
STATUTORY INSTRUMENTS

1973 No. 1260

The Local Government (Retirement of Chief Officers) Regulations 1973

PART I

PRELIMINARY

Title and commencement

1. These regulations may be cited as the Local Government (Retirement of Chief Officers) Regulations 1973 and shall come into operation on 20th August 1973.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“accrued pension”, in relation to a person duly entitled, means—

- (a) if his relevant superannuation scheme provided benefits in which he had a right to participate, the pension to which he would have become entitled under that scheme in respect of every employment which he ceases to hold on the day immediately before the payment date according to the method of calculation (modified where necessary for the purpose of giving effect to these regulations) prescribed by that scheme if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age and complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any payments in respect of added years which he was in the course of making; and
- (b) in any other case, such portion of the pension (if any) of which he had reasonable expectations as the new authority consider equitable, having regard to any practice of the employing authority, his age, the length of his employment at the date of termination of his employment in consequence of the notice of election and all the other circumstances of the case;

“accrued retiring allowance”, in relation to a person duly entitled, means—

- (a) if his relevant superannuation scheme provided benefits in which he had a right to participate, any lump sum payment to which he would have become entitled under that scheme in respect of every employment which he ceases to hold on the day immediately before the payment date according to the method of calculation (modified where necessary for the purpose of giving effect to these regulations) prescribed by that scheme if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age and complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any payments in respect of added years which he was in the course of making; and

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- (b) in any other case, such portion of the lump sum payment (if any) of which he had reasonable expectations as the new authority consider equitable, having regard to any practice of the employing authority, his age, the length of his employment at the date of termination of his employment in consequence of the notice of election and all the other circumstances of the case;

“the Act” means the Local Government Act 1972;

“added years”, in relation to a person duly entitled, means—

- (a) in the case of a contributory employee or local Act contributor, any additional years of service reckonable by him in his employment immediately prior to its termination, under regulation 12 of the Local Government Superannuation (Benefits) Regulations 1954(1), or any corresponding provision of a local Act scheme, or that regulation or any such provision as aforesaid as applied by or under any enactment, and includes any additional years of service which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become and are reckonable under or by virtue of interchange rules, and
- (b) in the case of any other person, any additional years of service, similar to those mentioned in paragraph (a) of this definition, reckonable by him under the relevant superannuation scheme,

being in either case additional years which were being purchased partly at the expense of the employer and partly at the expense of the person under arrangements which were entered into before the making of these regulations;

“association” means—

- (a) the County Councils Association,
(b) the Association of Municipal Corporations,
(c) the Urban District Councils Association, or
(d) the Rural District Councils Association,

or in the event of such an association ceasing to exist, the association succeeding to the property and liabilities of that association;

“chief officer” means a person employed by a local authority as clerk or chief officer on terms which on 1st January 1973 were negotiable by—

- (a) the Joint Negotiating Committee for Clerks of County Councils,
(b) the Joint Negotiating Committee for Town Clerks and District Council Clerks, or
(c) the Joint Negotiating Committee for Chief Officers of Local Authorities;

“contributory employee”, “local Act contributor” and “local Act scheme” have the same meanings as in the Local Government Superannuation Act 1937;

“deputy chief officer” means a person employed by a local authority as a deputy to a chief officer if either—

- (a) the terms of his employment were on 1st January 1973 negotiable by one of the Joint Negotiating Committees referred to in the definition of “chief officer”, or
(b) the terms of his employment were not negotiable as specified in paragraph (a) of this definition, but he holds his employment in the capacity of deputy to a chief officer in consequence of a resolution of the employing authority;

“enactment” means any Act or any instrument made under any Act;

“employing authority”, in relation to a person to whom these regulations apply, means the local authority, the superannuation joint committee, the association or the probation committee by whom he is employed;

“fund authority”, in relation to any person, means the authority maintaining a superannuation fund or account in relation to that person;

“interchange rules” means rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 (which provides for the pensions of persons transferring to different employment) and includes any similar instrument made, or having effect as if made, under any other Act which makes similar provision;

“local authority” means—

- (a) for the purposes of the definitions of “chief officer”, “deputy chief officer”, “employing authority” and “recognised officer”, any authority specified in either section 1(10) or (11) of the Act (other than the council of an urban parish) or section 20(6) of the Act (other than a parish council, a parish meeting, a representative body of a parish and a common parish council),
- (b) for the purpose of the definition of “new authority”, any authority specified in section 2 or 21 of the Act, and
- (c) for the purpose of Schedule 2, any authority described in paragraph (a) or (b) of this definition:

“new authority”, in relation to a person to whom these regulations apply, means, subject to the provisions of regulations 11(3) and 14, the local authority, the association or the probation committee to whom he would, if he were to continue employment with his employing authority, be transferred by an order of transfer:

“normal retiring age” has the meaning given by section 260(6) of the Act:

“notice of election” means a notice which complies with the provisions of regulation 4(2);

“order of transfer”, in relation to a person to whom these regulations apply, means an order made under the Act which, in accordance with the provisions of section 255 of the Act, contains a provision as to the transfer of that person;

“payment date”, in relation to any person, means the date on which the sums specified in regulation 5(1) become payable in accordance with the provisions of regulation 5(9);

“pension scheme”, in relation to a person duly entitled, means any form of arrangement associated with his employment for the payment of superannuation benefits, whether subsisting by virtue of enactment, trust, contract or otherwise:

“person duly entitled” means a person who is described in regulation 3(1) and gives a notice of election, and to whom no notice of objection has been given as described in section 260(2) of the Act:

“probation committee” means a probation and after-care committee within the meaning of Schedule 5 to the Criminal Justice Act 1948;

“reckonable service” has the meaning given by section 260(6) of the Act

“recognised officer” has the meaning given by Schedule 1;

“relevant superannuation scheme” has the meaning given by section 260(6) of the Act;

“superannuation joint committee” means a joint committee established by a combination scheme made under section 2 of the Local Government Superannuation Act 1937.

(2) The holder of any office, appointment, place, situation or employment shall, for the purposes of these regulations, be regarded as an officer employed in that office, appointment, place, situation or employment and the expressions “officer” and “employment” shall be construed accordingly.

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- (3) In these regulations, unless the context otherwise requires—
- (a) references to any enactment shall be construed as references thereto as amended, re-enacted, applied or modified by any subsequent enactment; and
 - (b) references to the Local Government Superannuation Act 1937 and the Local Government Superannuation (Benefits) Regulations 1954, shall, additionally, be construed as references thereto as having effect by virtue of paragraph 5(1) of Schedule 7 to the Superannuation Act 1972.
- (4) References in these regulations to a numbered regulation or Schedule shall, unless the reference is to a regulation or a Schedule of specified regulations, be construed as references to the regulation or Schedule bearing that number in these regulations.
- (5) References in any of these regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified regulation, be construed as references to the paragraph bearing that number in the first mentioned regulation.
- (6) The Interpretation Act 1889 shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.