

1990 No. 2181 (S.189)

ELECTRICITY

The Electricity (Amendment of Scottish Pension Schemes) Regulations 1990

Made - - - - - *29th October 1990*

Laid before Parliament *12th November 1990*

Coming into force *3rd December 1990*

The Secretary of State, in exercise of the powers conferred on him by section 105 of and paragraph 1 of Schedule 15 to the Electricity Act 1989(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Electricity (Amendment of Scottish Pension Schemes) Regulations 1990, shall come into force on 3rd December 1990 and shall have effect from 29th March 1990 as respects regulations 1, 2 and 3 and from 31st March 1990 as respects regulations 4 and 5.

Interpretation

2. In these Regulations—

“the North Board” means the North of Scotland Hydro-Electric Board;

“the North Scheme” means the Hydro-Electric Pension Scheme formerly called the Hydroboard Superannuation Fund.

“the South Board” means the South of Scotland Electricity Board;

“the South Scheme” means the Scottish Power Pension Scheme formerly called the South of Scotland Electricity Board’s Superannuation Scheme.

Amendment of Schemes relating to Board members and former Board members

3.—(1) The amendment to the North Scheme (relating to members and former members of the North Board) set out in Part I of the Schedule hereto shall have effect.

(2) The amendments to the South Scheme (relating to members and former members of the South Board) set out in Part II of the Schedule hereto shall have effect.

Amendment of North Scheme relating to certain employees of the North Board who become employees of Scottish Power plc

4. The amendment to the North Scheme (relating to certain employees of the North Board who become employees of Scottish Power plc) set out in Part III of the Schedule hereto shall have effect.

(a) 1989 c.29; see the definition of “prescribed” in section 64(1), as applied by Schedule 15, paragraph 5(3).

Amendment of South Scheme relating to termination of contributions by a participating employer

5. The amendment to the South Scheme (relating to termination of contributions by a participating employer) set out in Part IV of the Schedule hereto shall have effect.

St. Andrew's House, Edinburgh
29th October 1990

Ian Lang
Minister of State,
Scottish Office

PART I

Amendment of the North Scheme relating to members and former members of the North Board

After Rule 2.3 there shall be inserted the following Rule:

"2.4 Members of the Board

2.4.1 Any person who is or has been a member of the Board, and who immediately before 29th March 1990 was treated as a member of the Scheme shall (notwithstanding any provisions of section 54 of the Electricity Act 1947 or section 37 of the Electricity (Scotland) Act 1979) be a member of the Scheme and the Scheme shall apply to him as if he had been a member of the Scheme from the date when he began to be treated as such a member.

2.4.2 Any contributions paid by or in respect of such a person before 29th March 1990 shall be deemed to have been properly paid to and received by the Trustees.

2.4.3 For the purposes of this Scheme, service as a member of the Board shall be treated in all respects as if it were service in the employment of the Board."

PART II

Amendment of the South Scheme relating to members and former members of the South Board

1. In Rule 2A(1), paragraph (C) shall be deleted.
2. After Rule 2F there shall be inserted the following Rule:-

"2G. Membership of members of the Board

(1) Any person who is or has been a member of the Board and who immediately before 29th March 1990 was treated as a member of the Scheme shall (notwithstanding any provisions of section 54 of the Electricity Act 1947 or section 37 of the Electricity (Scotland) Act 1979) be a member of the Scheme, and the Scheme shall apply to him as if he had been a member of the Scheme from the date when he began to be treated as such a member.

(2) Any contributions paid by or in respect of any such person before 29th March 1990 shall be deemed to have been properly paid to and received by the Committee.

(3) Without prejudice to the generality of the foregoing provisions, any person who before 29th March 1990 has become a member of the Scheme by virtue of the former Rule 2A(1)(C) or any previous corresponding provision shall remain such a member.

(4) For the purposes of this Scheme, service as a member of the Board shall be treated in all respects as if it were service in the employment of the Board."

PART III

Amendment of the North Scheme relating to certain employees of the North Board who become employees of Scottish Power plc

After Rule 2.1.4 there shall be inserted the following Rule:-

"2.1.5 (1) Notwithstanding the provisions in Rules 2.1.1 to 2.1.4 this Rule applies to a person who:-

- (a) on 31 March 1990 was a member of the Scheme;
- (b) immediately prior to 31 March 1990 was employed by the Board and located at Cruachan Power Station;
- (c) on 31 March 1990 became an employee of Scottish Power plc; and
- (d) has not opted to transfer to the ScottishPower Pension Scheme.

These persons will, for the purposes of this Rule, be referred to as the "Cruachan Employees".

(2) A Cruachan Employee may continue to participate in the Scheme in accordance with the Rules subject to sub-paragraph (3).

(3) A Cruachan Employee shall not continue to participate in the Scheme as a contributor where he has moved from the post ascribed to him on 31 March 1990."

PART IV

Amendment of the South Scheme relating to termination of contributions by a participating employer

For Rule 27A(3) there shall be substituted the following Rule:—

“27A(3) Scottish Nuclear Limited, a Participating Employer on the 31st March 1990, may terminate its contributions at any time on giving prior notice in writing to the Principal Employer and the Committee which shall be of a period which is not less than three months. On the date of expiry of the said notice, contributions payable by the Contributing Members in its employ shall also terminate.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make certain amendments to the 2 pension schemes for the electricity industry in Scotland, namely the Hydro-Electric Pension Scheme (formerly called the Hydro-board Superannuation Fund) (“the North Scheme”) and the Scottish Power Pension Scheme (formerly called the South of Scotland Electricity Board’s Superannuation Scheme) (“the South Scheme”). The amendments are related to the transfer, under the Electricity Act 1989, of property, rights and liabilities of the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board to the successor companies, Scottish Hydro-Electric plc, Scottish Power plc and Scottish Nuclear Limited. The transfer date was 31st March 1990. After that date employees of Scottish Hydro-Electric plc generally participate in the North Scheme and employees of the other two successor companies generally participate in the South Scheme.

The Regulations have retrospective effect from 29th March 1990 as respects regulations 1, 2 and 3 and from 31st March 1990 as respects regulations 4 and 5. They do not place any person, other than the Boards or their successor companies, in a worse position than he would have been in if the Regulations had been made to have effect only from the date of making. On this basis retrospection is permitted by Schedule 15, paragraph 1(4) to the Electricity Act 1989.

Regulation 3 and Parts I and II of the Schedule amend the North Scheme and the South Scheme to ensure that Board members and former Board members who had been treated in practice as members of those Schemes became, prior to the transfer date of 31st March 1990, members of the appropriate Scheme. This regulation has effect from 29th March 1990.

Regulation 4 and Part III of the Schedule amend the North Scheme with effect from 31st March 1990 to allow certain employees to continue to participate in that Scheme. These are employees at Cruachan Power Station, who were members of the North Scheme immediately before 31st March 1990, and who on the transfer of that Station to Scottish Power plc on that date became employees of Scottish Power plc. Such continued participation ceases if the employee changes post after 31st March 1990.

Regulation 5 and Part IV of the Schedule amend the South Scheme with effect from 31st March 1990 to allow Scottish Nuclear Limited, a participating employer in that Scheme, to withdraw from the Scheme on giving a minimum of 3 months’ notice.

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