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 Pension Scheme (Burnley and Pendle Transport Company Limited) Regulations 1997 and shall come into force on 11th November 1997.

(2) In these Regulations—

“the principal Regulations” means the Local Government Pension Scheme Regulations 1995(2);

“BPTCL” means Burnley and Pendle Transport Company Limited a company incorporated with company number 2004965.

(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.

Application of Regulations

2. These Regulations apply in the case of any person who:—

(a) was employed by BPTCL on 31st March 1996;

(b) was on that date a member of the Scheme;

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

[DOE 1149]
(c) was deemed on that date under paragraph 5(2) of Schedule B3 to the principal Regulations to be jointly employed by Burnley Borough Council and Pendle Borough Council for the purposes of the principal Regulations; and

(d) ceased to be eligible to remain a member of the Scheme on 1st April 1996 by reason of the sale by Pendle Borough Council of its shares in BPTCL.

Transfer of pensions rights

3.—(1) In any case to which these Regulations apply, regulation K24 (except paragraph (5)) of the principal Regulations shall apply on the date that the person ceased to be a member of the Scheme as if:—

(a) the circumstances of that cessation were such that paragraph (1)(a)(ii) of that regulation applied;

(b) references to his employing authority are references to Burnley Borough Council; and

(c) the reference in paragraph (3)(b) of that regulation to “twelve months beginning with the date” is a reference to twelve months beginning with the date on which these Regulations come into force.

(2) The costs of determining the appropriate part of the fund and of apportioning the fund under regulation K24 of the principal Regulations shall be born in equal shares by Burnley Borough Council and Pendle Borough Council.

Early entitlement to retirement benefits on redundancy

4.—(1) If a person to whom these Regulations apply is entitled to preserved benefits under regulation D11 of the principal Regulations and he—

(a) ceases to hold employment with BPTCL at any time after 31st March 1996 and before the expiry of the period of three months beginning with the date that these Regulations come into force,

(b) has attained the age of 50 on the date that such employment ceases (in this regulation called “the material date”),

(c) has duly elected to receive payment from the material date, and

(d) satisfies the condition in paragraph (2),

the preserved benefits to which he is entitled under paragraph (1) of regulation D11 of the principal Regulations are payable from the material date as if that date is the appropriate date for the purposes of that regulation.

(2) The condition referred to in paragraph (1) is that BPTCL certify that he has ceased to hold his employment with BPTCL by reason of redundancy.

(3) An election made under paragraph (1)(c) shall be made by notice in writing to Burnley Borough Council given within the period of three months beginning with—

(a) the date on which these Regulations come into force, or

(b) if later, the material date.

(3) Regulation K24(3)(b) of the principal Regulations was amended by S.I. 1996/1428.
Signed by authority of the Secretary of State

Hilary Armstrong
Minister of State,
Department of the Environment, Transport and the Regions

14th October 1997
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations make special provision for employees of Burnley and Pendle Transport Company Limited who were members of the Local Government Pension Scheme on 31st March 1996 ("the BPTCL former members").

Regulation 2 sets out the case to which the Regulations apply.

Regulation 3 makes provision for regulation K24 of the Local Government Pension Scheme Regulations 1995 ("the principal Regulations") which deals with requests for transfer values and the apportionment of the appropriate pension fund, to apply to transfers of funds from the Local Government Pension Scheme in respect of accrued benefits of BPTCL former members.

Regulation 4 provides for BPTCL former members aged 50 or over who are entitled to deferred benefits under regulation D11 of the principal Regulations and who are made redundant by BPTCL within a certain period to elect to take their deferred benefits from the date of their redundancy.