
STATUTORY INSTRUMENTS

1970 No. 1126

PENSIONS

The Local Government Superannuation (England and Scotland) (Amendment) Regulations 1970

<i>Made</i>	- - - -	<i>28th July 1970</i>
<i>Laid before Parliament</i>		<i>5th August 1970</i>
<i>Coming into force</i>	- -	<i>1st September 1970</i>

The Minister of Housing and Local Government and the Secretary of State, acting jointly, in exercise of their powers under section 38 of the Local Government Superannuation Act 1937 and section 36 of the Local Government Superannuation (Scotland) Act 1937, and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Local Government Superannuation (England and Scotland) (Amendment) Regulations 1970 and shall come into operation on 1st September 1970.

(2) The Local Government Superannuation (England and Scotland) Regulations 1948 to 1954(1) and these regulations may be cited together as the Local Government Superannuation (England and Scotland) Regulations 1948 to 1970.

Interpretation

2. The Interpretation Act 1889 shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of the Local Government Superannuation (England and Scotland) Regulations 1948

3. The Local Government Superannuation (England and Scotland) Regulations 1948(2) as amended(3) shall be further amended as follows:—

(a) after paragraph (3) of regulation 2 (which relates to interpretation) there shall be added the following paragraph:—

(1) S.I. 1948/1131 (Rev.XVII, p. 813: 1948 I, p. 3304);

(2) (Rev. XVII, p. 813: 1948 I, p. 3304).

(3) The relevant amending instrument is S.I. 1954/1250 (1954 II, p. 1531). 1949/631 (1949 I, p. 3052); 1954/1250 (1954 II, p. 1531).

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- “(4) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, modified, extended or applied by any other enactment; and the expression “enactment” includes any instrument made under an enactment.”;
- (b) in regulation 8 (which relates to Scottish contributory employees who are entitled to reckon English teaching service, and modifies the application of section 15 of the Scottish Act)—
- (i) for paragraph (b) there shall be substituted the following—
- “(b) there were substituted for the words “if any period which, in order to avoid duplicate pensions, has not been reckoned as service for the purpose of calculating his retiring allowance, had been so reckoned” the words “but for any deduction made by the Secretary of State for Education and Science under section 7 of the Teachers (Superannuation) Act 1925 or any reduction made under regulation 52 of the Teachers' Superannuation Regulations 1967(4)”;
- (ii) at the end of the regulation there shall be added the words—
- “and paragraphs (2) to (6) of regulation 52 of the Teachers' Superannuation Regulations 1967 shall not apply in relation to an annual superannuation allowance granted under Part I of the Scottish Act or the Scottish benefits regulations to a Scottish contributory employee who before becoming such an employee had been a person entitled to the benefit of section 17(1) of the English Act”;
- (c) in regulation 19 (which relates to English contributory employees who are entitled to reckon Scottish teaching service, and modifies the application of section 17 of the English Act)—
- (i) for paragraph (b) there shall be substituted the following—
- “(b) there were substituted for the words “but for any deduction made by the Secretary of State for Education and Science under section 7 of the Teachers (Superannuation) Act 1925” the words “but for any reduction made under regulation 51 of the Teachers Superannuation (Scotland) Regulations 1969(5)”;
- (ii) at the end of the regulation there shall be added the words—
- “and paragraphs (2) to (6) of regulation 51 of the Teachers Superannuation (Scotland) Regulations 1969 shall not apply in relation to an annual superannuation allowance granted under Part I of the English Act or the English benefits regulations to an English contributory employee who before becoming such an employee had been a person entitled to the benefit of section 15 of the Scottish Act”.

Given under the official seal of the Minister of Housing and Local Government on 28th July 1970.

Peter Walker
Minister of Housing and Local Government

(4) S.I. 1967/489 (1967 I, p. 1562).

(5) S.I. 1969/77 (1969 I, p. 133).

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Given under the seal of the Secretary of State for Scotland on 28th July 1970.

L.S.

Gordon Campbell
Secretary of State for Scotland

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EXPLANATORY NOTE

The Local Government Superannuation (England and Scotland) Regulations 1948 to 1954 relate to the superannuation rights of persons who move from superannuable local government employment in England to superannuable local government employment in Scotland and vice versa; and they contain inter alia provisions which deal with periods of teaching service which have become reckonable in any such employment. The provisions in question contain various references to enactments relating to teachers' superannuation which have been considerably affected by recent enactments. These Regulations make consequential amendments to those provisions.