
 STATUTORY INSTRUMENTS

1977 No. 1341

PENSIONS

**The Local Government Superannuation (City of London)
Regulations 1977**

Made - - - - - 1st August 1977

Laid before Parliament 12th August 1977

Coming into Operation 1st October 1977

The Secretary of State for the Environment, in exercise of the powers conferred upon him by section 110(1)(a) of the National Insurance Act 1965(b), having been determined by the Minister for the Civil Service to be the appropriate Minister of the Crown under that section, and in exercise of the powers conferred upon him by sections 7, 8 and 12 of the Superannuation Act 1972(c), 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, the local Act authority concerned 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:—

Citation and commencement

1. These regulations may be cited as the Local Government Superannuation (City of London) Regulations 1977 and shall come into operation on 1st October 1977.

Interpretation

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

“City of London employing body” means the Common Council, the magistrates’ courts committee for the City of London, the probation and after-care committee for the City of London probation and after-care area or the Board of Governors of the Museum of London;

(a) Continued in force by regulation 3 of and Schedule 1 to the National Insurance (Non-participation—Transitional Provisions) Regulations 1974 (S.I. 1974/2057 (1974 III, p. 8011)).

(b) 1965 c. 51.

(c) 1972 c. 11.

“existing contributor” means—

(a) a person who, having been a contributor to the local Act superannuation fund immediately before the operative date, becomes on that date a pensionable employee under a City of London employing body; or

(b) a person who, having been in the employment of a City of London employing body immediately before the operative date but immediately before that date not having been a contributor to the local Act superannuation fund by virtue of article 17(c) of the Corporation of London (Superannuation) Scheme 1938 (which provides that a person who has attained the age of 55 years and has not completed, and cannot before attaining the age of compulsory retirement applicable in his case complete, 10 years of service, shall not be entitled to participate in the benefits of the local Act superannuation fund), becomes on that date a pensionable employee under a City of London employing body;

“former contributor” means a person who, having ceased to be a contributor to the local Act superannuation fund within a period of 12 months before the operative date, becomes a pensionable employee under a City of London employing body within 12 months of so ceasing;

“the local Act superannuation provisions” means the provisions of the enactments, and of the schemes and other instruments in force thereunder immediately before the operative date, which relate to the superannuation of employees of a City of London employing body;

“the local Act superannuation fund” means the fund maintained by the Common Council under the local Act superannuation provisions;

“the new superannuation fund” means the superannuation fund to be established and administered by the Common Council under the principal regulations;

“the operative date” means 1st October 1977;

“the principal regulations” means the Local Government Superannuation Regulations 1974(a),

and other words and expressions to which meanings are assigned by the principal regulations have the same respective meanings.

(2) For the purposes of—

(a) the reference in regulation 7(i) of these regulations to a person continuing in the employment there referred to and the reference in regulation 12 of these regulations to a person continuing in the employment of the City of London employing body under whom he first became a pensionable employee, the employment shall be regarded as continuing if employment by a City of London employing body is followed immediately by employment by another City of London employing body;

(b) the reference in regulation 10 of these regulations to a person continuing in the employment of the City of London employing body under whom he first became a pensionable employee, the employment

(a) S.I. 1974/520 (1974 I, p. 1986).

shall be regarded as continuing if employment by a City of London employing body is followed, within 12 months and without any intervening period of employment by any scheduled body, not being a City of London employing body, by employment by the same or another City of London employing body.

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

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

(b) any reference to any enactment applying to England and Wales listed in the table in paragraph 5 of Schedule 7 to the Act of 1972, or any instrument (including a scheme) made under any enactment so listed or any provision of any such enactment or instrument shall, additionally, be construed as a reference to that enactment, instrument or provision as having effect by virtue of sub-paragraph (1) of that paragraph.

(4) The Interpretation Act 1889(a) 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 instruments revoked by regulation 23 below were Acts of Parliament.

General application of the principal regulations

3.—(1) As from the operative date—

(a) the Common Council shall be included among the bodies required to establish and administer superannuation funds for the purposes of the principal regulations; and, accordingly, in regulation B1 of the principal regulations (superannuation funds), after paragraph (b) there shall be inserted the following paragraph—

“(bb) the Common Council;”;

(b) the Common Council and the probation and after-care committee for the City of London probation and after-care area shall be included among the bodies whose whole-time employees are to be compulsorily superannuable under the principal regulations; and, accordingly, in column (1) of Part I of Schedule 1 to the principal regulations (which Part describes the bodies whose whole-time employees are to be compulsorily superannuable)—

(i) in the entry beginning “A county council”, after the word “Council,” there shall be inserted the words “the Common Council,”; and

(ii) in the entry beginning “A probation”, the words from “other than” to the end shall be omitted; and

(c) the employees of the Board of Governors of the Museum of London shall be included among the persons who may be superannuable under the principal regulations; and, accordingly, in column (3)

of Part II of Schedule 1 to the principal regulations (which Part describes the persons who may be superannuable), at the end of the penultimate entry there shall be added the words “, the Board of Governors of the Museum of London”,

and, subject to the modifications contained in regulations 8 to 15, 17 and 18 of these regulations, the provisions of the principal regulations shall apply accordingly.

(2) Any reference in any of the provisions of the principal regulations to another provision of those regulations which is modified by any of the provisions of regulations 8 to 15, 17 and 18 of these regulations shall, in relation to any person to whom, or to any body or to the new superannuation fund to which, the modification relates, be construed, whenever the modification applies in relation to that person, body or fund, as a reference to that other provision as so modified.

Closure of the local Act superannuation fund, etc.

4.—(1) With effect from the operative date the Common Council shall close the local Act superannuation fund and transfer the balance standing to the credit thereof to the new superannuation fund, and all liabilities of, or liabilities of any body or individual to, the local Act superannuation fund shall become liabilities of or to the new superannuation fund.

(2) All invested moneys belonging to the local Act superannuation fund and the income from such moneys which immediately before the operative date were under or by virtue of section 16 of the City of London (Various Powers) Act 1946(a) held in the names of official trustees of the Corporation within the meaning of that section or in the names of such trustees individually and collectively shall by virtue of these regulations be transferred to and vest in the Corporation and, where any securities in which any such moneys are invested are standing in the books of a company in the names of official trustees of the Corporation within the meaning aforesaid or in the names of such trustees individually and collectively, a certificate of the town clerk of the City of London shall be a sufficient authority to the company to transfer the securities into the name of the Corporation and to pay the dividends or interest to the Corporation.

In this paragraph—

“company” includes the Bank of England and any company or person keeping books in which any securities are registered or inscribed;

“the Corporation” means the mayor and commonalty and citizens of the City of London;

“securities” has the same meaning as in the Prevention of Fraud (Investments) Act 1958(b).

(3) Where a person ceased to contribute to the local Act superannuation fund before the operative date and did not, or does not, become before that date a contributor to any other superannuation fund maintained under Part I of the Act of 1937, or the principal regulations or a local Act, the new

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

(b) 1958 c. 45.

superannuation fund shall on and after that date be deemed to be the fund to which he was last a contributor.

Valuation of the local Act superannuation fund

5. The Common Council shall obtain an actuarial valuation of, and report on, the assets and liabilities of the local Act superannuation fund as at 1st April 1974.

Preservation of pensionable status

6. Every person who—

- (a) on the operative date is in the employment of a City of London employing body;
- (b) immediately before the operative date was a contributor to the local Act superannuation fund; and
- (c) does not otherwise on the operative date become a pensionable employee,

shall become a pensionable employee in that employment on the operative date.

Option to certain persons not to become pensionable employees

7. Any person who on the operative date was in the employment of a City of London employing body and who immediately before that date was not in that employment a contributor to the local Act superannuation fund either—

- (a) by virtue of article 17(c) of the Corporation of London (Superannuation) Scheme 1938; or
- (b) because, being employed as a whole-time manual worker, he had not been placed on the establishment staff in relation to that employment,

being a person who in that employment would otherwise become a pensionable employee, may, by notice in writing given to the Common Council within 3 months after the operative date, elect that he shall not become a pensionable employee—

- (i) where immediately before the operative date he was not in that employment a contributor to the local Act superannuation fund by virtue of the said article 17(c), so long as he continues in the employment of that body;
- (ii) where immediately before the operative date he was not in that employment such a contributor because he was such a person as is mentioned in paragraph (b) above, so long as he continues as a whole-time manual worker in the employment of that body.

General modification of the principal regulations in their application to existing contributors and to former contributors

8.—(1) In relation to an existing contributor and to a former contributor, the provisions of the principal regulations, other than regulation K1 thereof

(retrospective application) and any of those provisions as applied by paragraph (2) of that regulation, shall, unless the context otherwise requires, have effect as if for any reference therein to an expression in column (1) of Schedule 1 to these regulations (which lists certain expressions used in the principal regulations), except any such reference in regulation E15(2) of the principal regulations (reduction of retirement pension, etc., in the case of certain re-employed local government pensioners), there were substituted a reference to the expression appearing opposite thereto in column (2).

(2) In relation to an existing contributor who is such a person as is mentioned in paragraph (b) of the definition of "existing contributor" in regulation 2(1) of these regulations, the principal regulations shall apply as if—

(a) he had become a contributor to the local Act superannuation fund on the day immediately before the operative date; and

(b) immediately before that date he had been entitled to reckon as service reckonable for the purpose of calculating the amount of any benefit under the local Act superannuation provisions at half its length any service, employment or period which he would have been entitled so to reckon if on the day immediately before that date he had been such a contributor.

Modification of the principal regulations relating to use and investment of the new superannuation fund's moneys, periodical valuation of that fund and actuary's certificates

9. In relation to the Common Council and to the new superannuation fund—

(a) regulation B6(2)(a) of the principal regulations (use and investment of superannuation fund's moneys) shall have effect as if the references therein to the appointed day were references to the operative date;

(b) regulation B7(1) of the principal regulations (periodical valuation of superannuation fund) shall have effect as if sub-paragraph (a) were omitted; and

(c) regulation B8 of the principal regulations (actuary's certificates) shall have effect as if—

(i) in paragraph (1)—

(A) the reference in sub-paragraph (a) to the appointed day were a reference to the operative date;

(B) the reference in sub-paragraph (b) to obtaining under regulation B7 an actuarial valuation of, and report on, the assets and liabilities of a superannuation fund maintained under Part B of the principal regulations included a reference to obtaining the actuarial valuation of, and report on, the assets and liabilities of the local Act superannuation fund required under regulation 5 of these regulations as at 1st April 1974;

(C) in sub-paragraph (i), for the words from "taking" to "during" there were substituted the words "the amount

of the employer's contribution payable, where the certificate is required to be obtained under sub-paragraph (a), in the period beginning on 1st October 1977 and ending with 31st March 1978 (in this regulation referred to as "the first period") and, where the certificate is required to be obtained under sub-paragraph (b), in each year of the relevant period, should bear to the total remuneration on which contributions will during the first period or, as the case may be,";

(D) in sub-paragraph (ii), for the words from "taking" to "sub-paragraph (i)" there were substituted the words "the amount of the employer's contribution should in the first period or, as the case may be, in any such year of the relevant period"; and

(E) at the end of the paragraph there were inserted the following—

"In this paragraph "relevant period" means—

(a) where the actuarial valuation mentioned in sub-paragraph (b) was made as at 1st April 1974, the period of 3 years beginning with 1st April 1978; and

(b) where the actuarial valuation was made as at a date subsequent to 1st April 1974, the period of 5 years beginning with 1st April third following the date as at which that valuation was made.";

and

(ii) paragraphs (2) and (3) were omitted.

Modification of the principal regulations relating to contributions of certain existing contributors and former contributors

10. In relation to—

(a) an existing contributor who was immediately before the operative date required under the local Act superannuation provisions to make contributions at a rate lower than the rate applicable in his case specified in regulation C1 of the principal regulations (payment and amount of employee's contributions); and

(b) a former contributor who was immediately before he last ceased to be a contributor to the local Act superannuation fund required as aforesaid to make contributions at such a rate as aforesaid,

the said regulation C1 shall have effect, so long as he continues in the employment of the City of London employing body under whom he first became a pensionable employee, as if it required him to make contributions to the new superannuation fund at the like rate as he was liable to make to the local Act superannuation fund when he was last a contributor to that fund before the operative date.

Modification of the principal regulations relating to employer's contributions

11. In relation to a City of London employing body, regulation C5 of the principal regulations (employer's contributions) shall have effect as if—

(a) in paragraph (1)—

(i) in sub-paragraph (a)—

(A) for the words from the beginning to "regulation B8" there were substituted the words "in the period beginning with 1st October 1977 and ending with 31st March 1978";

(B) the words "each year of" were omitted;

(C) for the words "paragraph (1)(a) of that regulation" there were substituted the words "regulation B8(1)(a)"; and

(D) for the word "year", in the last place where it occurs, there were substituted the word "period"; and

(ii) in sub-paragraph (b)—

(A) for the words from "period", in the first place where it occurs, to "regulation B8" there were substituted the words "relevant period";

(B) for the words "paragraph (1)(b) of that regulation" there were substituted the words "regulation B8(1)(b)"; and

(C) at the end of that sub-paragraph there were inserted the following—

"In this sub-paragraph "relevant period" has the same meaning as in regulation B8(1).";

and

(b) in paragraph (2), the reference to the appointed day were a reference to the operative date.

Modification of the principal regulations relating to interest on return of contributions to existing contributors

12. Notwithstanding anything in regulation C8 of the principal regulations (return of contributions in certain cases), an existing contributor shall, so long as he continues in the employment of the City of London employing body under whom he first became a pensionable employee, be entitled on ceasing to be employed by reason of his voluntary resignation and becoming entitled to a return of contributions under that regulation to receive compound interest, calculated to the date on which he ceased to hold his employment, at the rate of 4% per annum with half-yearly rests, on such part of the sum payable to him under that regulation as is equal to the amount of his contributions payable before 1st April 1972 to any superannuation fund under Part I of the Act of 1937, or under the Act of 1922 or under a local Act scheme.

Modification of the principal regulations relating to service

13. In relation to a City of London employing body, to existing contributors and to former contributors, Part D of the principal regulations (service)

and Schedules 3 to 8 to those regulations, other than as applied by regulation K1(2) thereof, shall be modified as follows:—

(a) regulation D1(1) (reckonable service) shall have effect as if sub-paragraph (e) were omitted;

(b) regulation D2 (qualifying service) shall have effect as if paragraph (c) were omitted;

(c) any reference in the said Part D or in the said schedules to the appointed day, except the reference in regulation D1(1)(a), shall be read as a reference to the operative date;

(d) regulation D6(1) (non-contributing service treated as contributing service on payment of additional contributory payments) shall have effect as if for sub-paragraph (a) there were substituted the following sub-paragraph—

“(a) became a contributory employee after 5th July 1954;”;

(e) regulation D10(1) (added years reckonable on payment as reckonable service) shall have effect as if in sub-paragraph (b) after the words “designated employee” there were inserted the words “, contributory employee”;

(f) regulation D12(2) (increase of reckonable service on lump sum payment) shall have effect as if—

(i) in sub-paragraph (a), for the words “on first becoming a pensionable employee,” there were substituted the words “on 1st April 1974 or on the date on which he last became a contributor to the superannuation fund maintained by the Common Council under their local Act scheme, whichever is the later,”; and

(ii) for sub-paragraph (b) there were substituted the following sub-paragraph—

“(b) a pensionable employee who—

(i) is a person to whom regulation E19 applies; and

(ii) has not made an election under paragraph (2) of that regulation.”;

(g) in relation to an existing contributor or former contributor who before the operative date had attained the age of 59 years, regulation D13 (increase of reckonable service on the making of periodical payments) shall have effect as if—

(i) in paragraph (1), after the words “administering authority” there were inserted the words “within 12 months after the date on which he first became a pensionable employee”; and

(ii) in paragraph (5)(a), for the word “has” there were substituted the words “, on 1st April 1974 or on the date on which he last became a contributor to the superannuation fund maintained by the Common Council under their local Act scheme, whichever is the later, had”; and

(h) in relation to such an existing contributor or former contributor as is mentioned in paragraph (g) above, Schedule 8 (amount to be paid for additional period) shall have effect as if in the table in Part I and in Table I and Table II in Part II there were added the appropriate entries set out in Schedule 2 to these regulations.

Modification of the principal regulations relating to benefits

14. In relation to a City of London employing body, to existing contributors and to former contributors, Part E of the principal regulations (benefits) and Schedules 9 to 12 to those regulations, other than as applied by regulation K1(2) thereof, shall be modified as follows:—

(a) any reference in that Part or in those schedules to the appointed day shall be read as a reference to the operative date;

(b) regulation E19 (benefits of persons with no entitlement under the former regulations to a retiring allowance and widow's pension or to a widow's pension) shall have effect as if—

(i) in the heading, for the words “or to a widow's pension” there were substituted the words “or to a retiring allowance”;

(ii) in paragraph (1)(b)(ii), for the words “a pension payable to his widow” there were substituted the words “a lump sum retiring allowance”; and

(iii) at the end of the regulation there were added the following paragraph—

“(4) Where any such person as is mentioned in paragraph (1)(b)(i)—

(a) was not married immediately before 1st October 1977;

(b) has first married on or after that date;

(c) has not made an election under paragraph (2);

(d) from the day on which he first became a pensionable employee has continued without a break of 12 months or more to contribute to the superannuation fund maintained by the Common Council under Part B; and

(e) is at any time during the period of 3 months after the date of first marrying a pensionable employee under any City of London employing body;

then, if at any time when he is such a pensionable employee during that period he elects, by notice in writing given to the Common Council, that this paragraph shall apply in his case, he shall be treated for the purposes of paragraph (2) as if he were not such a person as is mentioned in paragraph (1)(b)(i) but were such a person as is mentioned in paragraph (1)(b)(ii).”;

and

(c) Schedule 12 to the principal regulations (modifications to Part E in its application to persons with no entitlement under the former regulations to a retiring allowance and widow's pension or to a widow's pension) shall have effect as if for that schedule there were substituted the schedule set out in Schedule 3 to these regulations.

Modification of the principal regulations relating to National Insurance modification

15. In relation to persons who are pensionable employees of a City of London employing body, Part F of the principal regulations (National Insurance modification) shall have effect as if any reference in that Part to the commencement of the regulations or to the appointed day were a reference to the operative date.

Increase of reckonable service at discretion of a City of London employing body on retirement of certain of their employees

16. For regulation G8 of the principal regulations there shall be substituted the following regulation—

“Increase of reckonable service at discretion of the Common Council, etc., on retirement of certain pensionable employees

G8.—(1) Where a pensionable employee of a City of London employing body—

(a) who was a contributor immediately before 1st October 1977 to the superannuation fund maintained by the Common Council under their local Act scheme; and

(b) who became a pensionable employee on 1st October 1977,

becomes entitled on ceasing to be employed by them to a retirement pension, other than by virtue of regulation E2(1)(c), the City of London employing body may, in consideration of special circumstances, resolve to add a number of years, not exceeding 10 years, to his reckonable service.

(2) Upon the exercise by a City of London employing body, other than the Common Council, of the discretion vested in them under paragraph (1)—

(a) that body shall forthwith give notice thereof in writing to the Common Council; and

(b) if the Common Council are dissatisfied with the decision of that body they may within 1 month of receiving the notice appeal to the Secretary of State, whose determination shall be final, and if the Common Council appeal the decision of the body shall not be effective until the appeal is determined.

(3) In this regulation “City of London employing body” means the Common Council, the magistrates’ courts committee for the City of London, the probation and after-care committee for the City of London probation and after-care area or the Board of Governors of the Museum of London.”.

Application and modification of provisions of the principal regulations relating to persons ceasing to be employed after 30th March 1972

17.—(1) Regulation K1 of the principal regulations (retrospective application) shall apply to a person who—

(a) ceased on or after 31st March 1972 but before the operative date to hold an employment in which he was a contributor to the local Act superannuation fund; or

(b) dies on or after 31st March 1972 but before the operative date while still in such an employment.

(2) In relation to such a person as is mentioned in paragraph (1) above and to a City of London employing body—

(a) unless the context otherwise requires, the said regulation K1 shall have effect, and the provisions of the principal regulations applied by paragraph (2) of that regulation, subject to the modifications therein mentioned, shall have effect for the purposes therein mentioned, as if for any reference therein to an expression in column (1) of Schedule 1 to these regulations, except any such reference in regulation E15(2) of the principal regulations, there were substituted a reference to the expression appearing opposite thereto in column (2);

(b) regulation E19 of the principal regulations and Schedule 12 thereto shall have effect for the purposes referred to in sub-paragraph (a) above as modified by regulation 14(b) (i) and (ii) and (c) of these regulations;

(c) paragraph (2)(a) of the said regulation K1 shall have effect as if in the exceptions therein mentioned any reference to the appointed day were a reference to the operative date;

(d) paragraphs (3) and (4) of the said regulation K1 shall have effect as if the references therein to the appointed day were references to the operative date; and

(e) regulation K2 of the principal regulations (right to opt out) shall have effect as if—

- (i) the reference therein to 31st March 1974 were a reference to 30th September 1977; and
- (ii) the reference therein to the appointed day were a reference to the operative date.

Modification of the principal regulations relating to miscellaneous and supplemental matters

18. In relation to a City of London employing body and to their employees, Part L of the principal regulations (miscellaneous and supplemental) shall have effect as if any reference in that Part to the commencement of the regulations or to the appointed day, and the reference in regulation L3(3)(a) (decisions to be taken by administering authorities as to status of employees) to 1st April 1975, were a reference to the operative date.

Persons transferred to the Common Council under section 18(4)(a) of the National Health Service Reorganisation Act 1973

19.—(1) This regulation shall apply to a person who—

(a) was by or under an order made under section 18(4)(a) of the National Health Service Reorganisation Act 1973(a) transferred to the employment of the Common Council;

(b) immediately before he was so transferred was in an employment in which he was an officer within the meaning of the Health Service regulations;

(c) on the date on which he was so transferred became a contributor to the local Act superannuation fund in the employment to which he was so transferred; and

(d) became a pensionable employee in that employment on the operative date.

(2) Subject to paragraph (3) below, a person to whom this regulation applies shall be entitled to reckon—

(a) as reckonable service any service which for the purposes of the Health Service regulations he was entitled to reckon in relation to the employment mentioned in paragraph (1)(b) above as, or as a period of, contributing service; and

(b) as qualifying service any service which for the purposes of those regulations he was entitled to reckon in relation to that employment for the purposes of determining whether he was entitled to a benefit under those regulations, but for no other purpose:

Provided that for the purposes of this paragraph any period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period and, except for the purposes referred to in paragraph (3) of regulation D18 of the principal regulations (counting of non-contributing service), any service which was reckonable under the Health Service regulations for all purposes, other than for the purpose of determining whether any benefit was payable, as a period of contributing service at half its length shall be counted at half its length.

(3) A person to whom this regulation applies who on the operative date was in the employment to which he was transferred as mentioned in paragraph (1)(a) above engaged on duties reasonably comparable to those on which he was engaged immediately before he was so transferred may, within 6 months after the operative date, give notice in writing to the Common Council that he does not wish to avail himself of the benefits provided under the principal regulations and in that event the principal regulations shall have effect in relation to him as if they conferred on him rights corresponding with those which he would have enjoyed if he had remained subject to the Health Service regulations, and the principal regulations shall continue so to apply so long as he is employed without a disqualifying break of service by the Common Council on duties reasonably comparable as mentioned above.

(4) The provisions of Part H of the principal regulations (determination of questions and appeals) shall apply in relation to any question concerning the rights of a person under this regulation.

(5) In this regulation “the Health Service regulations” means the National Health Service (Superannuation) Regulations 1961(a) to 1974(b).

(a) S.I. 1961/1441 (1961 II, p. 2824).

(b) S.I. 1974/223 (1974 I, p. 765).

Preservation of rights and liabilities under the principal regulations of persons who were pensionable employees of the Common Council before the operative date

20.—(1) This regulation shall apply to a person who—

(a) immediately before the operative date was a pensionable employee under the Common Council by virtue of regulation B2(1)(j) of the principal regulations; and

(b) was in the employment of the Common Council on the operative date.

(2) Nothing in these regulations shall prejudice or affect any right enjoyed under the principal regulations immediately before the operative date by a person to whom this regulation applies or any liability to which that person was subject immediately before that date and any such person shall continue to enjoy or, as the case may be, be subject to any such right or liability in the like manner and for the like period as if these regulations had not been made.

Minor and consequential amendments of the principal regulations

21. The provisions of the principal regulations mentioned in Schedule 4 to these regulations shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of these regulations.

Consequential amendments of other instruments and of enactments

22. The provisions of the instruments and enactments mentioned in Schedule 5 to these regulations shall have effect subject to the consequential amendments there specified.

Repeals and revocations

23.—(1) The enactments mentioned in column (2) of Part I of Schedule 6 to these regulations shall cease to have effect to the extent specified in column (3).

(2) The instruments mentioned in column (2) of Part II of that schedule are hereby revoked to the extent specified in column (3).

SCHEDULE 1

Regulations 8 and 17

GENERAL MODIFICATION OF THE PRINCIPAL REGULATIONS

(1)	(2)
1. the Acts of 1937 to 1953, or the regulations made thereunder the Acts of 1937 to 1953, or the regulations made thereunder, applying as amended or extended by the provisions of any local Act or scheme or together with any such provisions	the local Act superannuation provisions
2. the appropriate superannuation fund within the meaning of the Act of 1937 a superannuation fund maintained under Part I of the Act of 1937	the local Act superannuation fund
3. contributory employee	contributor to the local Act superannuation fund
4. contributing service for the purposes of the former regulations	service reckonable for all the purposes of the local Act superannuation provisions at its full length
5. non-contributing service for the purposes of the former regulations	service reckonable for the purpose of calculating the amount of a benefit under the local Act superannuation provisions at half its length
6. the former regulations	the local Act superannuation provisions
7. a provision in the former regulations	the corresponding or similar provision in the local Act superannuation provisions
8. revocation of the former regulations by the principal regulations	repeal and revocation of the local Act superannuation provisions by these regulations

PART III

ENTRIES TO BE ADDED TO TABLE II IN PART II OF
SCHEDULE 8 TO THE PRINCIPAL REGULATIONS

Age on birthday next following election	Figure to be used by reference to the under-mentioned pensionable age							
	Employees to whom on retirement regulation E3(2) would apply							
	65	60	Over 60 and under 61	61 and under 62	62 and under 63	63 and under 64	64 and under 65	65
60	3.93	—	—	19.34	9.48	6.21	4.59	3.69
61	4.93	—	—	—	19.00	9.33	6.13	4.62
62	6.58	—	—	—	—	18.68	9.20	6.17
63	9.88	—	—	—	—	—	18.40	9.26
64	19.79	—	—	—	—	—	—	18.52

SCHEDULE 3

Regulation 14

SCHEDULE SUBSTITUTED FOR SCHEDULE 12 TO THE PRINCIPAL REGULATIONS

SCHEDULE 12

Regulation E19

MODIFICATIONS TO PART E IN ITS APPLICATION TO
PERSONS WITH NO ENTITLEMENT UNDER THE FORMER
REGULATIONS TO A RETIRING ALLOWANCE AND
WIDOW'S PENSION OR TO A RETIRING ALLOWANCE

PART I

1. In regulation E3(1), for the words "one eightieth" there shall be substituted the words "one sixtieth".

2. For regulation E6(2) there shall be substituted the following—

"(2) Subject to paragraphs (3) and (4) and as hereafter in this Part provided, the amount of a widow's long-term pension shall be the aggregate of—

(a) the amount ascertained by multiplying one four hundred and eightieth of the pensionable remuneration of the husband of the widow by the length in years of his reckonable service before 1st April 1972; and

(b) the amount ascertained by multiplying one one hundred and sixtieth of the pensionable remuneration of the husband of the widow by the length in years of his reckonable service after 31st March 1972.”.

3. In regulation E8—

(a) In paragraph (1)—

(i) in sub-paragraph (c) and the word “or” immediately preceding it shall be omitted;

(ii) for sub-paragraphs (i) and (ii) there shall be substituted the words “a children’s short-term pension in respect of the period of 3 months after the day of his death”; and

(iii) proviso (b) and the word “and” immediately preceding it shall be omitted; and

(b) in paragraph (2)—

(i) the words “and a children’s long-term pension”; and

(ii) in the proviso, the words from “or, as” to “pension”; shall be omitted.

PART II

1. For regulation E3(1) there shall be substituted the following—

“(1) Subject to paragraphs (9) and (10) and as hereafter in this Part provided, the rate of the retirement pension to be paid to a person shall be the aggregate of—

(a) the amount ascertained by multiplying one seventieth of his pensionable remuneration by the length in years of his reckonable service before 1st April 1972; and

(b) the amount ascertained by multiplying one sixtieth of his pensionable remuneration by the length in years of his reckonable service after 31st March 1972.”.

2. In regulation E6—

(a) for paragraph (2) there shall be substituted the following paragraph—

“(2) Subject to paragraphs (2A) to (4) and as hereafter in this Part provided, the amount of a widow’s long-term pension shall be the aggregate of—

(a) three tenths of the retirement pension to which the husband of the widow was or would have been entitled at the time of his death in respect of his reckonable service before 1st April 1972;

(b) the amount ascertained by multiplying one four hundred and eightieth of the pensionable remuneration of the husband of the widow by the length in years of his reckonable service before 1st April 1972; and

(c) the amount ascertained by multiplying one one hundred and sixtieth of the pensionable remuneration of the husband of the widow by the length in years of his reckonable service after 31st March 1972.”;

and

(b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Where—

(a) the age of the widow at the date of the death of her husband was less than that of her husband and she has no eligible children; or

(b) the age of the widow at the date of the death of her husband was greater than that of her husband,

the amount calculated under paragraph (2)(a) shall be reduced or increased by such amount as shall be certified to be just by an actuary.”.

3. In regulation E8(1)—

(a) in proviso (b), at the end there shall be added the word “and”; and

(b) after that proviso there shall be added the following proviso—

“(c) in any case where a widow’s long-term pension is payable to the widow of the deceased person, the children’s long-term pension shall not be payable until the day following the widow’s death.”.

4. In regulation E9—

(a) for paragraph (2) there shall be substituted the following paragraphs—

“(2) Subject to paragraphs (2A) to (4), the amount of a children’s long-term pension shall be the aggregate of—

(a) three tenths of the retirement pension to which the deceased person was or would have been entitled at the time of his death in respect of his reckonable service before 1st April 1972;

(b) the amount ascertained by multiplying one four hundred and eightieth of the pensionable remuneration of the deceased person by the length in years of his reckonable service before 1st April 1972; and

(c) the amount ascertained by multiplying one one hundred and sixtieth of the pensionable remuneration of the deceased person by the length in years of his reckonable service after 31st March 1972.

(2A) For the purpose of calculating the amount of a children’s long-term pension under paragraph (2) no account shall be taken of reckonable service before the age of 60 years beyond a total of 40 years and any reckonable service to be disregarded by virtue of this paragraph shall be taken from the beginning of the period of the reckonable service.”;

and

(b) in paragraph (4), the words from “or, if” to the end of that paragraph shall be omitted.

PART III

1. In regulation E2(1), the words “and a lump sum retiring allowance” shall be omitted.
2. In regulation E3—
 - (a) paragraphs (2) to (6), (12) and (13) shall be omitted; and
 - (b) in paragraph (10), for the words “Subject to paragraphs (11) to (13)” there shall be substituted the words “Subject to paragraph (11)”.
3. For regulation E6(3) there shall be substituted the following—
 - “(3) In the case of the widow of a person who was at the time of his death employed in an employment in which he was a pensionable employee, for the purpose of calculating the amount of a widow’s long-term pension under paragraph (2) the husband of the widow shall be treated as having been entitled immediately before his death to reckon as reckonable service such an additional period as he would have been entitled to reckon under regulation E3(7) if he had been at the time of his death entitled to benefits under these regulations by virtue of regulation E2(1)(b)(i).
 - (4) For the purpose of calculating the amount of a widow’s long-term pension under paragraph (2) no account shall be taken of reckonable service before the age of 60 years beyond a total of 40 years and any reckonable service to be disregarded by virtue of this paragraph shall be taken from the beginning of the period of the reckonable service.”.
4. In regulation E11—
 - (a) in paragraph (1)(b), the words “and retiring allowance” shall be omitted and for the words from “and either” to the end there shall be substituted the word “; or”;
 - (b) in paragraph (1)(c), the words “and retiring allowance” and the words “or payment of that allowance” shall be omitted;
 - (c) in paragraph (2)(a)—
 - (i) for the words “or (b)(ii)” there shall be substituted the words “or (b)”;
 - (ii) for the words “paragraph (1)(b)(ii)” there shall be substituted the words “paragraph (1)(b)”;
 - (d) paragraphs (2)(b), (3), (6) and (8) shall be omitted;
 - (e) in paragraph (5), for the words “paragraph (1)(b)(i)” there shall be substituted the words “paragraph (1)(b)”;
 - (f) in paragraph (7), the words “Subject to paragraph (8),” shall be omitted.
5. In regulation E12, the words “a married male employee” shall be omitted.

SCHEDULE 4

Regulation 21

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE PRINCIPAL REGULATIONS

1. In Part A of the principal regulations (preliminary)—

(a) in regulation A3(1) (definitions)—

(i) in the definition of “justices’ clerk (outside the inner London area)”, the words from “other” to the end shall be omitted;

(ii) in the definition of “local Act contributor”, for the words “is or has been,” there shall be substituted the word “was”; and

(iii) in the definition of “rent officer” and “deputy rent officer”, the words from “other” to the end shall be omitted; and

(b) after regulation A6 there shall be inserted the following regulation—

“Secretary and treasurer of the Board of Governors of the Museum of London

A6A. For the purposes of these regulations a person appointed under section 9(2) of the Museum of London Act 1965(a) (employment of staff) to act as secretary or treasurer of the Board of Governors of the Museum of London shall be treated as not being an employee of that Board.”.

2. In regulation B3 of the principal regulations (appropriate superannuation fund)—

(a) in paragraph (1), for the words “paragraph (2)” there shall be substituted the words “paragraphs (2) and (4A)”;

(b) after paragraph (4) there shall be inserted the following paragraph—

“(4A) The appropriate superannuation fund in relation to any pensionable employee of the Common Council who immediately before the appointed day was by virtue of article 15 of the London Authorities (Superannuation) Order 1965(b) entitled to participate in the benefits of the superannuation fund maintained under Part I of the Act of 1937 by the Greater London Council, and who became a pensionable employee on the appointed day and during the period beginning with the appointed day and ending with 30th September 1977 continued without a break in the employment of the Common Council, shall be the superannuation fund maintained by the Greater London Council, so long as he continues without a break in the employment of the Common Council.”;

(c) in paragraph (5), for the words “regulation B2(1)(j) or (l)” there shall be substituted the words “regulation B2(1)(l)” and after the words “in Greater London” there shall be inserted the words “(other than the City of London probation and after-care area)”; and

(d) in paragraph (6), after the words “county council” there shall be inserted the words “, the Common Council”.

(a) 1965 c. 17.

(b) S.I. 1965/621 (1965 I, p. 1970).

3. In regulation C7(b) of the principal regulations (employer's further payments) for the words "D9 or D14" there shall be substituted the words "D9, D14 or G8".

4. In Part D of the principal regulations—

(a) in regulation D1(1)(g) (reckonable service) for the words from "regulation" to "D14" there shall be substituted the words "these regulations or the Local Government Superannuation (City of London) Regulations 1977"; and

(b) in regulation D2(d) (qualifying service) for the words "regulation D15 or D16" there shall be substituted the words "these regulations or the Local Government Superannuation (City of London) Regulations 1977".

5. In regulation E3(8) of the principal regulations (amount of retirement pension and retiring allowance) after the word "under" there shall be inserted the words "paragraph (2) of".

Regulation 22

SCHEDULE 5

CONSEQUENTIAL AMENDMENTS OF OTHER INSTRUMENTS AND OF ENACTMENTS

1. In the Local Government Superannuation Act 1937(a), in section 40(1) (definitions), as having effect as provisions of regulations under section 7 of the Act of 1972, in the definition of "local authority", at the end there shall be added the words "and the Board of Governors of the Museum of London".

2. In the Local Government Superannuation Act 1953(b)—

(a) in section 1(6) (regulations as to superannuation benefits), as set out in paragraph 4(c) of Part I of Schedule 18 to the principal regulations, at the end there shall be added the words "as amended by the Local Government Superannuation (City of London) Regulations 1977"; and

(b) in section 18(5) (gratuities), as set out in paragraph 5(c) of that part of that schedule, at the end there shall be added the words "as amended by the Local Government Superannuation (City of London) Regulations 1977".

3. In the Local Government Superannuation (Benefits) Regulations 1954(c), in regulation 7(6) (injury allowance), as set out in paragraph 1(d) of Part II of Schedule 18 to the principal regulations, at the end there shall be added the words "as amended by the Local Government Superannuation (City of London) Regulations 1977".

4. In the Local Government Act 1972(d), in section 154(1) (accounts to be audited by district or approved auditor), for paragraph (b) there shall be substituted the following—

"(b) the accounts relating to the superannuation fund established and administered by the Common Council under the Local Government Superannuation Regulations 1974, as amended by the Local Government Superannuation (City of London) Regulations 1977;"

(a) 1937 c. 68.
(c) S.I. 1954/1048 (1954 II, p. 1595).

(b) 1953 c. 25.
(d) 1972 c. 70.

SCHEDULE 6

Regulation 23

REPEALS AND REVOCATIONS

PART I
ENACTMENTS

(1) Chapter	(2) Short title	(3) Extent of repeal
21 & 22 Geo. 5. c. xiv.	The City of London (Various Powers) Act 1931.	Part II.
23 & 24 Geo. 5. c. xxiii.	The City of London (Various Powers) Act 1933.	Section 12.
1 Edw. 8. & 1 Geo. 6. c. 68.	The Local Government Superannuation Act 1937.	The whole Act, except sections 28, 29, 30(3), 35, 36(6), 38, 40(1) and 42 and Part V of Schedule 2 as those sections and that part have effect as provisions of regulations under section 7 of the Superannuation Act 1972.
2 & 3 Geo. 6. c. 94.	The Local Government Staffs (War Service) Act 1939.	Sections 3 and 9, so far as they apply to England and Wales.
7 & 8 Geo. 6. c. iv.	The City of London (Various Powers) Act 1944.	Section 9(1).
9 & 10 Geo. 6. c. xxix.	The City of London (Various Powers) Act 1946.	Sections 15 and 16.
11 & 12 Geo. 6. c. 33.	The Superannuation (Miscellaneous Pro- visions) Act 1948.	Sections 6 and 7 and the definitions in section 17(1) of "contributory employee", "local Act scheme", "local Act contributor" and "local authority", so far as the said sections 6 and 7 and those definitions apply to England and Wales.

(1) Chapter	(2) Short title	(3) Extent of repeal
11 & 12 Geo. 6. c. 65.	The Representation of the People Act 1948.	Section 72, so far as it applies to England and Wales.
14 Geo. 6. c. v.	The City of London (Various Powers) Act 1950.	Part II.
1 & 2 Eliz. 2. c. 25.	The Local Government Superannuation Act 1953.	The whole Act, so far as it applies to England and Wales, except sections 1(1), (3)(c) and (d), (4)(c) and (5), 18, 21, 27 and 29 and Schedule 4 as those sections and that schedule have effect as provisions of regu- lations under section 7 of the Superannuation Act 1972.
2 & 3 Eliz. 2. c. xxvii.	The City of London (Various Powers) Act 1954.	Part IV.
4 & 5 Eliz. 2. c. 1.	The City of London (Various Powers) Act 1956.	Part II.
8 & 9 Eliz. 2. c. xxxvi.	The City of London (Various Powers) Act 1960.	Section 38.
1964 c. 48.	The Police Act 1964.	In Schedule 4, paragraphs 5(1) to (3), (6) and (7) and, in Schedule 11, paragraph 3, except so far as those paragraphs apply to a person who by virtue of a scheme made under Part I of the Act was transferred before 1st April 1974.

(1) Chapter	(2) Short title	(3) Extent of repeal
1964 c. 75.	The Public Libraries and Museums Act 1964.	In Schedule 1, paragraphs 1(1) to (3) and 3 and the definition of "pensions" in paragraph 5, except so far as the said paragraphs 1(1) to (3) and 3 and that definition apply to a person who by the operation of the Act was transferred before 1st April 1974.
1965 c. 17.	The Museum of London Act 1965.	Section 10.
1968 c. xxxvii.	The City of London (Various Powers) Act 1968.	Sections 6 and 7.
1970 c. lxxix.	The City of London (Various Powers) Act 1970.	Part II.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraphs 49 and 50.

PART II

INSTRUMENTS

(1) References	(2) Short title	(3) Extent of revocation
—	The Corporation of London (Superannuation) Scheme 1938 approved by the Minister of Health on 15th December 1938.	The whole scheme.
S.R. & O. 1939/56 (Rev. XVII p. 824: 1939 II, p. 2655).	The Local Government (Mental Hospital, etc., Employment) Regulations 1939.	The whole regulations, so far as they have effect as provisions of regulations under section 8(2) of the Superannuation Act 1972.
S.R. & O. 1939/57 (Rev. XVII p. 834: 1939 II, p. 2667).	The Local Government (Service of Registration Officers) Regulations 1939.	The whole regulations.
S.I. 1949/628 (1949 I, p. 3054).	The Local Government (Break of Service) Regulations 1949.	The whole regulations.
S.I. 1954/1048 (1954 II, p. 1595).	The Local Government Superannuation (Benefits) Regulations 1954.	The whole regulations, except regulations 1 and 7 as they have effect as provisions of regulations under section 7 of the Superannuation Act 1972.
S.I. 1954/1192 (1954 II, p. 1570).	The Local Government Superannuation (Administration) Regulations 1954.	The whole regulations.
S.I. 1954/1211 (1954 II, p. 1676).	The Local Government Superannuation (Reckoning of Service on Transfer) Regulations 1954.	The whole regulations.

(1) References	(2) Short title	(3) Extent of revocation
S.I. 1954/1212 (1954 II, p. 1723).	The Local Government Superannuation (Transfer Value) Regulations 1954.	The whole regulations, so far as they have effect as provisions of regulations under section 8(2) of the Superannuation Act 1972.
S.I. 1954/1227 (1954 II, p. 1674).	The Local Government Superannuation (Mental Hospital, etc., Employment) (Amendment) Regulations 1954.	The whole regulations, so far as they have effect as provisions of regulations under the said section 8 (2).
S.I. 1954/1237 (1954 II, p. 1672).	The Local Government Superannuation (Limitation of Service) Regulations 1954.	The whole regulations.
S.I. 1955/476.	The City of London Superannuation Scheme Approval Instrument 1955.	The whole instrument together with the scheme approved thereby.
S.I. 1955/1041 (1955 II, p. 1825).	The Local Government Superannuation (Benefits) (Amendment) Regulations 1955.	The whole regulations, except regulations 1 and 15 as they have effect as provisions of regulations under section 7 of the Superannuation Act 1972.
S.I. 1965/621 (1965 I, p. 1970).	The London Authorities (Superannuation) Order 1965.	The whole order, except articles 1 to 3 and 26.
S.I. 1967/1330 (1967 III, p. 3975).	The London Authorities (Superannuation) (Amendment) Order 1967.	The whole order, except articles 1 to 3.
S.I. 1969/413 (1969 I, p. 1163).	The London Authorities (Superannuation) (Amendment) Order 1969.	The whole order.
S.I. 1969/793 (1969 II, p. 2227).	The National Insurance (Modification of Local Government Superannuation Schemes) Regulations 1969.	The whole regulations.

(1) References	(2) Short title	(3) Extent of revocation
S.I. 1969/1563.	The Justices' Clerks and Assistants (Superannuation) (City of London) Regulations 1969.	The whole regulations.
—	The Corporation of London (Superannuation) (No. 1) Scheme 1970 approved by the Corporation of London (Superannuation) (No. 1) Scheme 1970 Approval Instrument 1970 (a).	The whole scheme, except articles 1, 2 and 4.
—	The Corporation of London (Superannuation) Scheme 1971 approved by the Secretary of State for the Environment on 30th April 1971.	The whole scheme.
S.I. 1974/520 (1974 I, p. 1986).	The Local Government Superannuation Regulations 1974.	Regulation B2(1) (j). In regulation E15, in paragraph (1), the words "or local Act authority", in the second place where they occur; in paragraph (3), in paragraphs (a) and (b) of the proviso, the words "or local Act authority", in the second place where they occur in each paragraph; and, in paragraph (4), the words "or local Act authority".

1st August 1977.

Peter Shore,
Secretary of State for the Environment.

(a) S.I. 1970/1666.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Common Council of the City of London administer a superannuation scheme under local Acts; this scheme is the last remaining "local Act scheme" (defined in section 8(5) of the Superannuation Act 1972). Outside the City of London the superannuation of local government employees in England and Wales (and of certain other persons) is provided for by regulations under section 7 of the Act of 1972 ("the national scheme"), the principal of which are the Local Government Superannuation Regulations 1974 which came into operation on 1st April 1974.

These Regulations revoke the City's local Act scheme and replace it by the national scheme.

In particular—

- (1) Regulation 3 amends the regulations of 1974 by including the Common Council among the bodies which are under a duty to maintain a superannuation fund for the purposes of the regulations of 1974 and by including among the bodies whose employees are to be or may be superannuable under those regulations the Common Council, the probation and after-care committee for the City of London probation and after-care area and the Board of Governors of the Museum of London.
- (2) Regulation 4 makes provision for the winding-up of the fund maintained under the City's local Act scheme, which is required to be valued as at 1st April 1974 (regulation 5), and for the transfer of its assets and liabilities to the fund to be maintained by the Common Council under the regulations of 1974.
- (3) Regulation 6 ensures that no employee who immediately before the date of coming into operation of these regulations was a contributor to the City's local Act superannuation fund fails to become superannuable on that date under the national scheme.
- (4) Regulation 7 enables certain employees who were not contributors to the City's local Act superannuation fund, but would by virtue of these regulations become superannuable under the national scheme, to opt out of the last-mentioned scheme.
- (5) Regulations 8 to 15 and 18 modify the regulations of 1974 in their application in the City. The principal modifications are directed to two matters—(i) conferring on, or in respect of, certain persons who, at any time within the 12 months before the coming into operation of these regulations, have been contributors to the City's local Act superannuation fund the like rights and powers as respects the reckoning under the regulations of 1974 of periods of service reckonable under the City's local Act scheme and other periods as would have been conferred by those regulations had that scheme been replaced by the national scheme on 1st April 1974, and (ii) preserving special rights enjoyed under the City's local Act scheme by, and in respect of, those persons.

- (6) Regulation 16 preserves, by way of amendment to the regulations of 1974, a local Act discretion to increase service.
- (7) Regulation 17 applies, with modifications, Part K of the regulations of 1974 (which gave rights to benefits under those regulations, but with power to opt out, to, and in respect of, persons who retired or died in their employment between 30th March 1972 and 1st April 1974) to, and in respect of, persons who, having been contributors to the City's local Act superannuation fund, retired or died in their employment between 30th March 1972 and the coming into operation of these regulations. Express power for this retrospective operation is contained in section 12 of the Act of 1972.
- (8) Regulation 19 provides for the reckoning by persons transferred to the employment of the Common Council under the National Health Service Reorganisation Act 1973 of service reckonable by them under the National Health Service superannuation scheme; alternatively they can opt to retain rights corresponding to those which they enjoyed under that scheme. Similar provisions, applicable to persons to whom the regulations of 1974 applied on 1st April 1974, are contained in regulation J17(3) of those regulations.
- (9) Regulation 20 preserves the existing rights and liabilities under the regulations of 1974 of a small number of employees of the Common Council who were not contributors to the City's local Act superannuation fund, but were superannuable under the national scheme before the coming into operation of these regulations.
- (10) Regulations 21 and 22 make minor and consequential amendments.
- (11) Regulation 23 provides for repeals and revocations; in particular it revokes the City's local Act scheme.

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