

1980 No. 234
PENSIONS
**The Local Government Superannuation (Amendment) (No. 3)
Regulations 1980**

<i>Made</i> - - - -	21st February 1980
<i>Laid before Parliament</i>	3rd March 1980
<i>Coming into Operation</i>	1st April 1980

The Secretary of State for the Environment, in exercise of the powers conferred upon him by sections 7 and 12 of the Superannuation Act 1972(a), and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appeared to him to be concerned, the local authorities with whom consultation appeared to him to be desirable and such representatives of other persons likely to be affected by the regulations as appeared to him to be appropriate, hereby makes the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Local Government Superannuation (Amendment) (No. 3) Regulations 1980.

(2) The Local Government Superannuation Regulations 1974 to 1980(b) and these regulations may be cited together as the Local Government Superannuation Regulations 1974 to 1980.

(3) These regulations shall come into operation on 1st April 1980 and, except as provided in paragraph (4), shall have effect from that date.

(4) Regulation 15 shall have effect as from 1st August 1975, regulation 5 shall have effect as from 1st April 1976, regulation 6(b), (c) and (e) shall have effect as from 1st February 1979, and regulation 4 shall have effect as from 1st April 1979.

Interpretation

2.—(1) In these regulations “the principal regulations” means the Local Government Superannuation Regulations 1974(c), and other words and expressions to which meanings are assigned by the principal regulations have the same respective meanings.

(2) In these regulations “the 1979 regulations” means the Local Government Superannuation (Amendment) Regulations 1979(d).

(a) 1972 c. 11.

(b) S.I. 1974/520, 1977/1121, 1845, 1978/266, 822, 1738, 1739, 1979/2, 592, 1534, 1980/216, 233.

(c) S.I. 1974/520; relevant amending instruments are S.I. 1977/1845, 1978/266, 1738, 1739, 1979/2, 1534.

(d) S.I. 1979/2.

Appropriate superannuation fund

3. Regulation B3 of the principal regulations is amended by inserting after paragraph (5) the following paragraph:

“(5A) The appropriate superannuation fund in relation to a person transferred by or under the Greater London Council Housing (Staff Transfer and Protection) Order 1979(a) is the superannuation fund maintained by the Greater London Council for any period before 1st April 1981 during which he continues to be employed by the authority to which he is transferred.”.

Power to admit employees of other bodies

4. Regulation B4 of the principal regulations is amended by substituting for the words from “(other” to “conferring”, in paragraph (2)(b), the following:

“, other than—

- (i) provision that any previous period of employment by the body concerned of an employee admitted under the agreement shall be reckonable as reckonable service to such extent as may be agreed between the administering authority and the body, or
- (ii) where the body concerned is one of the bodies specified in paragraph (4)(g) and (h), provision that a percentage, not exceeding 4.4%, of the remuneration of an employee admitted under the agreement shall, if he is an employee of a description specified for that purpose in the agreement, be treated as not being remuneration for the purposes of these regulations,

conferring”.

Further provision as to admission of employees of other bodies

5. The principal regulations are amended by inserting after regulation B4 the following regulation:

“Further provision as to admission of employees of other bodies

B4A.—(1) For the purposes of this regulation a relevant event occurs, whether or not any property, debts, liabilities or obligations of either body then become vested in or attach to the other body, both—

- (a) when any activity carried on by a scheduled body ceases in whole or part to be carried on by that body and, to the extent that it so ceases, becomes or becomes part of an activity carried on by another body (“the transferee body”) which is neither a scheduled body nor a body specified in regulation B4(4), and
- (b) on any subsequent occasion when an activity, or part of an activity, originally comprised in the first activity mentioned in sub-paragraph (a) ceases in whole or part to be carried on by one body and, to the extent that it so ceases, becomes or becomes part of an activity carried on by another body (“a successor body”) which is neither a scheduled body nor a body specified in regulation B4(4).

(2) Where a relevant event occurs, the transferee body or, as the case may be, a successor body shall, for the purpose only of enabling an agreement to be made under regulation B4 for the admission of employees of theirs who—

(a) S.I. 1979/1737.

- (a) immediately before the occurrence of the relevant event mentioned in paragraph (1)(a) were pensionable employees of the scheduled body, and
 - (b) immediately before the occurrence of every subsequent relevant event were entitled by virtue of an agreement under regulation B4 to participate in the benefits of a superannuation fund maintained under these regulations, and
 - (c) are employed by the transferee body or successor body in connection with an activity, or part of an activity, originally comprised in the first activity mentioned in paragraph (1)(a),
- be deemed to be a body specified in regulation B4(4).”.

Payments to employee to avoid reduction under regulation E3(5) or (6) of retiring allowance and under regulation E11(2)(aa) or (3) of death gratuity

6. Regulation C2A of the principal regulations is amended—

- (a) by inserting after paragraph (4) the following paragraphs:

“(4A) Where—

- (a) an application under regulation D4A or D10A is or has been made but no determination or consent under regulation D4(2) or D10(2) has yet been given, and
- (b) notice of an election under paragraph (2), (3) or (4) is given by the person making the application,

the notice may state that in the event of such a determination or consent being given the service to which it relates is to be treated as having been included in the service specified in the notice.

(4B) Where—

- (a) a notice of an election under paragraph (2), (3) or (4) contains such a statement as is mentioned in paragraph (4A), or
- (b) an election is made under regulation D4A(5) or D10A(6),

and a determination or consent is subsequently given under regulation D4(2) or D10(2), any resulting increase in any payment mentioned in paragraph (3) or (4) is payable from the date which is for the purposes of Schedule 20 the date of the election under the paragraph in question, and any resulting increase in any payment mentioned in paragraph (2) shall be paid within one month after the date of notification of the determination or consent.”;

- (b) by inserting after paragraph (10)(a) the following sub-paragraph:

“(aa) he ceases to hold his employment, one of the conditions prescribed in regulation E2(3)(a) and (b) applies in his case, and payment by him in accordance with paragraph (3) or, as the case may be, paragraph (4) has not been discontinued by virtue of paragraph (9), he may, if he gives notice in writing for the purpose to the appropriate administering authority within the period of 3 months beginning—

- (i) on the day after the last day of his employment, or
- (ii) on 1st April 1980,

whichever is the later date, pay to the appropriate superannuation fund within the period specified in paragraph (11) an amount calculated by the Government Actuary to represent

the capital value of the payments remaining to be made, and shall in that event be treated as having completed payment in accordance with paragraph (3) or, as the case may be, paragraph (4); or”;

- (c) by substituting for the words “sub-paragraph (a)”, in paragraph (10)(b)(i), the words “sub-paragraphs (a) and (aa)”;
- (d) by substituting for paragraphs (ii) and (iii) of the proviso to paragraph (10)(b) the following:
 - “(ii) elected to receive a payment under regulation C8(2); or
 - (iii) made such a request for earlier payment as is mentioned in regulation C8(5),”; and
- (e) by adding after paragraph (10) the following paragraph:
 - “(11) The period mentioned in sub-paragraph (aa) of paragraph (10) is the period of 1 month beginning on the date on which the person is notified by the appropriate administering authority of the amount calculated as mentioned in that sub-paragraph.”.

Return of employee's contributions in certain cases

7. Regulation C8 of the principal regulations is amended—

- (a) by deleting the words from “; and”, at the end of paragraph (1)(b), to the end of paragraph (1);
- (b) by substituting for paragraph (2) the following paragraphs:
 - “(1A) A person to whom this regulation applies who is entitled to reckon an aggregate of less than 5 years' reckonable service and qualifying service and whose relevant remuneration has not in any income tax year exceeded £5,000 is, subject to paragraph (3), entitled to receive a payment under paragraph (2).
 - (1B) A person to whom this regulation applies who is entitled to reckon an aggregate of less than 5 years' reckonable service and qualifying service, whose relevant remuneration has exceeded £5,000 in any income tax year, and who has ceased to be employed as mentioned in paragraph (1)(a) after 5th April 1980 is, subject to paragraph (3), entitled to receive a payment under paragraph (2) unless he—
 - (a) became a pensionable employee before 6th April 1980, and
 - (b) by notice given in accordance with paragraph (1D) elects not to receive such a payment.
 - (1C) A person to whom this regulation applies—
 - (a) who is entitled to reckon an aggregate of less than 5 years' reckonable service and qualifying service, whose relevant remuneration has exceeded £5,000 in any income tax year, and who has ceased to be employed as mentioned in paragraph (1)(a) after 5th April 1978 but before 6th April 1980, or
 - (b) who is entitled to reckon an aggregate of 5 or more than 5 years' reckonable service and qualifying service, whose relevant remuneration has not in any income tax year ending before 6th April 1978 exceeded £5,000, and who has ceased to be employed as mentioned in paragraph (1)(a) after 5th April 1978 but before 6th April 1980, or

- (c) who is entitled to reckon an aggregate of 5 or more than 5 years' reckonable service and qualifying service and has ceased to be employed as mentioned in paragraph (1)(a) after 5th April 1980,

may, subject to paragraph (3), by notice given in accordance with paragraph (1D) elect to receive a payment under paragraph (2).

(1D) Notice for any of the purposes of paragraphs (1B) and (1C) must be given in writing to the appropriate administering authority—

- (a) not earlier than one month and two days after the date on which the employee ceased to be employed as mentioned in paragraph (1)(a), but
- (b) within the period of twelve months beginning on—
- (i) the date on which he so ceased to be employed, or
- (ii) 6th April 1980,

whichever is the later date.

(2) Subject to paragraph (4) and to regulation 7 of the Local Government Superannuation (Social Security—Requirements for Contracting-out) Regulations 1978(a), a payment under this paragraph is a payment out of the appropriate superannuation fund of a sum equal to the aggregate amount of the person's contributions to the fund, together, if he has ceased to be employed for any reason other than his voluntary resignation, or his resignation or dismissal in consequence of inefficiency or an offence of a fraudulent character or misconduct, with compound interest thereon calculated, to the date on which he ceased to hold his appointment, for any period before 1st April 1972 at the rate of 3% per annum with half-yearly rests on 31st March and 30th September, and for any period after 31st March 1972 at the rate of 4% per annum with yearly rests on 31st March, and for any period after 31st March 1980 at the rate of 9% per annum with yearly rests on 31st March.

(2A) Where a person has ceased to be employed as mentioned in paragraph (1)(a) before 1st April 1980, the amount of any payment to which he became entitled under this regulation as it had effect at the time when he so ceased to be employed shall be set off against any payment to him under paragraph (2) in respect of the same cessation of employment.”;

- (c) by substituting for the words “paragraph (2)(b)”, in paragraph (4)(a), the words “paragraph (1C)”;
- (d) by substituting for the words “with an aggregate of less than 5 years' reckonable and qualifying service”, in paragraph (5), the words “falling within paragraph (1A), or a person falling within paragraph (1B) who has not made an election under paragraph (1B)(b),”; and
- (e) by inserting after paragraph (7) the following paragraph:
- “(7A) In this regulation “relevant remuneration” means, in relation to a pensionable employee, the remuneration on which contributions were paid under regulation C1 or C2, or under Part I of the Act of 1937 or under a local Act scheme, or were paid under some other super-

annuation scheme in respect of service or employment which became, by virtue of interchange rules, reckonable for the purposes of the former regulations, or in respect of service or employment to which a transfer value accepted under regulation N7 relates.”.

Further provision as to previous employment under an officer

8. The principal regulations are amended by inserting after regulation D4 the following:

“Further provision as to previous employment under an officer

D4A.—(1) Subject to paragraph (3), an application under this regulation for the purpose mentioned in paragraph (2) of regulation D4—

(a) may be made by—

- (i) a person in relation to whom the conditions specified in paragraph (2) are satisfied, or
- (ii) the personal representatives of a person who has died since 31st March 1974 and in relation to whom those conditions were satisfied when he died (referred to in this regulation as a “deceased employee”), and

(b) shall be treated for the purposes of regulation D4 as an application made for the purpose and within the period mentioned in paragraph (2) of that regulation.

(2) The conditions mentioned in paragraph (1) are that the person is or has been a person to whom regulation D4 applies and either—

- (a) he did not make any application for the purpose mentioned in paragraph (2) of that regulation within the period there mentioned, or
- (b) he made such an application within that period and—
 - (i) no determination was given under paragraph (2) of that regulation, and
 - (ii) he has not been notified in writing by the appropriate employing authority that they refused to give such a determination.

(3) An application under this regulation must be made in writing, within the period of 12 months beginning on 1st April 1980, or in the case of a deceased employee who has died during that period without having made such an application, within the period of 12 months beginning on the date of his death, to the authority who are, or as the case may be were last, the employing authority in relation to the person by or in respect of whom the application is made.

(4) The authority to whom an application under this regulation is made shall be deemed to be the appropriate employing authority for the purposes of regulation D4(2).

(5) Subject to paragraph (6), where—

- (a) notice has been given of an election under regulation C2A(2), (3) or (4), and
- (b) an application under this regulation is made by or in respect of the person to whom the notice relates,

the person making the application may elect that in the event of any determination being given under regulation D4(2) the service to which it relates is to be treated as having been included in the service specified in the notice.

(6) An election under paragraph (5) must be made, not later than the date of the application under this regulation, by giving notice in writing to the authority who are, or as the case may be were last, the appropriate administering authority in relation to the person by or in respect of whom that application is made.”.

Further provision as to added years reckonable on payment as reckonable service

9. The principal regulations are amended by inserting after regulation D10 the following:

“Further provision as to added years reckonable on payment as reckonable service

D10A.—(1) Subject to paragraph (3), an application under this regulation for the purpose mentioned in paragraph (2) of regulation D10—

(a) may be made by a person in relation to whom the conditions specified in paragraph (2) are satisfied, and

(b) shall be treated for the purposes of regulation D10 as an application made for the purpose and within the period mentioned in paragraph (2) of that regulation.

(2) The conditions mentioned in paragraph (1) are that the person is a person to whom regulation D10 applies and either—

(a) he did not make an application for the purpose mentioned in paragraph (2) of that regulation within the period there mentioned, or

(b) he made such an application within that period and—

(i) no consent was given under paragraph (2) of that regulation, and

(ii) he has not been notified in writing by the authority to whom the application was made that they refused to give such a consent.

(3) An application under this regulation must be made in writing, within the period of 12 months beginning on 1st April 1980, to the employing authority.

(4) The employing authority to whom an application under this regulation is made shall for the purposes of regulation D10(2) be deemed to be the employing authority under whom the person making the application was a pensionable employee on the appointed day or, as the case may be, the day on which he first became a pensionable employee after the appointed day.

(5) Any number of years or additional period which a person is entitled to reckon as reckonable service by virtue of a consent given after 31st March 1980 under regulation D10(2) shall for the purposes of regulation E3(5), (6) and (6A) and of regulation E11(2)(aa) and (3) be deemed to be reckonable service before 1st April 1972.

(6) Subject to paragraph (7), where a person making an application under this regulation has given notice of an election under regulation C2A(2), (3) or (4) he may elect that in the event of any consent being given under regulation D10(2) the service to which it relates is to be treated as having been included in the service specified in that notice.

(7) An election under paragraph (6) must be made, not later than the date of the application under this regulation, by giving notice in writing to the appropriate administering authority.”.

Entitlement to retirement pension and retiring allowance

10. Regulation E2 of the principal regulations is amended by substituting for paragraph (1)(c)(ii) the following:

- “(ii) he has made an election under regulation C8(1B)(b) or is a person to whom regulation C8(1C)(a) applies; or”.

Amount of retirement pension and retiring allowance

11. Regulation E3 of the principal regulations is amended—

- (a) by substituting for the words “paragraph (6A)”, in paragraph (6), the words “paragraphs (6A) and (6AA)”; and

- (b) by inserting after paragraph (6A) the following paragraph:

“(6AA) No reduction shall be made under paragraph (6) in the case of a female pensionable employee participating as provided in regulation E12 in the benefits provided by these regulations who when she gave the notification under regulation E12(b) had no husband.”.

Increase in return of contributions

12. Regulation N9 of the principal regulations is amended by substituting for the words “regulation C8(2)”, wherever they occur, the words “regulation C8(1A) to (1C)”.

Additional contributory payments

13. Part II of Schedule 3 to the principal regulations is amended—

- (a) by substituting for the words “under sub-paragraph (b) of regulation C8(2) that that regulation should apply in his case”, in paragraph 6, the words “to receive a payment under regulation C8(2)”; and

- (b) by substituting for the words “under sub-paragraph (b) of regulation C8(2) that that regulation should apply in his case or having made such a claim for payment”, in paragraph 7, the words “to receive a payment under regulation C8(2) or having made such a request for earlier payment”.

Provisions applicable as respects additional contributions where any amount remains outstanding

14. Schedule 5 to the principal regulations is amended by substituting for the words “under sub-paragraph (b) of regulation C8(2) that that regulation should apply in his case”, in paragraph 5, the words “to receive a payment under regulation C8(2)”.

Limitation of remuneration not to affect pensionable remuneration in certain cases

15. Schedule 1 to these regulations shall have effect.

Supplementary provisions

16. Schedule 2 to these regulations shall have effect.

Right to opt out

17. No provision of these regulations shall apply to any person to whom at any time before 1st April 1980 any benefit (including a return of contributions and any pension payable to a widow or any dependant by virtue of a surrender) was or is being paid or became or may become payable if—

- (a) he is placed by that provision in a worse position than he would have been in if it had not applied in relation to that benefit; and
- (b) that provision relates to a benefit paid or payable in respect of a person who—
 - (i) ceased before 1st April 1980 to hold an employment in respect of which he was a pensionable employee, or
 - (ii) died before that date while still in such an employment; and
- (c) the first-mentioned person, by notice in writing given to the appropriate administering authority within 3 months after 1st April 1980, elects that that provision shall not apply to him.

Right of appeal

18. The provisions of Part H of the principal regulations (determination of questions and appeals) shall apply in relation to rights and liabilities arising by virtue of these regulations as they apply in relation to other rights and liabilities under the principal regulations.

Repeal

19. Section 14(2) of the National Exhibition Centre and Birmingham Municipal Bank Act 1976(a) is repealed.

Regulation 15

SCHEDULE 1

LIMITATION OF REMUNERATION NOT TO AFFECT PENSIONABLE REMUNERATION
IN CERTAIN CASES

1.—(1) This paragraph applies to a person if his pensionable remuneration in relation to an employment under a scheduled body would, apart from this paragraph, be less than it would have been but for a relevant limitation.

- (2) In this paragraph, “relevant limitation” means a limitation of remuneration—
 - (a) which was necessary to comply with limits referred to in section 1 of the Remuneration, Charges and Grants Act 1975(b), and
 - (b) the effect of which was that any relevant remuneration was less than would, apart from that section, have been payable under an agreement entered into before 1st August 1975.

(3) In sub-paragraph (2) above, “relevant remuneration” means any remuneration which is material for any of the purposes—

- (a) of regulation E1 of the principal regulations (pensionable remuneration), or
- (b) in the case of a person to whom regulation J9 of the principal regulations applies, of any provision contained in his former superannuation scheme which is similar to regulation E1 of the principal regulations.

(a) 1976 c. xix.

(b) 1975 c. 57; section 1 was amended, and the period for which it had effect extended to 31st July 1978, by the Price Commission Act 1977 (c. 33), section 17; references to limits set out in documents laid before Parliament in 1976 and 1977 were added by S.I. 1976/1097, 1977/1294.

(4) The pensionable remuneration of a person to whom this paragraph applies shall be taken to be the amount it would have been but for the relevant limitation.

2.—(1) Where it appears to a scheduled body that a person who has been an employee of theirs may be a person to whom paragraph 1 above applies, they shall as soon as is reasonably practicable decide whether he is such a person.

(2) A decision under sub-paragraph (1) above shall for the purposes of regulations L8(2), (3) and (4) and L9 of the principal regulations be treated as a decision made under regulation L8(1) of those regulations.

Regulation 16

SCHEDULE 2

SUPPLEMENTARY PROVISIONS

Increase on payment of retiring allowance and death gratuity of certain persons ceasing to be employed or dying in employment after 31st March 1978

1.—(1) Where—

(a) an application under regulation D4A of the principal regulations is or has been made but no determination under regulation D4(2) of those regulations has yet been given, and

(b) notice is given in accordance with regulation 16(2)(a) of the 1979 regulations by or in respect of the person to whom the application relates,

the notice may state that in the event of such a determination being given the service to which it relates is to be treated as having been included in the service specified in the notice.

(2) Subject to sub-paragraph (3) below, where—

(a) notice has been given in accordance with regulation 16(2)(a) of the 1979 regulations, and

(b) an application under regulation D4A of the principal regulations is made by or in respect of the person to whom the notice relates,

the person making the application may elect that in the event of any determination being given under regulation D4(2) of the principal regulations the service to which it relates is to be treated as having been included in the service specified in the notice.

(3) An election under sub-paragraph (2) above must be made, not later than the date of the application under regulation D4A of the principal regulations, by giving notice in writing to the authority who are, or as the case may be were last, the appropriate administering authority for the purposes of the principal regulations in relation to the person by or in respect of whom that application is made.

(4) Where—

(a) a notice given in accordance with regulation 16(2)(a) of the 1979 regulations contains such a statement as is mentioned in sub-paragraph (1) above, or

(b) an election is made under sub-paragraph (2) above,

and a determination is subsequently given under regulation D4(2) of the principal regulations, any resulting increase in the amount specified in regulation 16(4) of the 1979 regulations shall be paid within one month after the date of notification of the determination.

Further provision for increase on payment of retiring allowance and death gratuity in certain cases

2.—(1) A person who—

(a) attained the age of 65 years on or after 31st March 1978 and before 1st February 1979, and

- (b) was on the day before his 65th birthday in an employment in which he would have been a person to whom regulation C2A of the principal regulations applied, if that regulation had come into operation on 30th March 1978, and
- (c) was in that employment on 1st February 1979,
- shall for the purposes of regulation 16 of the 1979 regulations be deemed to be a retired employee falling within paragraph (1)(a) of that regulation and to have ceased to hold that employment on the day before his 65th birthday.
- (2) In relation to such a person as is mentioned in sub-paragraph (1) above—
- (a) paragraph (3) of regulation 16 of the 1979 regulations shall not apply and the notice mentioned in paragraph (2)(a) of that regulation may be given—
- (i) by the person concerned or, if he has died before 1st April 1980, by his personal representatives, within the period of 12 months beginning on 1st April 1980, or
- (ii) if the person concerned dies within the period of 12 months beginning on 1st April 1980 without giving such a notice, by his personal representatives within the period of 12 months beginning on the date of his death;
- (b) the reference in paragraph (4)(a) of that regulation to 31st March 1978 shall be construed as a reference to 30th March 1978; and
- (c) references in paragraph (5)(a) of that regulation to paragraph(1) (a) of that regulation shall be construed as references to sub-paragraph (1) above.

21st February 1980.

Michael R. D. Heseltine,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the Local Government Superannuation Regulations 1974 (“the principal regulations”) and include certain supplementary provisions. The main changes are:—

- (1) Regulation 3 provides that employees who are transferred to other local authorities under the Greater London Council Housing (Staff Transfer and Protection) Order 1979 will remain with the Greater London Council superannuation fund until 1st April 1981.
- (2) Regulation 4 enables a “non-pensionable” addition to salary recently awarded to certain New Towns employees to be disregarded for the purposes of the principal regulations.
- (3) Regulation 5 makes general provision for admission agreements to be made by employing bodies who could not otherwise make them, in certain cases where employees are engaged in an activity originally carried on by a scheduled body. Regulation 19 repeals similar provision made by a local Act for a particular case.

- (4) Regulation 6(b), (c) and (e) provides that an employee making payments under regulation C2A of the principal regulations (to avoid reduction of retiring allowance etc.) may on becoming redundant elect to pay the capital equivalent of any outstanding payments.
- (5) Regulation 7, with regulations 6(d), 10, 12, 13 and 14, gives effect to successive relaxations (for employees leaving pensionable employment after 5th April 1978 and after 5th April 1980) of Inland Revenue restrictions on the return of superannuation contributions.
- (6) Regulations 8 and 9 provide a further period of 12 months (from 1st April 1980) during which applications may be made—
 - (a) for indirect service to be treated under regulation D4 of the principal regulations as non-contributing service, and
 - (b) for consent under regulation D10 to purchase added years.

The time limit for applications under regulations D4 and D10 expired on 1st April 1975.
- (7) Regulations 8 and 9, with regulation 6(a), also provide for the revision of elections under regulation C2A of the principal regulations so as to include any additional reckonable service resulting from the applications for which they provide. Regulation 16 and Schedule 2 make corresponding provision in relation to similar elections under transitory provisions in the Local Government Superannuation (Amendment) Regulations 1979, and extend those provisions to persons who were over 65, but still employed, when they came into operation.
- (8) Regulation 11 provides that a female pensionable employee with no husband who gives notice that she wishes regulation E12 of the principal regulations (pensions of widowers and eligible children) to apply to her will not have her retiring allowance reduced in respect of service before 1st April 1972.
- (9) Regulation 15 and Schedule 1 make provision for cases where contractual remuneration was limited to the extent authorised by section 1 of the Remuneration, Charges and Grants Act 1975. Pensionable remuneration is to be calculated as if the limitation had not occurred.

Under the powers conferred by section 12 of the Superannuation Act 1972, the regulations are framed so as in some cases to have effect as from a date earlier than the making of the regulations (see regulation 1(4)), and to apply in relation to employees who retired or died before these regulations came into operation, provision being made for opting out if a person is thereby placed in worse position (regulation 17).