
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 3 to 10 of these Regulations make various amendments to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (“the principal Regulations”) which are made under section 24 of the Superannuation Act 1972. The principal Regulations replaced Parts II to IV of the Local Government (Discretionary Payments) Regulations 1996 (“the revoked Regulations”).

Regulation 3 amends regulation 6 (discretionary compensation for redundancy: general). The first amendment provides that the period by reference to which the lump sum is calculated ends with the person’s 65th birthday. The second amendment modifies the application of the interpretation provisions of Chapter II of Part XIV of the Employment Rights Act 1996 by removing the cap on a week’s pay. This is to make the regulation accord with a provision that existed in the revoked Regulations. Regulation 3 also makes a clarifying amendment.

Regulations 4 to 10 make further amendments to clarify the principal Regulations and to ensure that they make the same provision as in the corresponding provision of the revoked Regulations. The regulations amend the following regulations in the principal Regulations—

- regulation 4 amends regulation 7 (persons eligible for discretionary awards),
- regulation 5 amends regulation 17 (reduction of annual compensation),
- regulation 6 amends regulation 19 (effect of cessation of new employment),
- regulation 7 amends regulation 21 (awards to surviving spouse),
- regulation 8 amends regulation 24 (long-term compensation for children),
- regulation 9 amends Schedule 1 (interpretation), and
- regulation 10 makes corrections to the cross-references in the headings of Schedules 4 and 5.

Regulations 3 to 10 take effect from 21st June 2000, the date when the principal Regulations came into force. Section 24 of the Superannuation Act 1972 provides that regulations made under that section may have retrospective effect. Regulation 12 of these Regulations provides that nothing in these Regulations shall place any individual in a worse position than he would have been if these Regulations had not had retrospective effect.

Regulation 11 allows a Scheme employer to pay additional compensation to a person to whom compensation under regulation 6 of the principal Regulations was paid or resolved to be paid and whose compensation was calculated by reference to a week’s pay capped in accordance with provisions in the Employment Rights Act 1996.