
STATUTORY INSTRUMENTS

1975 No. 503

PENSIONS

The Pensions Increase (Approved Schemes) (Local Government) (Amendment) Regulations 1975

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| <i>Made</i> | - - - - | <i>21st March 1975</i> |
| <i>Laid before Parliament</i> | | <i>4th April 1975</i> |
| <i>Coming into Operation</i> | | <i>25th April 1975</i> |

The Secretary of State for the Environment, in exercise of the powers conferred upon him by section 13(3) to (5) of the Pensions (Increase) Act 1971 and of all other powers enabling him in that behalf, with the approval of the Minister for the Civil Service, hereby makes the following regulations:—

1. These regulations may be cited as the Pensions Increase (Approved Schemes) (Local Government) (Amendment) Regulations 1975 and shall come into operation on 25th April 1975.

2.—(1) In these regulations “the principal regulations” means the Pensions Increase (Approved Schemes) (Local Government) Regulations 1972⁽¹⁾.

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

3. In regulation 2(1) of the principal regulations (interpretation) for the definition of “local authority” there shall be substituted—

““local authority” means—

- (a) the Greater London Council, the Common Council of the City of London and the council of a London borough;
- (b) in respect of any time before 1st April 1974, the council of an administrative county, county borough or county district;
- (c) the council of a county or district established by or under the Local Government Act 1972⁽²⁾; and
- (d) any other local authority within the meaning of the Local Loans Act 1875⁽³⁾

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⁽¹⁾ (1972 II, p. 2927).

⁽²⁾ 1972 c. 70

⁽³⁾ 1875 c. 83.

and any reference in these regulations to a local authority shall apply also—

- (i) to any joint board or joint committee established under or by virtue of any Act if all the constituent authorities are local authorities; and
- (ii) in respect of any time before 1st April 1974, to any other joint committee established by a combination scheme under section 5(1) and (2) of the Local Government and other Officers' Superannuation Act 1922⁽⁴⁾ in its application to England and Wales or under section 2 of the Act of 1937 and, in respect of any time on or after 1st April 1974, to any other joint committee established in accordance with regulations made under section 7 of the Act of 1972 in its application to England and Wales; and
- (iii) in respect of any time before 1st April 1974, in relation to cases where they were the employing authority for purposes of the Act of 1937 and, in respect of any time on or after 1st April 1974, in relation to cases where they are the employing authority for the purposes of regulations made under section 7 of the Act of 1972 in its application to England and Wales, to any passenger transport executive established under section 9(1) of the Transport Act 1968 ⁽⁵⁾.”

4.—(1) This regulation shall apply to, but only to, a person who ceases to be employed by a local authority on or after 31st March 1972.

In this paragraph the reference to a local authority shall be construed as a reference to any local authority or other body which is, or is to be treated as, a local authority for the purposes of the principal regulations.

(2) The principal regulations, as amended by regulation 3 of these regulations, shall have effect in relation to a person to whom this regulation applies as provided in paragraphs (3) to (6) below.

(3) Regulation 2(1) shall have effect as if—

(a) for the definition of “average remuneration” there were substituted—

““average remuneration” , in relation to a person, means an amount equal to the remuneration of his employment as assessed for the purpose of calculating the employer's superannuation contribution during the relevant year of his reckonable service;”

(b) for the definition of “minimum pensionable age” there were substituted—

““minimum pensionable age”, in relation to a person, means the earliest age at which he could have become entitled to receive a pension by virtue of regulation E2(1)(a) or (b)(ii) of the Superannuation Regulations if, where he attained that age before 1st April 1974, those regulations had then been in force and if in his employment he had been a pensionable employee;”

(c) after the definition of “minimum pensionable age” there were inserted—

““pensionable employee” has the same meaning as in the Superannuation Regulations;”

(d) after the definition of “relevant local authority” there were inserted—

““relevant year” , in relation to a person's reckonable service, means the year ending with the day on which the person ceases to hold his employment or the day on which he completes 45 years' reckonable service, disregarding reckonable service before attaining the age of 60 years beyond a total of 40 years, whichever is the earlier, but if the amount of the remuneration of his employment assessed for the purpose of calculating the employer's superannuation contribution during that year is less than

(4) 1922 c. 59.

(5) 1968 c. 73.

the amount it would have been had the relevant year been either of the two years immediately preceding that year, the expression means whichever one of those two years yields the higher amount.”

(e) after the definition of “the Secretary of State” there were inserted—

““the Superannuation Regulations” means the Local Government Superannuation Regulations 1974(6);”

(4) Sub-paragraph (b)(ii) of regulation 4(1) (which defines the persons to whom the regulations are to apply) shall have effect as if for the figure “10” there were substituted the figure “5”.

(5) Regulation 5 (notional pension and notional lump sum) shall have effect as if—

(a) for paragraph (1)(b) there were substituted—

“(b) for any additional day of reckonable service one three hundred and sixty fifth of one eightieth of his average remuneration.”

(b) for paragraph (2)(b) there were substituted—

“(b) for any additional day of reckonable service one three hundred and sixty fifth of three eightieths of his average remuneration.”.

(6) Schedule 1 (meaning of reckonable service) shall have effect as if—

(a) in paragraph 2(b) at the end there were added—

“or regulation B4 of the Superannuation Regulations”

(b) in paragraph 3(b) after the word “Man” there were inserted—

“or under regulations made under section 7 of the Act of 1972”.

5. Any benefit, or any increase of benefit, attributable to these regulations shall take effect in respect of any period beginning on or after 1st April 1972.

21st March 1975

Anthony Crosland
Secretary of State for the Environment

Approval of the Minister for the Civil Service given under his official seal on 21st March 1975.

L.S.

K.H. McNeill
Authorised by the Minister for the Civil Service

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EXPLANATORY NOTE

The Pensions Increase (Approved Schemes) (Local Government) Regulations 1972 (“the principal regulations”) provide for the payment to certain persons, who have left local government employment and whose pension rights were secured by insurance policies, of amounts corresponding to the pension increases they would have received under the Pensions (Increase) Act 1971 had they been subject to the local government superannuation scheme.

These Regulations amend the definition of “local authority” in the principal regulations consequentially on the reorganisation of local authorities by the Local Government Act 1972 (regulation 3).

In addition the Regulations amend the principal regulations, in relation to persons who leave local government employment on or after 31st March 1972, to take account of changes to conditions of entitlement to benefits under the local government superannuation scheme, and changes to the amount of those benefits, effected since the commencement of the principal regulations and now contained in the Local Government Superannuation Regulations 1974—those changes were made only in relation to persons subject to that scheme who leave local government employment on or after 31st March 1972 (regulation 4).

Under the powers in section 13(5) of the 1971 Act the Regulations provide for any benefit, or any increase of benefit, attributable to the Regulations to take effect from 1st April 1972.