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STATUTORY INSTRUMENTS

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**1969 No. 97**

**The West Midlands Passenger Transport  
Area (Designation) Order 1969**

**Designation of superannuation fund and application of the Local Government  
Superannuation Acts**

**19.**—(1) The superannuation fund maintained under the Local Government Superannuation Acts 1937 to 1953 by the Birmingham City Council shall be the fund in the benefits of which persons who are or have been employed by the Authority, the Executive or a subsidiary of the Executive are entitled to participate, but such entitlement shall be subject to the provisions of those Acts as applied by this Article.

(2) Without prejudice to paragraph 5 of Part II of Schedule 5 to the Act of 1968, the provisions of the Local Government Superannuation Acts 1937 to 1953 and of any instruments for the time being in force under any of those Acts (which provisions are hereafter in this Article referred to as “the said provisions”) shall, subject as hereafter provided in this and the succeeding paragraphs of this Article, apply to persons who are or have been members of the Executive, or officers or servants of the Authority or the Executive, or directors, officers or servants of a subsidiary of the Executive as they apply to persons who are or have been officers or servants of a local authority not being either a local authority specified in Part I of Schedule 1 to the Local Government Superannuation Act 1937 or a local Act authority, but—

- (a) in their application to persons who are or have been officers or servants of the Authority or directors, officers or servants of a subsidiary of the Executive, the said provisions shall have effect as if the Authority or the subsidiary (as the case may be) were the Executive, so that for the purposes of the said provisions the Executive shall be the employing authority in relation to those persons, and
  - (b) in their application to persons who are officers or servants of the Authority or of the Executive or of a subsidiary of the Executive, the said provisions shall have effect as if at the end of paragraph (c) of section 3(2) of the Local Government Superannuation Act 1937 there were added the words “or who is an officer or servant belonging to a class or description which the authority have by a statutory resolution specified as a class or description the members of, or persons falling within, which are to be contributory employees”, and
  - (c) in their application to persons who are or have been members of the Executive or directors of a subsidiary of the Executive, the said provisions shall have effect as if service as such a member or director were service in the employment of the Executive.
- (3) The Executive shall not, without the consent of the Authority—
- (a) resolve that a member of the Executive shall be a contributory employee for the purposes of the said provisions, or
  - (b) exercise as respects a person who is or has been a member of the Executive any power given to them by the said provisions as the employing authority which would have the effect of sanctioning the conferment, on or in respect of that person in connection with his service as such a member, of any superannuation privilege or benefit (including any increase in such privilege or benefit and any extension of his service for superannuation

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purposes) to which he would not be entitled under the said provisions if that power were not exercised.

(4) The Executive shall not resolve that a member of the Executive or a director of a subsidiary of the Executive shall be a contributory employee for the purpose of the said provisions unless his service as such a member or director is whole time service, that is to say, service to which he is required by the terms of his appointment to devote substantially the whole of his time.

(5) Any expression used in this Article which is also used in the Local Government Superannuation Act 1937 has the same meaning in this Article as it has in that Act.

(6) This Article shall be without prejudice to section 10(1)(xxx) of, and paragraph 4 of Part II of Schedule 5 to, the Act of 1968.