

## 1973 No. 1996

## PENSIONS

**The Local Government Superannuation (Miscellaneous Provisions) (No. 2) Regulations 1973**

<i>Made</i> - - - -	<i>28th November 1973</i>
<i>Laid before Parliament</i>	<i>10th December 1973</i>
<i>Coming into Operation—</i>	
<i>Regulations 1 to 8</i> -	<i>31st December 1973</i>
<i>Regulations 9 to 11</i> -	<i>1st April 1974</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 7 of the Superannuation Act 1972(a), as read with paragraph 5(1) of Schedule 7 to that Act, and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned, the local authorities with whom consultation appeared to him to be desirable and such representatives of other persons likely to be affected by the regulations as appeared to him to be appropriate, hereby makes the following regulations:—

*Title and commencement*

1.—(1) These regulations may be cited as the Local Government Superannuation (Miscellaneous Provisions) (No. 2) Regulations 1973.

(2) Regulations 1 to 8 shall come into operation on 31st December 1973; and regulations 9 to 11 shall come into operation on 1st April 1974.

*Interpretation*

2.—(1) In these regulations “the Act of 1937” means the Local Government Superannuation Act 1937(b) and words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings in these regulations.

(2) In these regulations, unless the context otherwise requires—

(a) any reference to any enactment or instrument shall be construed as a reference thereto as amended, modified, extended, applied or re-enacted by any other enactment or instrument (including these regulations); and

(b) any reference to the Act of 1937, section 15 of the Local Government Superannuation Act 1953(c) or section 7 of the Superannuation (Miscellaneous Provisions) Act 1948(d) shall, additionally, be construed as a

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(a) 1972 c. 11.

(b) 1937 c. 68.

(c) 1953 c. 25.

(d) 1948 c. 33.

reference thereto as having effect by virtue of paragraph 5(1) of Schedule 7 to the Superannuation Act 1972 and as amended by the Local Government Superannuation (Miscellaneous Provisions) Regulations 1973(a).

(3) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if these regulations and the regulations revoked by regulation 11 below were Acts of Parliament.

#### *Superannuation funds*

3. In section 1 of the Act of 1937 (which relates to superannuation funds) after subsection (2A) there shall be inserted the following subsection—

“(2B) A superannuation fund shall be maintained for the purposes of this Part of this Act by the National Water Council.”.

#### *Appropriate superannuation fund*

4.—(1) In section 4 of the Act of 1937 (which relates to the funds to which contributions are payable)—

(a) after subsection (1) there shall be inserted the following subsection—

“(1A) The appropriate superannuation fund in relation to the contributory employees of an employing authority who are a water authority within the meaning of the Water Act 1973(c) shall be the superannuation fund maintained by the National Water Council.”;

(b) in subsection (2), for the word “subsection” there shall be substituted the word “subsections”.

(2) Notwithstanding anything in section 4 of the Act of 1937, the appropriate superannuation fund for the purposes of the Act of 1937 in relation to the contributory employees of an employing authority who are a district council, a parish council established by or under the Local Government Act 1972(d) or a community council shall be the superannuation fund maintained by the council of the county established by the Local Government Act 1972 within which the area of the employing authority is situate.

#### *Use of superannuation fund moneys*

5. In section 21 of the Act of 1937 (which relates to management of a superannuation fund and use and investment of moneys)—

(a) in subsection (3), after the word “may”, where it first occurs, there shall be inserted the words “, subject to subsection (4),”;

(b) at the end of the section there shall be added the following subsection—

“(4) An administering authority shall not under the preceding subsection use on or after 31st December 1973—

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(a) S.I. 1973/313 (1973 I, p. 1100).  
(c) 1973 c. 37.

(b) 1889 c. 63.  
(d) 1972 c. 70.

- (a) any further moneys forming part of the superannuation fund maintained by them for any purpose for which they have a statutory borrowing power other than for the purpose of defraying expenses (including those payable by them to meet the expenses of other local authorities) pending the receipt of revenues receivable by them in respect of the financial year in which those expenses are chargeable, so long as the aggregate amount for the time being not repaid of any moneys so used by them before 31st December 1973 equals or exceeds 25 per cent of the value for the time being of the fund; or
- (b) any moneys for any such purpose, so as to bring the aggregate amount of all moneys so used by them to an amount which exceeds 25 per cent of that value.”.

*Interpretation of Act of 1937*

6. In section 40(1) of the Act of 1937 (Interpretation) in the definition of “local authority”—

- (a) after the words “county district,” there shall be inserted the words “the council of a district,”;
- (b) after the word “London,”, where third occurring, there shall be inserted the words “any parish council, any community council”;
- (c) at the end of the definition there shall be added the words “the National Water Council and any water authority within the meaning of the Water Act 1973;”.

*Officers who are to be compulsorily superannuable*

7. In Part I of Schedule 1 to the Act of 1937 (which specifies the local authorities whose whole-time officers are to be compulsorily superannuable)—

- (a) after the paragraph beginning “The council of a county” there shall be inserted the following paragraph—  
“The council of a district.”;
- (b) at the end of the part there shall be added the following paragraphs—  
“The National Water Council.  
A water authority within the meaning of the Water Act 1973.”.

*Option to pay contributions, etc.*

8. Any existing employee who by virtue of the provisions of paragraph (a) of regulation 6 above and paragraph (a) of regulation 7 above or of paragraph (c) of the said regulation 6 and paragraph (b) of the said regulation 7 becomes a contributory employee on the coming into operation of those regulations may, by notice in writing given to his employing authority before 1st April 1974, elect to pay contributions to the appropriate superannuation fund in respect of the period beginning with the day on which he entered upon his employment under that authority and ending with the day immediately before the date on which those regulations come into operation as if he had during that period been a contributory employee under that authority and to reckon service rendered by him to that authority during that period accordingly.

*Dissolution, etc., of joint committees*

9. Every joint committee established by a scheme of combination made under section 2 of the Act of 1937 and in force immediately before 1st April 1974 shall cease to exist and where any person is a trustee of a superannuation fund maintained by such a committee he shall cease to be a trustee thereof.

*Transfer of superannuation funds and consequential matters*

10.—(1) The superannuation fund maintained under Part I of the Act of 1937 by any authority or other body specified in column (1) of the schedule to these regulations (in this regulation referred to as a “transferor authority”) shall by virtue of these regulations be transferred to and vest in the authority specified opposite thereto in column (2) of that schedule (in this regulation referred to as the “successor authority”) and any such fund shall be carried by the successor authority to the fund which they are required to maintain under Part I of the Act of 1937.

(2) Any admission agreement made, or having effect as if made, under section 15 of the Local Government Superannuation Act 1953, section 7 of the Superannuation (Miscellaneous Provisions) Act 1948 or any corresponding local Act provision, whereby the employees of any body are or can be admitted to participate in the benefits of the superannuation fund maintained by a transferor authority shall have effect in all respects as an agreement on the like terms and conditions between that body and the successor authority and, in the case of an agreement made under a local Act provision, as if it had been made under the said section 15 with the approval of the Secretary of State.

(3) All liabilities attaching to a transferor authority in respect of their superannuation fund shall, subject to provisions of this regulation, attach to the successor authority in respect of their superannuation fund.

(4) Any liability of any authority or other body or of any person to make payments into the superannuation fund of a transferor authority shall become a liability to make payments into the superannuation fund of the successor authority.

(5) Subject to paragraph (2), all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by or to a transferor authority or any other body on their behalf for the purposes of their superannuation fund shall be of full force and effect in favour of, or against, the successor authority.

(6) Any action or proceeding or cause of action or proceeding pending or existing at 1st April 1974 by or against a transferor authority in respect of their superannuation fund shall not be prejudicially affected by reason of the Local Government Act 1972 or these regulations and may be continued, prosecuted and enforced by or against the successor authority.

(7) Where a transferor authority would have become liable, or would have been empowered, on the happening of any event, to make a payment out of their superannuation fund or take any other action in respect of any person who has ceased to participate in the benefits of the fund before 1st April 1974, then on the happening of that event such payment or action shall, or as the case may be

may, be made out of the superannuation fund of the successor authority or taken by that authority.

(8) Where a person has ceased to contribute to the superannuation fund of a transferor authority before 1st April 1974 and has not become a contributor to any other superannuation fund maintained under Part I of the Act of 1937 or a local Act, the superannuation fund of the successor authority shall on and after that date be deemed to be the fund to which he was last a contributor.

(9) The accounts of any authority or other body or of their committees or officers relating to any superannuation fund transferred by this regulation shall be made up to 31st March 1974 and shall be audited in like manner and subject to the like incidents and consequences as if these regulations had not been made:

Provided that any sum certified by a district auditor at any such audit as due from any person shall be paid to the successor authority.

(10) All legal proceedings pending on 1st April 1974 may be amended in such manner as may be necessary or proper in consequence of this regulation.

(11) The successor authority in relation to any superannuation fund transferred by this regulation shall send to any person entitled to a benefit payable out of the fund a notification in writing of the name and address of the authority which is liable under this regulation to make the payment.

#### *Revocations*

**11.** The following provisions of the Act of 1937 shall cease to have effect—

(a) in section 1—

- (i) in subsection (1)(a), the words “county, county borough and”;
- (ii) subsections (1)(b) to (d) and (2);

(b) section 2;

(c) in section 4—

- (i) in subsection (1), the words from “or are” to the words “admitting authority”, where they first occur, and the words from “or, as” to the end of that subsection;
- (ii) in subsection (2), proviso (a);
- (iii) subsection (3);

(d) in section 40(1)—

- (i) the definition of “combination scheme”;
- (ii) in the definition of “local authority”, the words “county borough or county district” and the words from “joint committee”, where they first occur, to the word “other”;

(e) in Part I of Schedule 1, the words “county borough or county district” and the words “a joint committee established by a combination scheme.”.

## SCHEDULE

Regulation 10

## TRANSFER OF SUPERANNUATION FUNDS

(1) Transferor authority	(2) Successor authority
The council of the administrative county of Glamorgan The Mid Glamorgan (Superannuation) Joint Committee	The County Council of Mid Glamorgan
The council of the administrative county of Yorkshire, West Riding The West Riding (Local Authorities) Superannuation Joint Committee	
The Bucklow (Superannuation) Joint Committee	The County Council of Cheshire
The Central Lancashire (Local Authorities) Joint Superannuation Committee The East Cheshire (Local Authorities) Joint Superannuation Committee The South-East Lancashire (Local Authorities) Superannuation Joint Committee	The County Council of Greater Manchester
The Cotswold District Joint Superannuation Committee	
The Durham (Local Authorities) Superannuation Joint Committee	
The Lichfield (Superannuation) Joint Committee	The County Council of Staffordshire
The Northumberland (Local Authorities) Superannuation Joint Committee	The County Council of Northumberland
The West Lancashire (Superannuation) Joint Committee	The County Council of Merseyside
The council of any other administrative county, any other joint committee established by a scheme of combination made under section 2 of the Act of 1937 and the council of a county borough or county district	The council of the county within which the area, or the greater part of the area, of the authority specified in column (1) is situate or, in the case of a joint committee so specified, the areas, or the greater part of the areas, of the constituent authorities thereof are situate
The Upper Tame Drainage Authority The Derwent Valley Water Board The Durham County Water Board The Fylde Water Board The Staffordshire Potteries Water Board The West Lancashire Water Board The Wirral Water Board	The National Water Council

28th November 1973.

*Geoffrey Rippon,*  
Secretary of State for  
the Environment.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations make amendments to the enactments constituting the local government superannuation scheme consequential on the Local Government Act 1972 ("the Act of 1972") and the Water Act 1973 ("the Act of 1973").

Although repealed by the Superannuation Act 1972, the enactments constituting that scheme have effect by virtue of paragraph 5(1) of Schedule 7 to that Act as Regulations made under section 7 of that Act.

The principal amendments—

- (1) place on the National Water Council a duty to maintain a superannuation fund for the purposes of the local government superannuation scheme (Regulation 3);
- (2) determine, by way of amendment to section 1 of the Local Government Superannuation Act 1937, the bodies which on and after 1st April 1974 are to maintain superannuation funds for the purposes of that scheme, namely, every county council, the Greater London Council and every London borough council (all of which at present maintain such funds) and the National Water Council (Regulation 11(a) and (b));
- (3) make whole-time employees of district councils and whole-time employees of the National Water Council or of water authorities within the meaning of the Act of 1973 compulsorily superannuable (Regulations 6(a) and 7(a) and Regulations 6(c) and 7(b) respectively) and provide for the participation by the first-mentioned employees in the superannuation funds of the county councils constituted under the Act of 1972 (Regulation 4(2)) and by the last-mentioned employees in the superannuation fund of the National Water Council (Regulation 4(1)(a)).

Provision is made enabling certain whole-time employees of any body mentioned in paragraph (3) above to opt to pay contributions in respect of previous service with that body and to reckon that service accordingly (Regulation 8).

In addition the Regulations—

- (a) provide for the abolition on 1st April 1974 of joint superannuation committees (Regulation 9) and for the transfer on that date of superannuation funds maintained for the purposes of the scheme by those committees or by bodies which by virtue of the Act of 1972 or the Act of 1973 cease to exist on that date (Regulation 10 and the Schedule);
- (b) restrict the use by a body maintaining a superannuation fund of its fund moneys for the purposes of its own undertakings (Regulation 5).

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