

1961 No. 306

## NATIONAL INSURANCE

## The National Insurance (Modification of Electricity Superannuation Schemes) Regulations, 1961

Made - - - - -	21st February, 1961
Laid before Parliament	1st March, 1961
Coming into Operation	3rd April, 1961

The Minister of Power, being the appropriate Minister determined by the Treasury under subsection (4) of section 69 of the National Insurance Act, 1946(a), in relation to the schemes specified in the schedule hereto, in pursuance of the powers conferred upon him by the said subsection as extended by section 15 of the National Insurance Act, 1959(b), and of all other powers him enabling, hereby makes the following regulations:—

*Commencement and citation*

1. These regulations shall come into operation on the third day of April, nineteen hundred and sixty-one and may be cited as the National Insurance (Modification of Electricity Superannuation Schemes) Regulations, 1961.

*Interpretation*

2.—(1) In these regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the 1959 Act” means the National Insurance Act, 1959;

“equivalent pension benefits” and “non-participating employment” have the same meanings as in Part II of the 1959 Act;

“Electricity Board” means any Electricity Board as defined in section 1 (3) of the Electricity Act, 1947(c), as amended(d), other than the North of Scotland Board and the South of Scotland Board, and includes the Electricity Council;

“a scheme” means each of the schemes specified in the schedule hereto, being a scheme in respect of the employment of members of which an election is made by an Electricity Board in accordance with Part II of the National Insurance (Non-participation—Certificates) Regulations, 1959(e) (which relates to notices and elections);

“transferred schemes” means schemes as defined in regulation 1 of the Electricity (Pension Rights) Regulations, 1948(f), as amended(g);

“customary obligations schemes” means schemes relating to customary obligations in respect of pensions referred to in section 54 (5) of the said Electricity Act.

(2) Any reference in these regulations to the provisions of any enactment shall be construed, except where the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment.

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 47. (c) 10 & 11 Geo. 6. c. 54.  
 (d) 2 & 3 Eliz. 2. c. 60; 5 & 6 Eliz. 2. c. 48. (e) S.I. 1959/1860 (1959 II, p. 1867).  
 (f) S.I. 1948/2172 (Rev. VI, p. 918; 1948 I, p. 873). (g) S.I. 1950/359 (1950 I, p. 616).

(3) The Interpretation Act, 1889(a), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Pensionable age of women*

3.—(1) Where the earliest age at which a person employed by an Electricity Board on ceasing to be employed would, apart from these regulations, become entitled to a retirement pension under a scheme is in excess of sixty years, that age shall, notwithstanding anything to that effect in the scheme, in the case of a woman be sixty years :

So, however, that where the date for a woman's retirement on pension under a scheme is fixed to fall not later than six months after attaining the age of sixty years and does not depend solely on age, this regulation shall apply as if she did not attain that age before that date.

(2) The amount of the pension to which a woman on ceasing to be employed at the age of sixty years or later would become entitled under a scheme solely by virtue of this regulation shall be reduced, in the absence of any provision for reduction at such age in the scheme, by such amount as the actuary appointed under the scheme or, failing such an actuary, as an actuary appointed by the Electricity Board concerned, shall consider appropriate having regard to her age at retirement and the age in excess of sixty years at which, apart from these regulations, she would have become entitled to a pension under the scheme on ceasing to be employed :

Provided that—

- (i) any pension so payable in respect of her non-participating employment shall not be less than the amount of the equivalent pension benefits ;
- (ii) where a pension is payable in accordance with the preceding paragraph of this proviso under a scheme the benefits of which are secured by contract of assurance or annuity contract and the total amount of the premiums paid under such scheme in respect of such woman is insufficient to provide the amount of such equivalent pension benefits, the Electricity Board concerned shall pay the deficiency.

*Provisions for assuring equivalent pension benefits*

4. Notwithstanding anything in a scheme, no provision therein—

- (a) for the forfeiture, surrender, commutation, charging, assignment or reduction of a pension ; or
- (b) for the termination or suspension of a pension, except for such causes as may be prescribed by regulations made under paragraph (c) of subsection (1) of section 8 of the 1959 Act,

shall operate so as to reduce a pension payable in respect of non-participating employment to a person, who attains the age of sixty-five years in the case of a man and sixty years in the case of a woman, below an amount which would be equal to the equivalent pension benefits.

*Recovery of payment in lieu of contributions*

5. Notwithstanding anything in a scheme, where an Electricity Board are liable for a payment in lieu of contributions in respect of any person under the 1959 Act, that Board on making that payment may recover from the person liable for the payment of benefits under the scheme so much of the payment in lieu of contributions, not being the amount, if any, recoverable by the Board in accordance with section 10 of the Act, as does

not exceed the Board's share of contributions paid under the scheme in respect of such first-mentioned person:

Provided that this regulation shall not apply to a scheme the benefits of which are secured by contract of assurance or annuity contract, or to the Electricity Supply (Scientists) Superannuation Scheme.

Dated this twenty-first day of February, nineteen hundred and sixty-one.

*Richard Wood,*  
Minister of Power.

## SCHEDULE

Regulation 2

### SCHEMES

- The Electricity Supply (Staff) Superannuation Scheme.
- The Electricity Supply (Manual Workers) Superannuation Scheme.
- The Superannuation (Protected Persons) Scheme of each Electricity Board.
- Transferred schemes, including customary obligations schemes.
- The Electricity Supply (Scientists) Superannuation Scheme.

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## EXPLANATORY NOTE

*(This note is not part of the regulations, but is intended to indicate their general purport.)*

The purpose of these regulations is to modify the Electricity Superannuation Schemes set out in the schedule in connection with the operation of the provisions of the National Insurance Act, 1959.

So that the pensionable age for women under a Scheme may accord with that under the National Insurance Act, 1946, regulation 3 provides that that age shall be 60, and also provides for actuarial reduction of pensions payable at that age, and later in certain cases.

By virtue of section 7 (2) of the said Act of 1959, an employment may not be contracted out of the graduated National Insurance scheme unless those employed in it qualify for equivalent pension benefits. Section 8 (1) of that Act lays down the conditions which must be satisfied if an occupational pension scheme is to be treated as providing equivalent pension benefits. Regulation 4 provides that no provision in a Scheme for (a) the forfeiture, surrender, commutation, charging, assignment or reduction of the pension, or (b) the termination or suspension of a pension except for prescribed causes, shall operate to reduce a pension in respect of non-participating employment within the meaning of Part II of the Act below an amount equal to equivalent pension benefits within such meaning.

Regulation 5 enables an Electricity Board, when making a payment in lieu of contributions in respect of any person under the 1959 Act, to recover from the person liable for the payment of benefits under a Scheme, in addition to such amount as may be recoverable under section 10 of that Act, the balance of such payment, insofar as it does not exceed the amount of the Board's own share of contributions under the Scheme. Certain Schemes are excepted from this regulation.