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STATUTORY INSTRUMENTS

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**1994 No. 3221**

**PENSIONS**

**The Local Government Superannuation (Local Government Reorganisation in England) Regulations 1994**

<i>Made</i>	- - - -	<i>14th December 1994</i>
<i>Laid before Parliament</i>		<i>16th December 1994</i>
<i>Coming into force</i>	- -	<i>6th January 1995</i>

The Secretary of State, in exercise of the powers conferred on him by section 7 of the Superannuation Act 1972(1) 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, commencement and interpretation**

1.—(1) These Regulations may be cited as the Local Government Superannuation (Local Government Reorganisation in England) Regulations 1994 and shall come into force on 6th January 1995.

(2) In these Regulations:

“the 1992 Act” means the Local Government Act 1992(2);

“order” means an order under section 17 of the 1992 Act;

“the principal Regulations” means the Local Government Superannuation Regulations 1986(3) and unless the context otherwise requires expressions which are also used in the principal Regulations have the same meaning as they have in those Regulations; and

“reorganisation date” in relation to an administering authority means the date on which, in pursuance of an order, any structural change or boundary change affecting that authority comes into effect.

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(1) 1972 c. 11.

(2) 1992 c. 19.

(3) S.I.1986/24; relevant amending instruments are S.I. 1989/372, 1990/503, 1991/2471, 1993/366 and 2531.

### **Actuary's certificate and employer contributions.**

2.—(1) As soon as is reasonably practicable after their reorganisation date, an administering authority shall obtain from an actuary a certificate specifying, in respect of their fund, for each of the years, or, if appropriate, part of a year of the relevant period, the matters referred to in regulation P6(1) of the principal Regulations (common rate of employer's contribution and individual adjustments).

(2) For the purposes of regulation P7 of the principal Regulations (employer's contributions), such certificate shall be deemed to have been obtained and shall be treated as the certificate obtained under regulation P6 of the principal Regulations for the relevant period in place of any prior certificate obtained under regulation P6 in respect of a period which includes the relevant period.

(3) In this regulation, "relevant period" means the period beginning on the reorganisation date and ending on the 31st March before the next period of three years for which an administering authority is required under regulation P6 to obtain a certificate following receipt of an actuarial valuation and report under regulation P5 of the principal Regulations.

### **Change of local government employment and fund authority**

3. For the purposes of regulation Q2(1) of the principal Regulations (change of local government employment and fund authority), where the previous fund authority has ceased to exist, the body in whom the relevant superannuation fund or part thereof is vested by an order is to be treated as the previous fund authority.

### **Employer's functions and changes of fund authority**

4. Where—

- (a) a discretionary power exercisable by an employing authority ("the former employing authority") under the principal Regulations becomes exercisable by a different employing authority ("the successor employing authority") in relation to a person in consequence of an order, and
- (b) it was the practice of the former employing authority to exercise that power in a way which was beneficial to employees,

the successor employing authority shall exercise the power in a way which is not less beneficial than the general character of that practice.

### **The principal Regulations**

5. The principal Regulations shall be amended—

(1) in regulation Q2—

- (a) in paragraph (1), by deleting the words " , subject to the following provisions of these regulations, "; and
- (b) by deleting paragraphs (2) to (7) inclusive; and

(2) by deleting Schedule 19.

Signed by authority of the Secretary of State

14th December 1994

*David Curry*  
Minister of State,  
Department of the Environment

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations make provision in connection with the Local Government Superannuation Regulations 1986 (“the principal Regulations”) and the effects on them of local government reorganisation in England under the Local Government Act 1992.

Regulation 2 makes provision for an administering authority affected by a boundary change or structural change made pursuant to an order under section 17 of the Local Government Act 1992, to obtain an actuarial certificate under regulation 6 of Part P of the principal Regulations following a reorganisation, which certificate shall supersede any existing P6 certificate.

Regulation 3 specifies who should be treated as the previous fund authority where the council which fulfilled this function has been abolished as a consequence of local government reorganisation.

Regulation 4 provides protection on a change of employing authority in connection with the exercise of discretionary powers under the principal Regulations.

Regulation 5 makes a consequential amendment to the principal Regulations and deletes provisions in the principal Regulations dealing with changes of local government employment and fund authorities which are no longer current.