STATUTORY INSTRUMENTS

1988 No. 1271

ELECTRICITY

The Electricity (Miscellaneous Pension Schemes) (Winding Up) Regulations 1988

Made - - - -	*21 July 1988*
Laid before Parliament	*22 July 1988*
Coming into force -	*30th September 1988*

The Secretary of State for Energy and the Secretary of State for Scotland, in exercise of the powers conferred by section 54 of the Electricity Act 1947(a), and now vested in them(b), and of all other powers them enabling, hereby make the following Regulations:–

Citation and Commencement

1. These Regulations may be cited as the Electricity (Miscellaneous Pension Schemes) (Winding Up) Regulations 1988 and shall come into force on 30th September 1988.

Application

2. These Regulations shall apply to the pension schemes specified in column 1 of the Schedule to these Regulations.

Interpretation

3. In these Regulations the following expressions have the meanings hereby assigned to them respectively–

"Electricity Board" includes the Electricity Council;

"old scheme" means any pension scheme specified in column 1 of the Schedule;

"the Pension Scheme" means the Electricity Supply Pension Scheme established by Resolution of the Electricity Council dated 20th January 1983;

"relevant Board" means, in respect of each old scheme specified in column 1 of the Schedule, the Electricity Board specified in column 2 of the Schedule for that scheme;

"relevant person" means, in respect of an old scheme, any person duly authorised in accordance with that scheme to administer that scheme or, if none, the relevant board;

"the Trustees" means the Trustees of the Pension Scheme appointed and elected in accordance with the provisions of the Pension Scheme.

(a) 1947 c.54; section 54 was amended by the Electricity Act 1957 (c.48), section 42 and Schedule 4, Part I; the Tribunals and Inquiries Act 1958 (c.66), Schedule 2, Part II; the Employment Protection (Consolidation) Act 1978 (c.44), section 130 and Schedule 10, paragraph 7 and S.I. 1959/1769, 1968/729 and 1970/1537.

(b) S.I. 1957/48, 1969/1498 and 1970/1537.

Transfer of Property and Rights

4.—(1) Subject to the provisions of this and the next following regulation, all property and rights of every type and description vested at the coming into force of these Regulations in any person other than as a nominee or custodian trustee being property or rights available for the purposes of any old scheme are hereby transferred without further assurance to the Trustees.

(2) A certificate, signed by the relevant person and by any person in whom any property or right transferred by virtue of this regulation was vested immediately before these Regulations came into force, that the property or right was so transferred, or a copy of such certificate certified by the relevant person to be a true copy thereof, shall be sufficient evidence that the property or right was transferred as aforesaid.

(3) In the case of any property or right vested in two or more persons jointly, a certificate for the purposes of the last foregoing paragraph signed by any one of those persons on behalf of them all shall be sufficient.

(4) Every person in whom any property or right transferred as aforesaid was vested immediately before these Regulations came into force shall do all such things as are necessary, or as the Trustees may reasonably require to be done, for the purpose of ensuring–

(a) the due registration of the title of the Trustees to such property;

(b) the delivery to the Trustees of any document constituting evidence of the said registration;

(c) the performance for the benefit of the Trustees of all obligations due in respect of such right; and

(d) the receipt by the Trustees of all dividends, rent, interest or other sums in respect of such property or right due for payment after these Regulations come into force.

Transfer of Liabilities

5.—(1) Subject to the provisions of the next following paragraph, every liability or obligation outstanding immediately before the coming into force of these Regulations and incurred by any relevant person or other person on behalf of or for the purposes of an old scheme shall be liabilities or obligations of the Trustees to the exclusion of that person:

Provided that nothing in this paragraph shall relieve any relevant person or other person from any liability for any breach of trust or duty, except in so far as under the provisions of the old scheme he would, but for the operation of these Regulations, have been entitled to an indemnity in respect thereof from assets available for the purposes of the old scheme.

(2) The exclusion of each relevant person or other person to whom the foregoing paragraph applies from liability as aforesaid shall, without prejudice to the vesting in the Trustees of the liability in question, take effect only after signature and delivery of all certificates required to be made for the due registration of the title of the Trustees to all property and rights transferred with respect to the old scheme by virtue of the last foregoing regulation and after the adoption of the accounts for that scheme by the Trustees.

Valuation of accrued pension rights

6.—(1) The Trustees shall cause an actuarial valuation to be prepared by the actuary of the Pension Scheme of the accrued pension rights of pensioners, members, dependants and other beneficiaries of each old scheme and the property and rights transferred under regulation 4 as at the coming into force of these Regulations, using actuarial assumptions identical to those adopted for the valuation of the Pension Scheme immediately preceding the valuation required by this regulation and, in respect of any old scheme having more than one relevant Board, showing separately the value of–

(a) the accrued pension rights of that scheme for which each relevant Board is responsible; and

(b) any property or rights apportioned in the ratio which the accrued pension rights

for which each relevant Board is responsible bear to the aggregate accrued pension rights in respect of that scheme.

(2) For the purpose of this regulation, "accrued pension rights" shall mean–

(a) all rights in respect of pensions under the old scheme (relating, in the case of members in service whose pension rights are still accruing, to rights in respect of pensionable service up to the date these Regulations come into force but taking into account, where appropriate, assumed future salary increases);

(b) all additional rights calculated by reference to the rights accruing under sub-paragraph (a) and arising from a customary or express obligation undertaken by the relevant Board, other than annual payments arising in connection with the termination of employment of any person due to reorganisation or redundancy (including any increase in such payments); and

(c) all additional rights which would arise for the benefit of pensioners, members, dependants and other beneficiaries of the old scheme if that scheme had contained the obligations referred to in sub-paragraph (b) and a provision having the same effect as Rule 26 of the Pension Scheme,

whether payments in respect of such rights are being made or are prospectively or contingently payable and includes any lump sums payable on retirement or death.

(3) The Trustees shall deliver to the relevant Board and the relevant person a copy of the valuation prepared for the purposes of paragraph (1) and a statement specifying the amount (if any) by which the value of the accrued pension rights and any other liabilities or obligations exceeds the value of the property and rights transferred under regulation 4.

(4) Within 60 days of the delivery of the statement under the preceding paragraph the relevant Board shall pay to the Trustees the amount specified in the statement.

Application of Funds

7. The Trustees shall not cause or allow the disposal of any property or right transferred or payment received by virtue of the foregoing regulations or the application of any such property or right or payment otherwise than–

(a) for the discharge of any liability or obligation or the payment of any expense imposed upon them by these Regulations; or

(b) in accordance with the provisions of the Pension Scheme.

Winding Up

8.—(1) Each old scheme shall cease to have effect on the date when these Regulations come into force:

Provided that–

(a) the proviso to paragraph (1) of regulation 5 shall apply in relation to this paragraph as it applies in relation to that paragraph; and

(b) nothing in this paragraph shall affect the operation of paragraph (2) of regulation 5.

(2) In respect of any old scheme having property and rights (other than only a right to receive any payments from the relevant Board or a life assurance policy) which are transferred to the Trustees under regulation 4, the Trustees shall cause accounts to be prepared (in the form normally used for the accounts of the old scheme) for the period beginning at the date to which the last audited accounts for the old scheme were made up and ending on the date when these Regulations come into force, accounting for all sums received and expended for the purposes of the old scheme during that period, and shall cause the said accounts to be audited by the auditor by whom the accounts of the old scheme were audited, or, if that person is unable or unwilling to act, by the auditor of the Pension Scheme:

Provided that if no audited accounts have previously been prepared for an old scheme the relevant person shall–

(a) cause unaudited accounts to be prepared for the period from the date to which the latest accounts have been made up and ending on the date when these Regulations come into force; and

(b) certify that to the best of his knowledge information and belief the information contained in those accounts is correct.

Transfer of Members

9. Every person who was–

(a) a member of an old scheme;

(b) in receipt of a pension under an old scheme; or

(c) prospectively entitled to a pension under an old scheme as an employee or former employee of a relevant Board,

shall, subject to the Rules of the Pension Scheme, become a Special Member of the Pension Scheme.

Cecil Parkinson
Secretary of State for Energy

Dated 20th July 1988

Malcolm Rifkind
Secretary of State for Scotland

Dated 21st July 1988

SCHEDULE

Regulations 2 and 3(1)

Column 1 *Old Scheme*	*Column 2* *Relevant Board*
1. Central London Electricity Limited Pension Fund	Central Electricity Generating Board and London Electricity Board
2. Central Electricity Board Superannuation Fund	Central Electricity Generating Board
3. Midesco Pension Fund	East Midlands Electricity Board
4. Northmet (Staff) Pension Fund	Eastern Electricity Board
5. Northmet (Operative) Pension Fund	Eastern Electricity Board and Central Electricity Generating Board
6. North Eastern Electric Supply Co Ltd Contributory Superannuation Fund	North Eastern Electricity Board and Central Electricity Generating Board
7. British Electricity Authority Superannuation (Protected Persons) Scheme	Central Electricity Generating Board
8. London Electricity Board Superannuation (Protected Persons) Scheme	London Electricity Board
9. North Eastern Electricity Board Superannuation (Protected Persons) Scheme	North Eastern Electricity Board
10. North Western Electricity Board Superannuation (Protected Persons) Scheme	North Western Electricity Board
11. Southern Electricity Board Superannuation (Protected Persons) Scheme	Southern Electricity Board
12. London Power Company Ltd Non-Contributory Scheme for Manual Workers	Central Electricity Generating Board and South Western Electricity Board

Column 1 *Old Scheme*	*Column 2* *Relevant Board*
13. Newcastle and District Electric Lighting Company Ltd Industrial Workers Voluntary Retirement Allowances Scheme	North Eastern Electricity Board
14. North Eastern Electric Supply Company Ltd Voluntary Retirement Allowances Scheme for Industrial Workers	North Eastern Electricity Board and Central Electricity Generating Board
15. North Eastern Electric Supply Company Ltd Voluntary Retirement Allowances Scheme for Women	North Eastern Electricity Board, Central Electricity Generating Board and Southern Electricity Board
16. Brentwood District Electric Co Ltd Pension and Life Assurance Scheme	Central Electricity Generating Board
17. British Power and Light Corporation Limited Staff Pension Scheme	Merseyside and North Wales Electricity Board and South Western Electricity Board
18. Bognor Gas and Electricity Company Assurance Pension Scheme	Southern Electricity Board
19. Christy Bros and Co Ltd Staff Pension and Life Assurance Scheme	South Western Electricity Board
20. Central London Electricity Ltd Staff Assurance Scheme	London Electricity Board and South Eastern Electricity Board
21. City of London Electric Lighting Company Limited Pension and Life Assurance Scheme	Central Electricity Generating Board, Eastern Electricity Board and London Electricity Board
22. County of London Electric Supply Company Limited (1912) Superannuation Scheme	London Electricity Board and South Eastern Electricity Board
23. County of London Electric Supply Company Limited Pension and Life Assurance Scheme for Male Staff (1939)	London Electricity Board, Central Electricity Generating Board, South Eastern Electricity Board, Eastern Electricity Board and Southern Electricity Board
24. County of London Electric Supply Company Limited Pension and Life Assurance Scheme for Male Manual Workers (1939)	London Electricity Board, Central Electricity Generating Board, South Eastern Electricity Board, Eastern Electricity Board, South Western Electricity Board and Southern Electricity Board
25. County of London Electric Supply Company Limited and Associated Companies Female Staff Pension Scheme (1939)	South Eastern Electricity Board, Eastern Electricity Board, London Electricity Board, Central Electricity Generating Board and the Electricity Council
26. Edmundson's Electricity Corporation Ltd and Controlled Companies Pension Scheme	Eastern Electricity Board, Central Electricity Generating Board, Midlands Electricity Board, Southern Electricity Board, South Western Electricity Board, South Wales Electricity Board and the Electricity Council
27. Edmundson's (Ramsgate) Pension and Life Scheme	Eastern Electricity Board, Southern Electricity Board and South Eastern Electricity Board
28. Edmundson's Electricity Corporation Ltd and Controlled Companies Pension Scheme (No 2)	Midlands Electricity Board
29. Electric Supply Corporation Pension Scheme	South Eastern Electricity Board and Central Electricity Generating Board
30. Lancashire Electric Power Company Limited Pension and Life Assurance Scheme	North Western Electricity Board and Central Electricity Generating Board
31. Lancashire Electric Power Co Ltd Pension Scheme (No 2)	North Western Electricity Board and Central Electricity Generating Board

Column 1 *Old Scheme*	*Column 2* *Relevant Board*
32. Mersey Power Company Ltd Pension and Life Assurance Scheme	Merseyside and North Wales Electricity Board and Midlands Electricity Board
33. Mersey Power Company Ltd Dependants' Income Scheme for Staff Employees	Merseyside and North Wales Electricity Board
34. Mersey Power Company Ltd Dependants' Income Scheme for Works Employees	Merseyside and North Wales Electricity Board
35. Mid-Cheshire Electricity Supply Co Ltd Staff Pension Scheme (1942)	Merseyside and North Wales Electricity Board
36. Mid-Cheshire Electricity Supply Co Ltd Employees' Thrift and Benevolent Scheme	Merseyside and North Wales Electricity Board and Eastern Electricity Board
37. Mid-Cheshire Electricity Supply Co Ltd Dependants' Income Scheme for Staff Employees	Merseyside and North Wales Electricity Board
38. Mid-Cheshire Electricity Supply Co Ltd Dependants' Income Scheme for Works Employees	Merseyside and North Wales Electricity Board
39. Midland Electric Corporation for Power Distribution Pension and Life Assurance Scheme	Midlands Electricity Board
40. Southern Areas Electric Corporation Ltd Pension and Life Assurance Scheme	South Eastern Electricity Board
41. West Midlands Joint Electricity Authority Pension and Life Assurance Scheme	Midlands Electricity Board and Central Electricity Generating Board
42. West Gloucestershire Power Co Ltd Pension and Life Assurance Scheme	Midlands Electricity Board and Central Electricity Generating Board
43. Yorkshire Electric Power Co Pension and Life Assurance Scheme	Yorkshire Electricity Board and Central Electricity Generating Board
44. West of England Electric Investments Ltd Staff Pension Scheme	South Western Electricity Board

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the winding up of 44 pension schemes most of which were established by authorised undertakers, power station companies or electricity holding companies prior to vesting day, 1st April 1948, under the Electricity Act 1947 to provide pension benefits for their employees.

Assets and outstanding liabilities of these schemes pass to the Trustees of the Electricity Supply Pension Scheme which is an existing scheme providing pension benefits for most employees of the electricity supply industry. The Regulations provide that members of the old schemes will become special members of the Electricity Supply Pension Scheme, and their existing pension benefits will be maintained.

The Regulations provide for an actuarial valuation of all assets and liabilities of each old scheme and for each Electricity Board which presently funds the liabilities out of revenue to make a capital payment to the Trustees of the Electricity Supply Pension Scheme in respect of any deficit shown by the valuation.

Certain requirements are specified in the Regulations for the effective registration of the title to the property being transferred. Provision is also made for accounts of the old schemes up to the date of transfer to be audited, or certified.