1954 No. 1243 (S. 117)

The Local Government Superannuation (Administration) (Scotland) Regulations, 1954

Made - - - -	21*st September*, 1954
Laid before Parliament	27*th September*, 1954
Coming into Operation	1*st October*, 1954

In exercise of the powers conferred on me by subsection (6) of section 31 of the Local Government Superannuation (Scotland) Act, 1937(a), and subsection (2) of section 21 of the Local Government Superannuation Act, 1953(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

GENERAL

Citation and Commencement

1. These regulations may be cited as the Local Government Superannuation (Administration) (Scotland) Regulations, 1954, and shall come into operation on the first day of October, 1954.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

"the Act of 1937" means the Local Government Superannuation (Scotland) Act, 1937;

"the Act of 1953" means the Local Government Superannuation Act, 1953;

"the Acts" means the Local Government Superannuation (Scotland) Acts, 1937 to 1953;

"employing authority" in Parts II and IV of these regulations has the meaning assigned to it by paragraph (2) of regulation 4 and has elsewhere in these regulations the same meaning as in the Act of 1937;

"added years", in relation to any person, means any additional years of service which that person is entitled to reckon under—

(*a*) regulation 12 of the benefits regulations, or

(*b*) regulations made by the Secretary of State under paragraph (*b*) of subsection (1) of section 13 of the Act of 1937 (which relates to the reckoning of service on a change of employment) or by the Secretary of State and the Minister of Housing and Local Government acting jointly under subsection (1) of section 36 of the Act of 1937 and

(a) 1 Edw. 8 & 1 Geo. 6. c. 69. (b) 1 & 2 Eliz. 2. c. 25.

subsection (1) of section 38 of the Local Government Superannuation Act, 1937(**a**) (which relate to reciprocal arrangements between Scotland and England); or

(*c*) any similar provision contained in a local Act or local Act scheme;

"the benefits regulations" means the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954(**b**);

"education authority" has the same meaning as in the Education (Scotland) Act, 1946(**c**);

"national service", in relation to any person, means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**d**), and includes any period immediately following the termination thereof during which the person, with the consent of the authority or person by whom he was employed before undertaking that service, continues in similar service;

"period of contribution" means a period of contribution under a local Act scheme;

"qualifying service" means service which, under—

(*a*) the Act of 1937 as adapted, modified or varied by or under any other enactment; or

(*b*) the Act of 1953; or

(*c*) a local Act scheme as modified, varied or adapted by or under any enactment,

is reckonable only for the purpose of determining whether a person is entitled to become a contributory employee or local Act contributor or to receive a benefit and for no other purpose;

"war service", in relation to any person, means service in the armed forces of the Crown, being service rendered between the 4th day of August, 1914, and the 31st day of August, 1921, war service within the meaning of the Local Government Staffs (War Service) Act, 1939(**e**), and any period after the termination of the last-mentioned service during which the person, with the consent of the authority or person by whom he was employed before undertaking that service, continues in similar service.

(2) Unless the context otherwise requires, references in these regulations to any enactment shall be construed as references to that enactment as amended or modified by any subsequent enactment.

(3) The Interpretation Act, 1889(**f**), applies to the interpretation of these regulations as though these regulations and the regulations hereby revoked were Acts of Parliament.

3. The Local Government Superannuation (Administration) (Scotland) Regulations, 1938(**g**), and the Local Government Superannuation (Administration) (No. 2) (Scotland) Regulations, 1938(**h**), are hereby revoked:

Provided that, without prejudice to the general application to these regulations of section 38 of the Interpretation Act, 1889 (which relates to the effect of repeals), in so far as any notice, notification, statement, direction or certificate given or made, any payment or contribution made and any other thing done under any regulations revoked by these regulations could have been given, made, or done under a corresponding provision of these regulations, it shall not be invalidated by these regulations but shall have effect as if it had been given, made or done under that corresponding provision.

(**a**) 1 Edw. 8 & 1 Geo. 6. c. 68. (**b**) S.I. 1954/1059, p. 1632 below. (**c**) 9 & 10 Geo. 6. c. 72.
(**d**) 14 & 15 Geo. 6. c. 65. (**e**) 2 & 3 Geo. 6. c. 94. (**f**) 52 & 53 Vict. c. 63.
(**g**) S.R. & O. 1938/245 (Rev. XVII, p. 857: 1938 II p. 2808).
(**h**) S.R. & O. 1938/1384 (Rev. XVII, p. 864: 1938 II, p. 2816).

PART II

GENERAL PROVISIONS FOR ASCERTAINING THE STATUS OF EMPLOYEES AND FOR ASCERTAINING AND RECORDING THEIR SERVICE

4.—(1) This part of these regulations applies to—

(*a*) any local authority specified in Part I of the First Schedule to the Act of 1937, as originally enacted, and any board, committee or body as respects which, under or by virtue of any enactment, the Act of 1937 has effect as if that board, committee or body were mentioned or included in that Part of that Schedule;

(*b*) any organisation, undertakers or body who are parties to an admission agreement in force under section 7 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), or section 15 of the Act of 1953.

(2) In this part of these regulations the expression "employing authority" means any such authority, board, committee, organisation, undertakers or body as is mentioned in the last preceding paragraph.

5.—(1) For the purpose of enabling them to comply with their obligations under this part of these regulations every employing authority shall—

(*a*) within three months after a person has entered their employment;

(*b*) in the case of a person to whom paragraph (1) of the next succeeding regulation refers, forthwith on the coming into operation of these regulations; and

(*c*) in the case of an employee who is in their employment at the time when any statutory resolution affecting him is passed under paragraph (*b*) of subsection (2) of section 3 of the Act of 1937, within three months of the passing of that resolution

request him to furnish (unless they are satisfied that he is not in their employment a contributory employee or local Act contributor or that they already have in their possession a complete and accurate record of all his previous service, if any, relevant for the purposes of these regulations) a statement in writing of all his previous periods of employment (whether by a local authority or by any other body or person), war service and national service, if any, and a copy of all previous notifications given to him under these regulations or under the Local Government Superannuation (Administration) (Scotland) Regulations, 1938, or under regulations (corresponding to any such regulations as aforesaid), made in relation to England and Wales by the Minister of Health or by the Minister of Housing and Local Government, and shall, so far as it appears to them necessary to do so, verify from any previous employer the information given by the person.

(2) A request by an employing authority for the statement referred to in the last foregoing paragraph shall be in writing and shall include a conspicuous statement directing the attention of the employee to the importance of supplying full and accurate information on all matters to which the request relates and warning him that any inaccuracy in or omission from the information which he supplies may prejudice the ascertainment of his rights under the Acts.

6.—(1) Every employing authority shall, as soon as may be after the coming into operation of these regulations, consider and decide, if they have

(**a**) 11 & 12 Geo. 6. c. 33.

not already done so, the questions whether by virtue of the Act of 1953 or of any regulations made thereunder any person in their employment—

(*a*) has become a contributory employee or a local Act contributor; or

(*b*) has become entitled to reckon as contributing service, non-contributing service, qualifying service or as a period of contribution any period of employment, war service or national service not previously so reckonable.

(2) Every employing authority shall—

(*a*) upon a person entering their employment; and

(*b*) if during the continuance of employment by them of an employee—

(i) any statutory resolution is passed by the authority for the purposes of paragraph (*b*) of subsection (2) of section 3 of the Act of 1937; or

(ii) any determination is made under subsection (6) of section 12 of the Act of 1937 or under subsection (3) of section 7 of the Act of 1953, as applied or adapted by or under any enactment; or

(iii) any other change occurs in or in relation to his employment, being a statutory resolution, determination or other change which is (either in their opinion or in the opinion of the employee notified by him to them in writing within six months after the statutory resolution, determination or other change) material for the purposes of the Acts, any order, rule, regulation or scheme made thereunder or the relevant local Act scheme, as soon as may be after the statutory resolution, determination or other change or after receipt by them of such notification, as the case may be,

consider and decide the questions specified in paragraph (3) of this regulation.

(3) The questions to be considered and decided in accordance with paragraph (2) of this regulation are—

(*a*) whether immediately after the event which has given rise to the consideration the employee was or was not a contributory employee or local Act contributor; and

(*b*) in the case of any event specified in sub-paragraph (*b*) of the said paragraph (2), whether the employee was or was not entitled to reckon as contributing service, non-contributing service, qualifying service or as a period of contribution any period of employment, war service or national service or any added years not previously so reckonable.

(4) Where an employing authority decide under sub-paragraph (*a*) of paragraph (1) or under sub-paragraph (*a*) of paragraph (3) of this regulation that an employee has become, or was immediately after the happening of any event specified in sub-paragraph (*a*) or (*b*) of paragraph (2) of this regulation, a contributory employee or local Act contributor they shall also at the same time consider and decide the following questions—

(*a*) whether he is an officer or servant;

(*b*) whether his employment is whole-time or part-time and, if it is part-time, what proportion of whole-time employment it represents;

(*c*) what is the class to which he belongs or the description under which he falls as such officer or servant;

(*d*) what rate of contribution he is liable to pay to the appropriate superannuation fund; whether that rate of contribution is, by virtue of regulations made under subsection (4) of section 69 of the National Insurance

Act, 1946(a), a reduced rate and, if so, the amount of the reduction and the date from which the reduction has effect;

(*e*) what is the amount of the remuneration or emoluments upon which contributions are payable by him;

(*f*) whether any benefit which may become payable to him will be subject to reduction by virtue of any such regulations as are mentioned in sub-paragraph (*d*) of this paragraph or by virtue of the benefits regulations or by virtue of any corresponding provisions in a local Act scheme or any scheme made under the Act of 1937 or the Act of 1953 and, if so, the nature of the reduction;

(*g*) what previous service, if any, he is entitled to reckon; whether that service counts as contributing service, non-contributing service, qualifying service or as a period of contribution; and whether any (and, if so, what period or periods) of that service was part-time service, and if it was, what proportion of whole-time service it represents;

(*h*) whether he is entitled to added years and, if so, their number and the rate at which contributions are payable in respect thereof:

Provided that—

(i) if the information necessary in order to enable the authority to decide any question specified in sub-paragraph (*g*) of this paragraph is not immediately available the authority may postpone their decision on that question for a period not exceeding six months;

(ii) in relation to an employee who has become, or at the time in question was, a local Act contributor the reference in sub-paragraph (*d*) of this paragraph to the appropriate superannuation fund shall be construed as a reference to the superannuation fund maintained under the local Act scheme.

(5) Where an employing authority decide under sub-paragraph (*b*) of paragraph (1) or under sub-paragraph (*b*) of paragraph (3) of this regulation that an employee has become, or was immediately after the happening of any event specified in sub-paragraph (*b*) of paragraph (2) of this regulation, entitled to reckon as contributing service, non-contributing service, qualifying service or as a period of contribution any period of employment, war service or national service or any added years not previously so reckonable they shall at the same time decide whether any of that service was part-time service and, if it was, what proportion of whole-time service it represents.

7. An employing authority shall, as soon as may be after they have decided under the foregoing provisions of this part of these regulations any questions concerning the rights or liabilities of an employee at any date, send to the employee a written notification of the questions so decided and of their decisions thereon.

PART III

SPECIAL PROVISIONS FOR NOTIFICATION OF STATUS OF REGISTRATION OFFICERS AND OF PERSONS EMPLOYED BY CERTAIN LOCAL AUTHORITIES

8. If a local authority being the council of a county or large burgh pass a statutory resolution for the purpose of subsection (6) of section 5 of the Act of 1937, or if a local authority not being either a local authority specified in Part I of the First Schedule to the Act of 1937 or a local Act authority pass a statutory resolution for the purpose of paragraph (*c*) of subsection (2) of section 3 of the Act of 1937, they shall at the same time consider and decide

(a) 9 & 10 Geo. 6. c. 67.

the questions specified in sub-paragraphs (*a*) to (*h*) of paragraph (4) of regulation 6 of these regulations in relation to any employee who is, in the resolution, specified as a contributory employee:

Provided that, if the information necessary in order to enable the authority to decide any of the questions specified in sub-paragraph (*g*) of paragraph (4) of regulation 6 of these regulations is not immediately available, the authority may postpone their decision on that question for a period not exceeding six months.

9. A local authority who have passed any such resolution as is referred to in regulation 8 of these regulations shall immediately thereafter send a copy of the resolution to every employee to whom it relates, and shall, as soon as may be after they have decided any question referred to in the preceding provisions of this part of these regulations, send a written notification of their decision to the employee.

PART IV

PROVISIONS SUPPLEMENTARY TO PARTS II AND III

10.—(1) Every employing authority or other local authority in whose employment there is any contributory employee or local Act contributor shall cause a record to be kept in such form as the authority think fit for the purpose of making readily available, at all times, information as to the name of every employee who is a contributory employee or local Act contributor and such other particulars relating to the employee as are referred to in paragraph (4) of regulation 6 of these regulations.

(2) Every such authority shall, when notifying to an employee a decision made in pursuance of any of the provisions contained in Parts II and III of these regulations—

(*a*) if the authority are not a local Act authority, include in the notification a conspicuous statement directing the attention of the employee—

(i) to his right under section 30 of the Act of 1937, if he is dissatisfied with any decision notified in the notification, to refer the question to which the decision relates for determination by the Secretary of State ; and

(ii) to the provisions of regulation 19 of these regulations with respect to the time within which notice of any such appeal must be served on the Secretary of State ;

(*b*) if the authority are a local Act authority, include in the notification a similar statement to that mentioned in the last preceding sub-paragraph with the substitution for the reference to an employee's rights under section 30 of the Act of 1937 of a reference to any right of appeal or arbitration contained in the local Act scheme.

PART V

RELATIONS AND FINANCIAL ARRANGEMENTS BEWEEN ADMINISTERING AUTHORITIES AND OTHER EMPLOYING AUTHORITIES INTERESTED IN THE SUPERANNUATION FUNDS MAINTAINED BY ADMINISTERING AUTHORITIES

Payments by employing authorities to administering authorities

11.—(1) Every employing authority, not being an administering authority, shall pay to the appropriate administering authority—

(*a*) all amounts from time to time deducted from the remuneration of their contributory employees under subsection (3) of section 6 of the Act

of 1937 or under regulations made under the Act of 1937 or the Act of 1953;

(*b*) such annual sum payable during such period not exceeding forty years from the date as at which any valuation of the appropriate superannuation fund is made by an actuary under section 18 of the Act of 1937, as may be agreed between the employing authority and the administering authority, or in default of agreement be determined by the Secretary of State, to be necessary in order that any amount certified by the actuary in his report on that valuation to be payable by the employing authority may be paid into the appropriate superannuation fund by means of annual payments having the same capital value as the amount aforesaid; and

(*c*) a contribution towards the cost of the administration of the appropriate superannuation fund of such annual amount as may be agreed between the employing authority and the administering authority or in default of agreement as may be determined by the Secretary of State:

Provided that sub-paragraphs (*a*) and (*c*) of this paragraph shall not apply in relation to an employing authority being a constituent authority of a joint superannuation committee established by a combination scheme in force under section 2 of the Act of 1937.

(2) Payments made in pursuance of sub-paragraphs (*a*) and (*b*) of the last foregoing paragraph shall be paid into the appropriate superannuation fund.

(3) Payment of—

(*a*) any sum payable under paragraph (1) of this regulation; and

(*b*) any sum payable under the benefits regulations by an employing authority in respect of any extra charge on the superannuation fund resulting from an exercise by the employing authority of any such discretion as is referred to in the proviso to subsection (5) of section 1 of the Act of 1953,

shall be made at such intervals, not longer than twelve months, as the appropriate administering authority may determine.

(4) The payment by an employing authority of any sum due under sub-paragraph (*a*) of paragraph (1) of this regulation shall be accompanied by a statement showing—

(*a*) the names and remuneration of each of the contributory employees in relation to whom the payment is made;

(*b*) the amounts comprised in the payment which represent deductions from the remuneration of each of those employees, the periods in respect of which such deductions were made and the amounts, if any, by which any contributions to which the statement relates have been reduced by virtue of any such regulations as are referred to in sub-paragraph (*d*) of paragraph (4) of regulation 6 of these regulations;

(*c*) (i) the name of any contributory employee from whose remuneration no deduction has been made;

(ii) the period in respect of which no deduction has been made; and

(iii) the reason why no deduction has been made; and

(*d*) details of the remuneration of any such employee as is mentioned in the last preceding sub-paragraph:

Provided that the administering authority may dispense with the requirements of this paragraph and in lieu thereof direct the employing authorities interested in the superannuation fund maintained by them to furnish the information provided for in this paragraph in such form and at such intervals, not being longer than twelve months, as they may specify.

(5) If any sum due under the provisions of this regulation remains unpaid beyond a period of one month after the date on which it becomes due, the sum shall bear interest at the rate of five per cent. per annum as from the expiration of that period.

Transmission of documents and information by employing authorities to administering authorities

12.—(1) Every employing authority, not being an administering authority, shall forthwith upon receipt transmit to the appropriate administering authority every statement rendered to them by any contributory employee under subsection (4) of section 6 of the Act of 1937, together with the statutory declaration accompanying the statement.

(2) Every such employing authority shall, when notifying an employee of any decision made in pursuance of these regulations, send a copy of the notification and a copy of any relevant resolution passed by the employing authority to the appropriate administering authority.

(3) Every such employing authority shall from time to time furnish the appropriate administering authority with such other information as that authority may reasonably require for the purpose of discharging their functions under the Acts in relation to any contributory employee of the employing authority or any person claiming under or in respect of him.

Actuary's certificates and valuation of superannuation fund

13—(1) Forthwith upon receipt of any certificate, valuation or report under section 18 of the Act of 1937, an administering authority shall send copies thereof to all employing authorities interested in the superannuation fund maintained by the administering authority.

(2) Not less than one month before submitting to the Secretary of State any scheme made under subsection (6) of section 18 of the Act of 1937 the administering authority shall send a copy of the scheme to such employing authorities as aforesaid, and upon the submission of the scheme to the Secretary of State any such authority may make representations thereon to him.

(3) This regulation shall not apply to a joint superannuation committee in relation to any constituent authority of such committee.

Accounts and Audit

14. As soon as may be after any audit of the superannuation fund maintained by them, every administering authority shall furnish to all employing authorities interested therein copies of the revenue account and balance sheet of the fund and of any report of the auditor on his audit of the fund.

PART VI

EXCHANGE BETWEEN LOCAL AUTHORITIES OF INFORMATION WITH REGARD TO THE SERVICE, ETC., OF CONTRIBUTORY EMPLOYEES AND LOCAL ACT CONTRIBUTORS IN CASES OF TRANSFER

15.—(1) A local authority, when paying a transfer value to another local authority in accordance with section 24 of the Act of 1937, in respect of a contributory employee or local Act contributor who has ceased to be

employed as such, shall furnish the person and the authority to whom the transfer value is paid with a statement containing the following particulars, namely—

(*a*) date of person's birth ;

(*b*) whether he was an officer or servant ;

(*c*) his class or description ;

(*d*) whether his employment was whole-time or part-time, and, if the latter, what proportion of whole-time employment this represented ;

(*e*) the rate of his contribution and, if that rate is by virtue of regulations made under subsection (4) of section 69 of the National Insurance Act, 1946, a reduced rate, the amount of the reduction and the date from which the reduction has effect ;

(*f*) details of his previous service, including added years and qualifying service, if any, showing—

(i) each local authority or other body or person by whom he has been employed ;

(ii) dates of commencement and termination of each employment ;

(iii) whether the employment was whole-time or part-time employment, and, if the latter, what proportion of whole-time employment this represented ;

(iv) dates of commencement and termination of war service and national service, if any ; and

(v) in what manner the service was reckonable under the Acts or the local Act scheme, as the case may be, to which the person was last subject before transfer ;

(*g*) the remuneration or emoluments of which account has been taken in calculating the transfer value ;

(*h*) details of the amount, if any, showing interest separately, which, on his ceasing to be subject to the Acts or the local Act scheme, as the case may be, would have been returnable to him in respect of such contributions to or additional contributory payments into a superannuation fund as are mentioned in subsection (5) of section 10 of the Act of 1937 or of moneys which pursuant to any regulations for the time being in force under the Acts are to be treated as such contributions as aforesaid ;

(*i*) details of the sum, if any, showing interest separately, which was paid to him by way of a return of such contributions or payments or moneys as aforesaid on his ceasing to be subject to the Acts or the local Act scheme, as the case may be ; and

(*j*) details of any contributions payable by the employee on account of added years or as a condition of being entitled to reckon as a period of contributing service or, as the case may be, as service or as a period of contribution for the purposes of a local Act scheme, any service which would not otherwise be so reckonable or otherwise for the purpose of increasing the benefits payable in respect of any period of service.

(2) The particulars to which the last foregoing paragraph refers shall in respect of any period prior to the date of the last notification given in compliance with Part II or Part III of these regulations, or in compliance with any similar provision contained in regulations revoked by these regulations, tally with the statements contained in that and any previous notification which is still current:

Provided that, if any question concerning a statement contained in any such notification has been determined by the Secretary of State under section 30 of the Act of 1937 or by arbitration or appeal under a local Act scheme, the particulars furnished in pursuance of the last preceding paragraph shall tally with the aforesaid determination or, as the case may be, with the award or decision under the local Act scheme.

(3) Where an administering authority receiving a transfer value in respect of any person are not the employing authority, they shall furnish that authority with a copy of the statement received by them under this regulation.

PART VII

PROCEDURE WITH RESPECT TO BENEFITS AND THE RETURN OF CONTRIBUTIONS

16. Without prejudice to the generality of regulation 12 of these regulations an employing authority who are not the appropriate administering authority shall—

(*a*) on receiving from a contributory employee notice of his intended retirement;

(*b*) on giving to an employee notice to terminate his services in circumstances in which he may become entitled to a return of contributions or to a benefit payable out of the appropriate superannuation fund;

(*c*) on becoming aware of any other circumstance which may necessitate any payment out of the appropriate superannuation fund;

(*d*) on receiving from a contributory employee notice of his election under proviso (*a*) to regulation 11 of the benefits regulations (which relates to joint appointments) not to be entitled to any rights under that regulation;

(*e*) on receiving from a designated employee notice under proviso (ii) to paragraph (2) of regulation 21 of the benefits regulations (which relates to employees on the medical or nursing staff of a local authority) that he does not desire the modifications referred to in that paragraph to apply in his case;

(*f*) on receiving from a designated employee notice under the proviso to regulation 23 of the benefits regulations (which relates to female members of staffs of children's homes and certain other female employees) that she does not desire the modifications referred to in that regulation to apply in her case,

forthwith inform the administering authority of the notice or other circumstances as aforesaid and except in the circumstances to which paragraphs (*d*), (*e*) and (*f*) of this regulation apply, send to that authority—

(i) particulars of the employee's remuneration during such period as is relevant to a decision on the benefit which may become payable to or in respect of him; and

(ii) a copy of any relevant medical or death certificate.

17. Except where by any provision of any Act or of any scheme or regulations made under the Act of 1937 or the Act of 1953 the payment out of the appropriate superannuation fund of a benefit under regulations made under

section 1 of the Act of 1953, or the return of contributions under section 10 of the Act of 1937, is at the discretion of the employing authority, the appropriate administering authority shall, in the first instance and subject to the right of appeal to the Secretary of State conferred by section 30 of the Act of 1937, decide any question as to a person's entitlement to any payment out of the appropriate superannuation fund:

Provided that where the appropriate administering authority are not the employing authority they shall, before giving their decision, consult the employing authority and take into consideration any representation made, within such reasonable time as the administering authority may allow, by the employing authority with regard to the making of any such payment as aforesaid.

18.—(1) Any administering authority or local Act authority by whom a decision has been made with respect to any person's entitlement to a payment out of the superannuation fund maintained by them or, as the case may be, under the local Act scheme shall send to the person a written notification of their decision.

(2) A notification sent in pursuance of the last preceding paragraph shall include—

(*a*) if the decision is adverse to the person, the grounds for the decision;

(*b*) if the decision is that a payment shall be made to the person, a statement showing how that payment is computed; and

(*c*) in every case, a statement of the kind required by paragraph (2) of regulation 10 of these regulations.

Part VIII

Provisions with Respect to Appeals

19. A person who, being dissatisfied with any decision made under these regulations by the authority concerned, wishes to exercise the right of appeal conferred by section 30 of the Act of 1937, shall, within three months from the date on which he receives from such authority a written notification of that decision, serve on the Secretary of State written notice of appeal:

Provided that the Secretary of State may accept notice of appeal served after the expiration of the said period of three months, if he is satisfied that there were reasonable grounds for not serving the notice within that period.

20.—(1) Subject as hereinafter provided, an administering authority may appeal to the Secretary of State against—

(*a*) any decision made under the Acts, whether in pursuance of these regulations or otherwise, by any employing authority whose employees are entitled to participate in the benefits of the fund maintained by the administering authority; or

(*b*) any failure or refusal to make any such decision by any such authority:

Provided that the right of appeal provided by this paragraph shall not extend to any decision made by an employing authority in the exercise of a discretion conferred by or under the Acts solely on that authority.

(2) An administering authority who wish to appeal under the provisions of this regulation shall serve on the Secretary of State written notice of appeal—

(*a*) if the appeal is against a decision of an employing authority, within three months of the date on which they receive from the employing authority written notice of that decision;

(*b*) if the appeal is against the failure or refusal of an employing authority to make a decision, within three months of that failure or refusal.

(3) For the purpose of the last foregoing sub-paragraph an employing authority shall be deemed to have failed to give a decision if, after the expiration of three months from the date on which they have been requested by notice in writing served on them by the administering authority to decide any question, they have not decided that question.

21. Where a notice under regulation 19 or 20 of these regulations is sent by post in a properly addressed pre-paid envelope it shall be deemed to be served at the time at which a letter would be delivered in the ordinary course of post.

Dated this 21st day of September, nineteen hundred and fifty-four.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which supersede the Local Government Superannuation (Administration) (Scotland) Regulations, 1938, and the Local Government Superannuation (Administration) (No. 2) (Scotland) Regulations, 1938, provide for administrative action to be taken by local authorities and by certain other authorities who for superannuation purposes are treated as local authorities.

Part I defines terms used in the regulations and provides for the revocation of the regulations previously in force. Parts II, III and IV specify the action to be taken for ascertaining, recording and notifying to the employee his status for superannuation purposes, particulars of his service and the contributions payable by him. Part V contains provisions regulating the relations and financial arrangements between administering authorities (i.e. authorities maintaining a superannuation fund under Part I of the Local Government Superannuation (Scotland) Act, 1937) and other authorities interested in the fund and, in particular, provides for the payments to be made to the administering authority, and for the exchange of information concerning the administration of the fund between the administering authority and the other authorities interested in the fund. Part VI sets out the information to be given by a local authority to an employee and the other local authority concerned where the employee changes his employment in such circumstances that a transfer value is payable. Part VII deals with the procedure for payment of benefits and return of contributions; in particular it requires employing authorities to inform the appropriate administering authority of events which may give rise to a payment from the superannuation fund, and contains provisions with respect to the authority by whom a decision concerning any such payment is to be made, and with respect to the notification to be given of any such decision to the employee concerned. Part VIII contains provisions relating to appeals to the Secretary of State by an employee and confers on administering authorities a right of appeal to the Secretary of State in respect of certain decisions (or failure or refusal to make a decision) by employing authorities.