
STATUTORY INSTRUMENTS

1987 No. 2110

**The Local Government Reorganisation
(Pensions etc.) (South Yorkshire) Order 1987**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government Reorganisation (Pensions etc.) (South Yorkshire) Order 1987 and shall come into force on 1st January 1988.

(2) In this Order—

“the 1985 Act” means the Local Government Act 1985;

“the Authority” means the body established by article 2(1); and

“the Residuary Body” means the South Yorkshire Residuary Body.

Establishment of the South Yorkshire Pensions Authority

2.—(1) On 21st January 1988 there shall be established a body corporate known as the South Yorkshire Pensions Authority to receive the functions, property, rights and liabilities transferred by this Order.

(2) Schedule 1 shall have effect in relation to the Authority.

Transfer of pension and other functions

3. On 1st April 1988 the functions, property, rights and liabilities of the Residuary Body which are specified in Schedule 2 shall become the functions, property, rights and liabilities of the Authority.

Reimbursement

4.—(1) The net expenditure of the Authority in any financial year shall be apportioned between the district councils in the county of South Yorkshire in proportion to the population of their districts, as that population is certified for the making of levies with respect to that year under section 74(2) of the 1985 Act (levies by residuary bodies); and the appropriate portions shall be recoverable by the Authority from each of those councils on written demand.

(2) Any such demand as is mentioned in paragraph (1) may be made quarterly with respect to the net expenditure of the Authority in the periods of 3 months beginning on 1st April, 1st July, 1st October and 1st January in any year; and the Authority may require a payment in advance and on account of a demand in relation to such a period (not exceeding its estimate of the amount of that demand) not earlier than one month before the period commences.

(3) In this article “net expenditure” means all expenditure and costs incurred by the Authority after deduction of receipts (if any), not being expenditure or costs which may be paid out of, or receipts which fall to be credited to, the superannuation fund maintained by the Authority under the Local Government Superannuation Regulations 1986(1).

(4) Notwithstanding any winding-up of the Residuary Body pursuant to section 67 of the 1985 Act, the functions of the Registrar General and the Secretary of State under section 74(2) of that Act shall continue with respect to the certification of population for the purposes of the reimbursement of the Authority under this article.

(5) For the purposes of any other enactment (including in particular section 34 of the Local Loans Act 1875(2)) any sum demanded or required under this article shall be treated as money to be raised out of a rate.

Continuity of the exercise of functions

5.—(1) Anything done by or in relation to (or having effect as if done by or in relation to) the Residuary Body in the exercise of or in connection with a matter transferred by article 3 shall, so far as is required for continuing its effect on or after 1st April 1988, have effect as if done by or in relation to the Authority.

(2) Without prejudice to the generality of paragraph (1), that paragraph applies to the making of any application, decision or determination, to the giving of any notice, to the entering into of any agreement or other instrument, and to the bringing of any action or proceeding; but it shall not be construed as transferring an employee of the Residuary Body to the employment of the Authority.

(3) Any pending action or proceeding may be amended in such manner as may be necessary or proper in consequence of this Order.

Other supplementary provision

6.—(1) With effect from 1st April 1988 the Local Government Superannuation Regulations 1986 are amended—

(a) by inserting after paragraph (7A) of regulation C1—

“(7B) In relation to a pensionable employee of a body the greater part of whose area falls within the metropolitan county of South Yorkshire, the appropriate superannuation fund is the fund maintained by the South Yorkshire Pensions Authority.”;

(b) in regulation C1(8), by substituting for the words “(1) to (6)” the words “(1) to (7B)”;

(c) in regulation P1(1), by inserting after the words “district council” the words “or the South Yorkshire Pensions Authority”; and

(d) in regulation P3(10), by inserting after the definition of “single holding”—

““statutory borrowing power” includes a power to borrow under an instrument made under a statute;”.

(2) Without prejudice to the generality of article 5 (continuity of the exercise of functions)—

(a) any admission agreement within the meaning of the Local Government Superannuation Regulations 1986 in force immediately before 1st April 1988 whereby employees of any body were, or could become, admitted employees participating in the benefits of the superannuation fund maintained under those Regulations by the Residuary Body shall be of full force and effect in favour of, or against, the Authority;

(b) where a person has ceased to contribute to that fund and has not become a contributor to any other superannuation fund maintained under those Regulations, the transferred fund shall on and after 1st April 1988 be deemed to be the fund to which he was last a contributor; and

(c) on and after 1st April 1988 the Authority is to be treated as being the previous fund authority for the purposes of Part Q of those Regulations in place of the Residuary Body.

(3) Section 61(5) of the 1985 Act shall continue to have effect, so that no liability to reimburse the Authority in respect of any payment made by it shall attach to the Secretary of State, the Arts Council of Great Britain or the Historic Buildings and Monuments Commission for England where no liability to reimburse the Residuary Body would have attached to them if this Order had not been made and the payments concerned had been made by it; and paragraphs 64A and 64B of Schedule 2 to the Pensions (Increase) Act 1971⁽³⁾ shall continue to have effect as if pensions payable by the Authority were payable by the Residuary Body.

7th December 1987

Nicholas Ridley
Secretary of State for the Environment

(3) 1971 c. 56; paragraphs 64A and 64B of Schedule 2 were inserted by the Local Government Act 1985, section 61(2).