
STATUTORY INSTRUMENTS

1993 No. 3043

PENSIONS

**The Local Government Superannuation
(Membership) Regulations 1993**

Made - - - - *6th December 1993*
Laid before Parliament *10th December 1993*
Coming into force - - *1st January 1994*

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 (Membership) Regulations 1993 and shall come into force on 1st January 1994, but regulations 3, 4 and 5 shall have effect as from 1st January 1993.

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

2.—(1) Subject to paragraphs (2) and (3), the principal Regulations shall be amended—

- (a) in regulation B3(8), by deleting sub-paragraphs (c) and (d); and
- (b) by deleting regulation B4.

(2) Subject to paragraph (3), where an administering authority has made an admission agreement under regulation B3 of the principal Regulations at any time before 1st January 1994 with a body (“the employing body”) which immediately before that date is either —

- (a) specified in regulation B3(8)(c) or (d), or

(1) 1989 c. 42.

(2) S.I.1986/24; relevant amending instruments are S.I. 1987/293, 1988/466, 1989/1462, 1991/2471, 1992/172.

- (b) deemed to be specified in regulation B3(8) by virtue of regulation B4 of the principal Regulations, it shall continue to be treated as an admission agreement for the purposes of the principal Regulations.

(3) Where

- (a) immediately before 1st January 1994 the employing body is a company under the control of a body described in column (1) of Part I of Schedule 2, and
- (b) on or after 1st January 1994 the employing body ceases to be a company under the control of a body so described, the admission agreement shall cease to have effect at the time the employing body ceases to be a company under the control of a body so described and any employee of the employing body shall no longer be entitled to participate in the benefits of the superannuation fund maintained by the administering authority with whom the agreement was made and, accordingly, shall no longer be an admitted employee. Appropriate superannuation fund

3. Regulation C1 of the principal Regulations shall be amended by inserting after paragraph (1) the following paragraph—

“(1A) In relation to a person who is a pensionable employee of a company under the control of a body described in column (1) of Part I of Schedule 2, the appropriate superannuation fund is the fund which, in accordance with this regulation, is the appropriate superannuation fund in relation to a pensionable employee of that body.”

Glossary of expressions

4. Schedule 1 to the principal Regulations shall be amended by inserting after the entry relating to the expression “The Common Council” the following entry—

““Company under the control of a body described in column (1) of Part I of Schedule 2”	The same meaning as in section 68 or, as the case requires, section 73 of the Local Government and Housing Act 1989 subject to the following modifications — (a) any direction made by the Secretary of State under section 68 shall be disregarded; and (b) any references to a local authority in those sections shall be treated as references to a body described in column (1) of Part I of Schedule 2.”(3).
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Pensionable employees

5. Part II of Schedule 2 to the principal Regulations shall be amended by adding at the end the words

“A whole-time employee or a variable-time employee of a company under the control of a body described in column (1) of Part I of Schedule 2, who—

- (a) immediately before the start of his employment with the company, was employed by a body so described, and
- (b) is not an admitted employee.”.

Right of Appeal.

6. The provisions of Part N of the principal Regulations (determination of questions and appeals) shall apply in relation to rights and liabilities arising by virtue of these Regulations as they apply in relation to rights and liabilities under the principal Regulations.

Signed by authority of the Secretary of State

Department of the Environment
6th December 1993

David Curry
Minister of State,

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a number of amendments to the Local Government Superannuation Regulations 1986 (“the principal Regulations”).

Regulation 2 relates to admission agreements, which are agreements made between an administering authority under the local government superannuation scheme set up by the principal Regulations (“the scheme”) and another body to enable employees of that body to participate in the scheme. Regulation 2 stops bodies which are authorised by statute to undertake the provision of certain transport services or energy or water supplies, or which provide such services or supplies and are approved by the Secretary of State for the purpose of admission to the scheme, from entering into admission agreements on or after 1st January 1994. Bodies which undertake activities previously undertaken by bodies already in the scheme and could enter into admission agreements are also prevented from entering into any new agreements. The position of existing admission agreements is protected, although an agreement will cease to have effect if the agreement was made with a company under the control of a local authority or similar body and the company ceases to be under such control.

Regulations 3, 4 and 5 provide for a new category of pensionable employee who is employed by a company which is under the control of a local authority or similar body and who, immediately before starting his employment with the company, was employed by such an authority or similar body. These regulations are, by virtue of section 12 of the Superannuation Act 1972, made retrospective to 1st January 1993.

The appeal provisions of the principal Regulations are applied to rights and liabilities arising under these Regulations.