

SCHEDULES

SCHEDULE 4

TRANSITORY PROVISIONS FOR AMALGAMATION SCHEMES

Superannuation

- 5 (1) This paragraph applies to any person who is transferred by virtue of an amalgamation scheme from the employment of one authority (in this paragraph referred to as the "transferor authority") to the employment of another authority (in this paragraph referred to as the "transferee authority").
- (2) Subject to the following provisions of this paragraph—
- (a) any statutory provision contained in or made or issued under the Local Government Superannuation Acts 1937 to 1953, any local Act under which any authority maintains a superannuation fund, the Superannuation (Miscellaneous Provisions) Act 1948 or the National Insurance Act 1959, which is in force at the date of transfer, and
 - (b) except as may be otherwise expressly provided therein, any enactment passed after that date whereby any of the Acts referred to in paragraph (a) above is amended, extended or superseded, and any statutory provision which after that date is made or issued under any of those Acts or such an enactment,
- shall have effect in relation to any person to whom this paragraph applies as if his employment by the transferor authority and his employment by the transferee authority were one continuous employment.
- (3) In any case where the fund which is the superannuation fund in relation to a person to whom this paragraph applies immediately before the date of transfer is not the same as the fund which is the superannuation fund in relation to that person immediately after that date, the last foregoing sub-paragraph shall not have effect for the purposes of section 29 of the Local Government Superannuation Act 1937 (payment of transfer values); but, with respect to any transfer value which, apart from any direction under this sub-paragraph, would in such a case be payable under the said section 29, the Minister of Housing and Local Government, if in the circumstances he considers it equitable to do so, may give directions for securing that—
- (a) no such transfer value will be payable in consequence of the transfer;
 - (b) the assets comprised in the fund out of which the transfer value would have been payable will be apportioned in such manner as the authorities concerned may agree or, in default of such agreement, the Minister may determine; and
 - (c) in respect of such part of those assets as may be so agreed or determined, such financial adjustments (whether by way of the transfer of assets or the making of a payment or both) as may be so agreed or determined will be made;
- and any directions given under this sub-paragraph may include such incidental, supplementary and consequential provisions as the Minister considers appropriate.

Status: This is the original version (as it was originally enacted).

- (4) Sub-paragraph (2) of this paragraph shall not affect the power to make regulations under section 36(6) of the said Act of 1937 with respect to such administrative action to be taken by local authorities as is mentioned in Schedule 3 to that Act, and, except as may be expressly provided in the regulations, shall not affect the operation of any such regulations.
- (5) Any such statutory resolution as is mentioned in section 3(2) of the said Act of 1937 (designation of persons as contributory employees) which—
- (a) was passed by the transferor authority ; and
 - (b) is in force in relation to any person to whom this paragraph applies immediately before the date of transfer ;
- shall continue in force in relation to that person and have effect as if it had been passed by the transferee authority.
- (6) Where immediately before the date of transfer it was the prevailing practice of the transferor authority to exercise beneficially (that is to say, so as to secure the payment of pensions or of increased pensions) any discretionary power exercisable by them by virtue of any statutory provision relating to pensions, it shall, in relation to any person to whom this paragraph applies, be the duty of the transferee authority to exercise that power (or any corresponding power under the statutory provisions relating to pensions for the time being in force) in a way which is not less beneficial than that practice; and section 35 of the said Act of 1937 shall apply to any question arising under this sub-paragraph.
- (7) In any case where the statutory provisions relating to pensions to which a person to whom this paragraph applies is subject immediately before the date of transfer by virtue of his employment by the transferor authority are not the same as those to which he becomes subject on that day by virtue of his employment by the transferee authority, the second-mentioned provisions shall have effect, in relation to that person, as if they required him to make the like contributions (if any) as he would have been liable to make, and conferred on him rights corresponding with those which he would have enjoyed, if he had remained subject to the first-mentioned provisions, and as if they conferred on the transferee authority any discretionary power to pay pensions or increased pensions which was exercisable under those provisions by the transferor authority.