
 STATUTORY INSTRUMENTS

1980 No. 1782

GAS

**The Gas (Superannuation Scheme) (Winding Up) Regulations
1980**

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| <i>Made</i> - - - - | 21st November 1980 |
| <i>Laid before Parliament</i> | 25th November 1980 |
| <i>Coming into Operation</i> | 1st January 1981 |

The Secretary of State, in exercise of the powers conferred on him by section 36(4)(c), (d) and (e) of the Gas Act 1972^(a) and all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Gas (Superannuation Scheme) (Winding Up) Regulations 1980 and shall come into operation on 1st January 1981.

Interpretation

2. In these Regulations—

“a transferred scheme” has the meaning assigned to that expression by Regulation 3 below;

“the Committee”, “the Protected Persons Scheme” and “the nominees” have the meanings assigned to those expressions respectively by Regulation 4 below.

Application

3. These Regulations shall apply to each of the superannuation schemes specified in column 1 of the Schedule to these Regulations (hereinafter referred to as “a transferred scheme”), being such a scheme as is defined in Regulation 1(1) of the Gas (Pension Rights) Regulations 1950^(b).

Transfer of property and rights

4.—(1) Subject to this Regulation and to Regulation 5 below, the property and rights vested at the commencement of these Regulations in any person, being property or rights available for the purpose of a transferred scheme, are hereby transferred without further assurance to the Committee (hereinafter referred to as “the Committee”) established in accordance with the provisions of the Protected Persons Superannuation Scheme continued in force subject to

(a) 1972 c.60.

(b) S.I. 1950/1206, to which there are amendments not relevant to this definition.

the necessary modifications by section 36(3) of the Gas Act 1972 (hereinafter referred to as "the Protected Persons Scheme") respectively specified in relation to that transferred scheme in column 2 of the Schedule to these Regulations or to such persons (hereinafter referred to as "the nominees") as the Committee may nominate to hold the property and rights on their behalf in accordance with the Protected Persons Scheme.

(2) A certificate, signed by the Secretary of the Protected Persons Scheme and by any person in whom any property or right transferred by virtue of this Regulation was vested, that the property or right was so transferred, or a copy of that certificate certified by the said Secretary to be a true copy thereof, shall be received by all persons responsible for the registration of the title to that property, or by all persons obliged in respect of that right, as the case may be, as evidence that the property or right was transferred as aforesaid.

(3) In the case of any property or right vested in two or more persons jointly, a certificate for the purpose of the paragraph (2) above may be signed by any one of those persons on behalf of them all.

(4) Every person in whom was vested any property or right transferred as aforesaid shall do such things as are necessary, or as the Committee or the nominees, as the case may be, may require to be done, for the purpose of ensuring—

- (a) the due registration of the title of the Committee or the nominees, as the case may be, to that property;
- (b) the delivery to the Committee or the nominees, as the case may be, of any document constituting evidence of the registration;
- (c) the performance for the benefit of the Committee or the nominees, as the case may be, of all obligations due in respect of that right; and
- (d) the receipt by the Committee or the nominees, as the case may be, of all dividends, rent or interest, in respect of that property or right due for payment after the commencement of these Regulations.

Transfer of liability

5.—(1) Subject to the provisions of the paragraph (2) below, every liability or obligation outstanding immediately before the commencement of these Regulations and incurred by any trustee, manager or other person on behalf of, or for the purpose of, a transferred scheme shall vest in the Committee to the exclusion of that person:

Provided that nothing in this paragraph shall relieve any trustee from any liability for any breach of trust, except so far as under any instrument creating the trust he would, but for the operation of these Regulations, have been entitled to an indemnity in respect thereof from assets available for the purposes of the transferred scheme concerned.

(2) The exclusion from liability as aforesaid of each trustee, manager or other person to whom the paragraph (1) above applies shall, without prejudice to the vesting in the Committee of that liability, take effect only after all certificates have been signed which are required for the due registration of the title of the Committee or nominees (as the case may be) to all property and rights transferred with respect to the transferred scheme concerned by virtue of the Regulation 4 above, and after completion of the audit of the accounts for that scheme prescribed by Regulation 7 below.

Application of funds

6. The Committee shall not cause or allow the disposal of any property or right transferred by virtue of the foregoing Regulation 4 above or the application of any such property or right otherwise than—

- (a) for the discharge of any liability or obligation, or the payment of any expense, imposed upon them by these Regulations; or
- (b) for the purposes of the Protected Persons Scheme.

Winding up of Scheme

7.—(1) Each transferred scheme shall cease to have effect at the commencement of these Regulations:

Provided that—

- (a) the proviso to Regulation 5(1) applies in relation to this paragraph as it applies in relation to that paragraph; and
- (b) this paragraph does not apply to Regulation 5(2).

(2) In the case of each such scheme the Committee shall prepare accounts (in the form normally used for the accounts of that scheme) for the period beginning at the date to which the last audited accounts for that scheme were made up and ending at the commencement of these Regulations, accounting for all sums received and expended for the purposes of the scheme during that period.

(3) The Committee shall cause the said accounts to be audited by the auditor who audited the accounts for each such scheme, or, if that person is unable or unwilling to act, by the person who is for the time being the auditor of the Protected Persons Scheme.

21st November 1980.

David Howell,
Secretary of State for Energy.

SCHEDULE

Regulations 3 and 4

| Transferred Schemes | Protected Persons Schemes |
|----------------------------------------------------------------------------------|---------------------------|
| Brighton, Hove and Worthing Gas Company Co-Partners Contributory Pensions Scheme | South Eastern |
| British Gas Light Company Ltd. Workmen's Pension Scheme | Eastern |
| Colchester Gas Company Workmen's Superannuation Fund | Eastern |
| Commercial Gas Company's Pension Fund | Eastern |
| Commercial Gas Company's Staff Pension Fund | Eastern |
| Croydon Gas Company Pension, Widows' and Orphans' Fund | South Eastern |
| East Hull Gas Company Pension Fund | North Eastern |
| Exeter Gaslight and Coke Company Pension Fund | South Western |
| Gas Light and Coke Company Pension Fund | Eastern |
| Great Yarmouth Gas Company Workmen's Superannuation Scheme | Eastern |
| Hornsey Gas Company Co-Partners' Contributory Pension Scheme | Eastern |
| Ipswich Gas Light Company Co-Partners' Superannuation Fund | Eastern |
| Lea Bridge District Gas Company Co-Partners' Contributory Pensions Scheme | Eastern |
| Liverpool Gas Company Officials' Superannuation Fund | North Western |
| North Middlesex Gas Company Co-Partners' Contributory Pension Scheme | Eastern |
| Preston Gas Company's Officials' Superannuation Fund | North Western |
| Radcliffe, Farnworth and District Superannuation Scheme | North Western |

SCHEDULE

| Transferred Schemes | Protected Persons Schemes |
|------------------------------------------------------------------------------------------------|---------------------------|
| South Metropolitan Gas Company Co-Partnership Insurance Fund | South Western |
| South Suburban Gas Company Pension Scheme | South Western |
| Special Fund of the Plymouth and Stonehouse Gas Light and Coke Company Pension Scheme | South Western |
| Taunton and District Gas Company Co-Partners' Pension Fund | South Western |
| Tottenham and District Gas Company Co-Partners' Contributory Pensions Scheme (No. 1 Tottenham) | Eastern |
| Tottenham and District Gas Company Co-Partners' Contributory Pensions Scheme (No. 3 Southgate) | Eastern |
| Uxbridge, Maidenhead, Wycombe and District Gas Company Pension Fund | Eastern |
| Wandsworth and District Gas Company No. 1 Pension Fund | South Eastern |
| Watford and St. Albans Gas Pension Fund (1928) | Eastern |
| Wellingborough Gas Light Company Ltd. Co-Partners' Pension Fund | East Midlands |
| Western-super-Mare and District Gas Company Pension Fund | South Western |
| Windsor Royal Gaslight Company Pension Fund | Eastern |

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the winding up of the pension schemes listed in the Schedule which provided superannuation benefits for the employees of the former gas undertakings specified therein.

The assets and outstanding liabilities of these schemes are transferred to the Committee appointed under the relevant Protected Persons Superannuation Scheme also listed in the Schedule.

Certain requirements are specified in the Regulations for the effective registration of the title to the property being transferred. Provision is also made for the auditing to the date of transfer of the accounts of the scheme being wound up.

Any surplus after discharge of the liabilities passing to the Committee of the relevant Protected Persons Superannuation Scheme is to be applied for the purposes of that scheme.

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