

SCHEDULE B3

Regulation B6.

ELIGIBILITY FOR MEMBERSHIP: EMPLOYEES ETC. OF NON LGPS EMPLOYERS

1.—(1) An employer of—

- (a) the governors of any voluntary school maintained but not provided by a local education authority for such education as may be provided by a local education authority under Part II of the Education Act 1944⁽¹⁾, or
- (b) the governing body of any polytechnic, technical institute or such similar institution which is for the time being aided by a local education authority under that Act,

is eligible to be a member of the Scheme if the local education authority have, with the general or specific consent of the employer, by a statutory resolution so specified him or class of employees to which he belongs, and shall for the purposes of these regulations be deemed to be in employment with that authority.

(2) Regulation B3(1) and (2) applies to an employee specified in sub-paragraph (1) as it applies to the employee specified in that regulation.

2.—(1) A person who immediately before 1st April 1974 was a contributory employee in the employment of any such governors or governing body as are mentioned in paragraph 1 is eligible to be a member of the Scheme while he continues in employment with them, and shall for the purposes of these regulations be deemed to be in employment—

- (a) if he is an employee of the governors of a voluntary school which on 1st April 1974 became maintained by a local education authority for an area outside Greater London and is a contributory employee by virtue of his having been such an employee in that employment, with that authority;
- (b) if he was specified as a contributory employee by a resolution of an education authority under section 3(2)(f) of the Act of 1937, with that authority, or
- (c) if he was specified as a contributory employee by a resolution of the Greater London Council under section 53 of the London County Council (General Powers) Act 1929⁽²⁾ or section 7 of London County Council (General Powers) Act 1938⁽³⁾ —
 - (i) if he was in the employment of any such governors as are mentioned in paragraph 1(1)(a), with the London borough to which the school was transferred by virtue of the Education Reform Act 1988⁽⁴⁾ or, as the case may be, the body established by virtue of section 52 of that Act;
 - (ii) if he was in the employment of any such governing body as is mentioned in paragraph 1(1)(b), with such of the bodies mentioned in section 121, 122, 122A or 129 of the Education Reform Act 1988 or section 15, 16, 28 or 47 of the Further and Higher Education Act 1992⁽⁵⁾ as may in the circumstances be most appropriate.

(2) Regulation B3(1) and (2) applies to an employee specified in sub-paragraph (1) as it applies to the employees specified in that regulation.

3.—(1) Subject to any order made by the Secretary of State under section 74 of the Transport Act 1962⁽⁶⁾, a person who—

(1) 1944 c. 31.

(2) 1929 c. lxxxvii.

(3) 1938 c. xxxviii.

(4) 1988 c. 40; section 122A was inserted by the Further and Higher Education Act 1992 (c. 13), section 74(1).

(5) 1992 c. 13.

(6) 1962 c. 46.

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- (a) immediately before 1st April 1974—
 - (i) was in employment with the London Transport Executive, and
 - (ii) was by virtue of section 18(4) of the Transport (London) Act 1969⁽⁷⁾ entitled to participate in the benefits of the superannuation fund maintained under Part I of the Act of 1937 by the Greater London Council or Newham London borough council, and
 - (b) continued up to 29th June 1984 in employment with the London Transport Executive, is eligible to be a member of the Scheme while he continues in employment with London Regional Transport.
- (2) In their application to a person within sub-paragraph (1), these regulations have effect as if London Regional Transport were an LGPS employer.

4.—(1) A person who immediately before 1st April 1974—

- (a) was a justices' clerk (inner London area) or other officer employed by the Committee of magistrates for the inner London area, and
- (b) was by virtue of regulation 2(1) of the Superannuation (Inner London Magistrates' Courts) Regulations 1965⁽⁸⁾ entitled to superannuation rights corresponding with those to which he was entitled in respect of his service before 1st April 1965 as a justices' clerk in the county of London or an officer employed by the County of London Magistrates' Courts Committee,

is eligible to be a member of the Scheme unless there has since been a period of 12 months or more during which he was not such a clerk or officer as is mentioned in sub-paragraph (a) or, in the case of such other officers as are mentioned in paragraph (a), an officer employed by the magistrates' courts committee for the inner London area.

(2) In their application to a person within sub-paragraph (1), these regulations have effect as if the committee of magistrates for the inner London area were an LGPS employer.

5.—(1) Every employee of a subsidiary (other than a public transport company) of a passenger transport executive shall for the purposes of these regulations be deemed to be in employment with that executive.

(2) Every employee of a public transport company (“the first company”) in relation to whom a resolution under regulation 4 of the Local Government Superannuation (Miscellaneous Provisions) Regulations 1986⁽⁹⁾ has effect shall for the purposes of these regulations be deemed to be in employment with the passenger transport executive or district council who passed the resolution.

(3) If a person in relation to whom such a resolution has continued to have effect becomes an employee of another public transport company (“the second company”), then for the purposes of these regulations he shall, unless he then becomes an admission agreement employee, be deemed to be in employment—

- (a) if the second company’s controlling authority—
 - (i) is not the body who passed the resolution or a composite authority of which that body was a component council, but
 - (ii) is an authority which has, or a composite authority each of whose component councils has, also passed such a resolution,

(7) 1969 c. 35.
(8) S.I. 1965/537.
(9) S.I. 1986/380.

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with the controlling authority of the second company (or, where that authority is a composite authority, with such one of its component councils as the authority may decide), and

- (b) if the second company is a subsidiary of a passenger transport authority and has employees to whom sub-paragraph (2) applies by virtue of such a resolution, with the passenger transport executive or district council who passed the resolution.

(4) If the undertaking of the first company is divided among two or more companies formed under section 61 of the Transport Act 1985⁽¹⁰⁾ by a passenger transport authority, an employee of any one of those companies (“the transferee company”) in relation to whom such a resolution has continued to have effect shall, unless he then becomes an admission agreement employee, for the purposes of these regulations be deemed to be in employment with the passenger transport executive who passed the resolution.

(5) If a person to whom sub-paragraph (2), (3) or (4) applies becomes an employee of a subsidiary of the first company, the second company or, as the case may be, the transferee company, the relevant sub-paragraph continues to apply to him as if he had remained an employee of the company in question.

(6) Sub-paragraphs (2) to (4) cease to apply to a person if the first company, the second company or, as the case may be, the transferee company ceases to be a public transport company.

(7) In sub-paragraphs (1) to (6)—

- (a) “controlling authority”, “composite authority” and “component council” have the meanings given in section 72 of the Transport Act 1985, and
- (b) “subsidiary” has the meaning given in section 137(1) of that Act.

6.—(1) Every employee of a public airport company (“the first airport company”) in relation to whom a resolution under regulation 2 of the Local Government Superannuation (Miscellaneous Provisions) Regulations 1987⁽¹¹⁾ has effect shall for the purposes of these regulations be deemed to be in employment with the body who passed the resolution.

(2) If a person in relation to whom such a resolution has continued to have effect becomes an employee of another public airport company (“the second airport company”) whose controlling authority—

- (a) is not the body who passed the resolution or a composite authority of which that body was a constituent council, but
- (b) is an authority which has, or a composite authority one at least of whose constituent councils has, also passed such a resolution,

then, for the purposes of these regulations he shall, unless he then becomes an admission agreement employee, be deemed to be in employment with the controlling authority of the second airport company (or, where that authority is a composite authority, with such one of its constituent councils as the authority may decide).

(3) If a person to whom sub-paragraph (1) or (2) applies becomes an employee of a subsidiary of the first airport company or, as the case may be, the second airport company, the relevant sub-paragraph continues to apply to him as if he had remained an employee of the company in question.

(4) Sub-paragraphs (1) and (2) cease to apply to a person if the first airport company or, as the case may be, the second airport company ceases to be a public airport company.

(5) In sub-paragraphs (1) to (4)—

⁽¹⁰⁾ 1985 c. 67.

⁽¹¹⁾ S.I. 1987/293.

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- (a) “controlling authority”, “composite authority” and “constituent council” have the meanings given in section 16 of the Airports Act 1986⁽¹²⁾; and
- (b) “subsidiary” has the meaning given in section 82(1) of that Act.

⁽¹²⁾ 1986 c. 31.