STATUTORY INSTRUMENTS

1975 No. 2045 (S. 276)

PENSIONS

The Pensions Increase (Approved Schemes) (Local Government) (Scotland) Amendment Regulations 1975

Made - - - -	*3rd December* 1975
Laid before Parliament	*17th December* 1975
Coming into Operation	*7th January* 1976

In exercise of the powers conferred on me by section 13(3) to (5) of the Pensions (Increase) Act 1971(**a**) as amended by section 3(4)(*a*) of the Pensions (Increase) Act 1974(**b**) and of all other powers enabling me in that behalf, with the approval of the Minister for the Civil Service, I hereby make the following regulations:—

1. These regulations may be cited as the Pensions Increase (Approved Schemes) (Local Government) (Scotland) Amendment Regulations 1975 and shall come into operation on 7th January 1976.

2.—(1) In these regulations "the principal regulations" means the Pensions Increase (Approved Schemes) (Local Government) (Scotland) Regulations 1972(**c**).

(2) The Interpretation Act 1889(**d**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. In regulation 2(1) of the principal regulations (Interpretation) for the definition of "local authority" there shall be substituted—

' "local authority" means—

(*a*) in respect of the period up to and including 15th May 1975, any county council, town council or district council in Scotland and any other authority to whom section 270 of the Local Government (Scotland) Act 1947(**e**) applied; and

(*b*) in respect of any period from and including 16th May 1975 any regional, islands or district council or any river purification board established under the Local Government (Scotland) Act 1973(**f**);

and any reference in these regulations to a local authority shall apply also—

(i) to any joint board or joint committee established under or by virtue of any Act if all the constituent authorities are local authorities;

(ii) to the Greater Glasgow Passenger Transport Executive; and

(iii) to the Central Scotland Water Development Board; '.

(**a**) 1971 c. 56. (**b**) 1974 c. 9. (**c**) S.I. 1972/1355 (1972 III, p. 4185).
(**d**) 1889 c. 63. (**e**) 1947 c. 43. (**f**) 1973 c. 65.

4.—(1) This regulation shall apply to a person who ceases to be employed by a local authority on or after 31st March 1972. In this paragraph the reference to a local authority shall be construed as a reference to any local authority or other body which is, or is to be treated as, a local authority for the purposes of the principal regulations.

(2) The principal regulations, as amended by regulation 3 of these regulations, shall have effect in relation to a person to whom this regulation applies as provided in paragraphs (3) to (6) below.

(3) Regulation 2(1) shall have effect as if—

(*a*) for the definition of "average remuneration" there were substituted—

' "average remuneration", in relation to a person, means an amount equal to the remuneration of his employment as assessed for the purpose of calculating the employer's superannuation contribution during the relevant year of his reckonable service;';

(*b*) for the definition of "minimum pensionable age" there were substituted—

' "minimum pensionable age", in relation to a person, means the earliest age at which he could have become entitled to receive a pension by virtue of regulations E2(1)(*a*) or (*b*)(ii) of the Superannuation Regulations if, where he attained that age before 16th May 1974, those regulations had then been in force and if in his employment he had been a pensionable employee;';

(*c*) after the definition of "minimum pensionable age" there were inserted—

' "pensionable employee" has the same meaning as in the Superannuation Regulations;';

(*d*) after the definition of "relevant local authority" there were inserted—

' "relevant year", in relation to a person's reckonable service, means the year ending with the day on which the person ceases to hold his employment or the day on which he completes 45 years' reckonable service, disregarding reckonable service before attaining the age of 60 years beyond a total of 40 years, whichever is the earlier, but if the amount of the remuneration of his employment assessed for the purpose of calculating the employer's superannuation contribution during that year is less than the amount it would have been had the relevant year been either of the two years immediately preceding that year, the expression means whichever one of those two years yields the higher amount;';

(*e*) after the definition of "the Secretary of State" there were inserted—

' "the Superannuation Regulations" means the Local Government Superannuation (Scotland) Regulations 1974 and 1975(**a**);'.

(4) Sub-paragraph (*b*)(ii) of regulation 4(1) (which defines the persons to whom the regulations are to apply) shall have effect as if for the figure "10" there were substituted the figure "5".

(**a**) S.I. 1974/812, 1975/638 (1974 II, p. 3093; 1975 I, p. 2284).

(5) Regulation 5 (notional pension and notional lump sum) shall have effect as if—

(*a*) for paragraph (1)(*b*) there were substituted—
"(*b*) for any additional day of reckonable service one three hundred and sixty fifth of one eightieth of his average remuneration.";

(*b*) for paragraph (2)(*b*) there were substituted—
"(*b*) for any additional day of reckonable service one three hundred and sixty fifth of three eightieths of his average remuneration.".

(6) The Schedule (meaning of reckonable service) shall have effect as if—

(*a*) in paragraph 2(*a*) the words from "section 40" to the end were replaced by the words "the Pensions Increase (Approved Schemes) (Local Government) Regulations 1972(**a**) as amended(**b**);

(*b*) in paragraph 2(*b*) at the end there were added—
"or regulation B4 of the Superannuation Regulations";

(*c*) in paragraph 3(*b*) after the word "Man" there were inserted—
"or under regulations made under section 7 of the Act of 1972".

5. Any benefit, or any increase of benefit, attributable to these regulations shall take effect in respect of any period beginning on or after 1st April 1972.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
1st December 1975.

Approval of the Minister for the Civil Service given under his Official Seal on 3rd December 1975.

K. H. McNeill,
Authorised by the Minister for the
Civil Service.

(L.S.)

(a) S.I. 1972/931 (1972 II, p. 2927). (b) S.I. 1975/503 (1975 I, p. 1672).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Pensions Increase (Approved Schemes) (Local Government) (Scotland) Regulations 1972 ("the principal regulations") provide for the payment to certain persons, who have left local government employment and whose pension rights were secured by insurance policies, of amounts corresponding to the pension increases they would have received under the Pensions (Increase) Act 1971 had they been subject to the local government superannuation scheme.

These Regulations amend the definition of "local authority" in the principal regulations consequentially on the reorganisation of local authorities by the Local Government (Scotland) Act 1973 (regulation 3).

In addition the Regulations amend the principal regulations, in relation to persons who leave local government employment on or after 31st March 1972, to take account of changes to conditions of entitlement to benefits under the local government superannuation scheme, and changes to the amount of those benefits, effected since the commencement of the principal regulations and now contained in the Local Government Superannuation (Scotland) Regulations 1974—those changes were made only in relation to persons subject to that scheme who leave local government employment on or after 31st March 1972 (regulation 4).

Under the powers in section 13(5) of the 1971 Act the Regulations provide for any benefit, or any increase of benefit, attributable to the Regulations to take effect from 1st April 1972.

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