

1989 No. 1624

PENSIONS

**The Local Government Superannuation (Valuation and
Community Charge Tribunals) Regulations 1989**

<i>Made</i> - - - -	<i>31st August 1989</i>
<i>Laid before Parliament</i>	<i>15th September 1989</i>
<i>Coming into force</i>	<i>6th October 1989</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972(a) 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:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government Superannuation (Valuation and Community Charge Tribunals) Regulations 1989 and shall come into force on 6th October 1989, but regulations 2 and 3 shall have effect as from 1st May 1989.

(2) In these Regulations “the principal Regulations” means the Local Government Superannuation Regulations 1986(b), and unless the context otherwise requires any expression which is also used in the principal Regulations has the same meaning as in those Regulations.

Continuity of employment

2. Regulation H1 of the principal Regulations is amended by inserting after paragraph (a)(vi) the words—

“or

(vii) by regulation 5 of and Schedule 1 to the Valuation and Community Charge Tribunals (Transfer of Jurisdiction) Regulations 1989(c);”.

Pensionable employees

3. Part I of Schedule 2 to the principal Regulations is amended by substituting for the words “A local valuation panel constituted under the General Rate Act 1967” the words “a valuation and community charge tribunal established under Schedule 11 to the Local Government Finance Act 1988(d).”.

(a) 1972 c.11.

(b) S.I. 1986/24, amended by S.I. 1986/380, 1987/293, 1579, 2110, 1988/466, 1989/371, 372, 1462.

(c) S.I. 1989/440.

(d) 1988 c.41.

Retrospective effect

4. Where—

- (a) if these Regulations had come into force on 1st May 1989, a person would at any time before 6th October 1989 have been entitled to make an election under regulation B1A or B1C, or to give a notification under regulation B1B, of the principal Regulations, and
- (b) he gives notice of such an election or gives such a notification within 3 months after 6th October 1989,

the election or notification may be expressed to have effect as if these Regulations had come into force on 1st May 1989 and the notice or notification had been given on the first day on which he would in that case have been entitled to give such notice or notification or, where that day is 1st May 1989, to have effect from that date.

Right to opt out

5. No provision of these Regulations shall apply to any person to whom at any time before 6th October 1989 any benefit (including a return of contributions and any pension payable to a widow or any dependant by virtue of a surrender) was being paid or became or might have become payable if—

- (a) he is placed by that provision in a worse position than he would have been in if it had not applied in relation to that benefit, and
- (b) that provision relates to a benefit paid or payable in respect of a person who—
 - (i) ceased before 6th October 1989 to hold an employment in respect of which he was a pensionable employee, or
 - (ii) died before that date while still in such an employment, and
- (c) the first-mentioned person, by notice in writing given to the appropriate administering authority within 3 months after 6th October 1989, elects that that provision shall not apply to him.

Signed by authority of the Secretary of State.
31st August 1989

David Trippier
Minister of State,
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the superannuation of staff of the valuation and community charge tribunals established under Schedule 11 to the Local Government Finance Act 1988 (c.41).

Regulation 3 makes the valuation and community charge tribunals "scheduled bodies" for the purposes of the Local Government Superannuation Regulations 1986 ("the principal regulations") (S.I. 1986/24). Their employees thus become eligible to be pensionable employees under the principal Regulations. Local valuation panels, whose functions were transferred by the Valuation and Community Charge Tribunals (Transfer of Jurisdiction) Regulations 1989 (S.I. 1989/440) ("the 1989 Regulations"), cease to be scheduled bodies.

Regulation 2 provides continuity of employment, for the purposes of the principal Regulations, for employees of the former local valuation panels who were transferred to the valuation and community charge tribunals by the 1989 Regulations.

Section 12(1) of the Superannuation Act 1972 (c.11) confers express power to make regulations retrospective in effect. These Regulations are to a certain extent retrospective to the date on which the valuation and community charge tribunals were established, but regulation 4 enables employees to exercise options under the principal Regulations with effect from that date. Where rights in relation to ex-employees could be adversely affected, provision is made for opting out (regulation 5).