of that Schedule where the body employing him have by statutory resolution specified him as an eligible employee or specified a class of employees to which he belongs as being so eligible, that body;
- (c) in relation to any person who is an admitted employee (as defined in regulation B6 of the Superannuation Regulations), his employing body (as so defined);

(1) 1978 c. 44.

(2) 1996 c. 18.

“the Superannuation Regulations” means the Local Government Superannuation (Scotland) Regulations 1987(3).

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation, Part or Schedule shall be construed as a reference to the regulation, Part or Schedule, as the case may be, that bears that number in these Regulations, and any reference to a numbered paragraph in a regulation of, or Schedule to, these Regulations shall be construed as a reference to the paragraph bearing that number in that regulation or Schedule.

(3) Any expressions which are used in these Regulations and are not given a specific meaning for the purposes of these Regulations shall, unless the context otherwise requires, be construed as if they were contained in the Superannuation Regulations.

(4) Where in these Regulations references are made to anything done under, required under or arising under any provision of the Superannuation Regulations, those references shall be construed (so far as the context permits) as including references to anything done under, required under or arising under the corresponding provision of the Local Government Superannuation (Scotland) Regulations 1974(4); and where any references are made to a pensionable employee or a person who would be or would have been a pensionable employee, those references shall be construed so far as the context permits as including references to a pensionable employee or, as the case may be, a person who would be or would have been a pensionable employee, within the meaning of the Local Government Superannuation (Scotland) Regulations 1974.

General exclusions -teachers

3.—(1) References in these Regulations to employment with a LGSS employer do not include employment by virtue of which a person is entitled to participate in benefits provided under regulations made under section 9 of the 1972 Act (teachers' superannuation).

(2) Part II does not apply to a person ceasing to hold an employment in which he was a person in relation to whom regulations may be made under that section.

(3) In Part V “relevant employment” does not include employment as a teacher.

(4) In regulations 46(1), 47(1) and 48(1) the references to employment do not include employment as a teacher.

(3) 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, 1994/531, 1995/214, 750 and 3294, 1996/414 and 1241 and 1997/674, 1143, 1373, 1435 and 3048.
(4) S.I. 1974/812, amended by other instruments listed in Schedule 21 to the Superannuation Regulations.