
STATUTORY INSTRUMENTS

1993 No. 2783

PENSIONS

The Local Government Superannuation (South Yorkshire Transport Limited) Regulations 1993

Made - - - - 9th November 1993
Laid before Parliament 11th November 1993
Coming into force - - 12th November 1993

The Secretary of State, in exercise of the powers conferred on him by sections 7 and 12 of the Superannuation Act 1972⁽¹⁾ 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 (South Yorkshire Transport Limited) Regulations 1993 and shall come into force on 12th November 1993.

(2) In these Regulations—

“the 1971 Act” means the Pensions (Increase) Act 1971⁽²⁾;

“the Executive” means the South Yorkshire Passenger Transport Executive;

“Mainline” means the Mainline Group Limited;

“the Pensions Authority” means the South Yorkshire Pensions Authority;

“the Pensions Authority Fund” means the superannuation fund maintained by the South Yorkshire Pensions Authority;

“the principal Regulations” means the Local Government Superannuation Regulations 1986⁽³⁾;

“the Transport Authority” means the South Yorkshire Passenger Transport Authority;

“the Transport Company” means South Yorkshire Transport Limited.

(1) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).

(2) 1971 c. 56.

(3) S.I.1986/24: relevant amending instruments are S.I.1987/293, S.I. 1989/372, S.I.1990/503, S.I.1992/3229.

(3) In these Regulations, unless the context otherwise requires, any expression which is also used in the principal Regulations has the same meaning as in those Regulations.

Pensions increase

2.—(1) In its application to a pension (within the meaning of the 1971 Act) which has become payable to or in respect of any person in relation to service ending with service with the Transport Company before 1st April 1992 or after 7th June 1993, Schedule 3 to the 1971 Act and regulation P14 of the principal Regulations shall have effect as if any reference to the last employing authority were a reference to the Executive.

(2) In its application to a pension (within the meaning of the 1971 Act) which has become payable to or in respect of any person in relation to service—

- (a) ending with service with the Transport Company in the period beginning with 1st April 1992 and ending with 6th June 1993; or
- (b) ending with service with Mainline;

Schedule 3 to the 1971 Act and regulation P14 of the principal Regulations shall have effect as if any reference to the last employing authority were a reference to Mainline.

(3) Regulation 4 of the Pensions Increase (Local Authorities' etc. Pensions) Regulations 1974(4) shall cease to have effect in the case of a pension which is payable in respect of service ending with service which was with the Transport Company or Mainline.

Contributions to the Fund by the Executive

3. The Executive, in the year beginning with 1st April 1993 and in any subsequent year,—

- (a) shall not pay to the Pensions Authority Fund contributions in respect of the cost of any increase of a pension under the 1971 Act in relation to any person whose service has either ended with service with the Transport Company in the period beginning with 1st April 1992 and ending with 6th June 1993 or ends with service with Mainline (and any such contributions paid before the coming into force of these Regulations shall be treated by the Pensions Authority Fund's actuary as not having been paid in respect of any such cost); and
- (b) shall pay to the Pensions Authority Fund such amounts as shall at any time be required to meet the liabilities created by the principal Regulations or by or under the 1971 Act in respect of persons mentioned in regulation 2(1).

Superannuation funds

4. Regulation P1 of the principal Regulations shall be amended—

- (a) by inserting after paragraph (1B) the following—

“(1C) The South Yorkshire Passenger Transport Authority shall establish and maintain a superannuation fund for the purposes of these Regulations.”; and
- (b) in paragraph (2), by substituting for the words “or (1B)” the words “, (1B) or (1C)”.

Interfund adjustments

5.—(1) If—

- (a) the admission agreement made under regulation B3 of the principal Regulations by Mainline with the Pensions Authority ceases to have effect; and

(4) S.I.1974/1740, amended by S.I.1983/1315, S.I.1986/391 and S.I. 1992/3229.

- (b) Mainline subsequently makes an admission agreement (“the second admission agreement”) under regulation B3 of the principal Regulations with the Transport Authority;

the Pensions Authority shall not be required to pay any sum to the Transport Authority by virtue of Part Q of the principal Regulations and the provisions of paragraphs (2) to (6) below shall apply.

(2) The Pensions Authority shall, as soon as practicable, pay out of the Pensions Authority Fund to the Transport Authority for the credit of their superannuation fund a transfer value calculated in accordance with Part V of Schedule 16 to the principal Regulations representing the accrued liabilities of the Pensions Authority Fund in respect of—

- (i) a person whose service has ended with service with the Transport Company in the period beginning with 1st April 1992 and ending with 6th June 1993; and
- (ii) a person who on or after 7th June 1993 and before the making of the second admission agreement has become an employee of Mainline;

and shall not be required at any time after the making of the second admission agreement to meet the liabilities created by the principal Regulations or by or under the 1971 Act in respect of persons mentioned in sub-paragraphs (i) and (ii) above.

(3) For the purposes of paragraph (2) above, Part V of Schedule 16 to the principal Regulations shall be construed as if—

- (i) any reference to regulation Q2 (1) were a reference to this regulation; and
- (ii) the reference in paragraph 2 to new local government employment on or after 1st October 1981 were a reference to employment with Mainline on or after 15th November 1993.

(4) The total sum payable under paragraph (2) above shall be adjusted to the extent that the actuaries of the funds concerned consider appropriate having regard to existing or prospective liabilities of or benefits accruing to the Pensions Authority Fund arising from circumstances peculiar to the Transport Company and Mainline in respect of persons mentioned in paragraph (2) above.

(5) If any question arises as to the application of paragraph (4) above or the actuaries are unable to agree on the adjustment to be made, the adjustment (if any) to be made shall be decided by an actuary appointed by the Secretary of State.

(6) The Transport Company shall bear the costs of calculating the transfer value under paragraph (2) above and the adjustment, if any, required by paragraph (4) above.

Signed by authority of the Secretary of State

Department of the Environment
9th November 1993

David Curry
Minister of State,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations make special provision for meeting the cost of pension increases for employees and former employees of South Yorkshire Transport Limited, a company admitted to the superannuation fund administered by the South Yorkshire Pension Authority. The pension increases arise from the provisions of the Pensions (Increase) Act 1971.

Regulation 2 requires South Yorkshire Passenger Transport Executive to pay the cost of pension increases for employees of the Passenger Transport Company who have ceased to be employed before 1st April 1992 or after 7th June 1993. Mainline Group Limited are required to pay the cost of pension increases for employees who have ceased to be employed by South Yorkshire Transport Limited on or after 1st April 1992 and before 7th June 1993 and for employees of Mainline Group Limited.

Regulation 3 clarifies the liabilities of the Executive in respect of persons whose service ended with service with the Transport Company on or after 1st April 1992 but before 7th June 1993, or ends with service with Mainline Group Limited.

Regulation 4 provides for the South Yorkshire Transport Authority to establish a new fund, to which it is intended that Mainline Group Limited will be admitted by agreement.

Provision is made in regulation 5 for the payment of a transfer value to the new fund.