The Electricity (Pension) (Amendment) Regulations, 1950

1950 No. 359

Made - - - - -	14*th March*, 1950
Laid before Parliament	16*th March*, 1950
Coming into Operation	20*th March*, 1950

The Minister of Fuel and Power and the Secretary of State, in exercise of the powers conferred upon them by section fifty-four of the Electricity Act, 1947(**a**), and of all other powers enabling them in that behalf, hereby make the following regulations:—

The Electricity (Pension Scheme) Regulations, 1948

1. The Electricity (Pension Scheme) Regulations, 1948(**b**), shall have effect subject to the modification that regulation one thereof (which authorises the establishment of pension schemes by Electricity Boards) shall be deemed to be paragraph (1) of regulation one and that the following paragraph shall be inserted after the said paragraph (1):—

"(2) For the purposes of any such pension scheme as aforesaid, the service of any person as a whole-time member of an Electricity Board may be treated as if it were service in the employment of that Board if that person—

(*a*) was subject to that scheme immediately before becoming such a member; or

(*b*) is, by virtue of the Act and the Electricity (Pension Rights) Regulations, 1948(**c**), subject to another pension scheme, or entitled to rights, in relation to any Electricity Board and agrees with that Board that, in lieu thereof or of any rights which he may have under the Act and those regulations, he shall become subject to the scheme in question."

The Electricity (Pension Rights) Regulations, 1948

2.—(1) The Electricity (Pension Rights) Regulations, 1948, shall have effect subject to the modifications specified in this regulation.

(2) In regulation one (which relates to transferred schemes)—

(*a*) in sub-paragraph (*b*) of paragraph (1) the word "first" shall be inserted before the word "schedule";

(*b*) the following paragraph shall be substituted for paragraph (2):—

"(2) Every transferred scheme shall continue in operation subject to the Act and these regulations and to the modifications specified in the second schedule to these regulations."

(3) In regulation two (which relates to divided schemes)—

(*a*) the following sub-paragraph shall be substituted for sub-paragraph (*a*) of paragraph (1):—

"(*a*) a transferred scheme, a local government fund as defined in regulation four, the Federated Superannuation System for Universities or the Merchant Navy Officers' Pension Fund";

(a) 10 & 11 Geo. 6. c. 54. (b) S.I. 1948 (No. 226) I, p. 884.
(c) S.I. 1948 (No. 2172) I, p. 873.

(*b*) in paragraph (5)—

(i) there shall be inserted after the words " where any person to whom this regulation applies is employed by any Electricity Board " the words " (all such employment being in these regulations collectively referred to as " electricity board employment ") " ; and

(ii) there shall be substituted for the words " that Board " the words " his employing Board " ;

(*c*) in paragraph (6) there shall be substituted for the words " the employment of any Electricity Board in respect of which the said person has paid contributions were service reckoned thereunder " the words—

" electricity board employment were service reckoned thereunder: Provided that no service shall be reckoned for the purposes of this paragraph as contributing service unless any contributions required to be paid by that person in respect thereof have been duly paid ".

(4) In regulation four (which relates to the rights of persons who were contributory employees in local government funds) there shall be substituted—

(*a*) in paragraph (3) for the words " employed by any Electricity Board " the words " in electricity board employment ", and for the words " his employment by that Board " the words " that employment " ; and

(*b*) in sub-paragraph (*b*) of paragraph (4) for the words " his employment by any Electricity Board " the words " his electricity board employment ".

(5) In regulation seven there shall be substituted for the words " in the employment of an Electricity Board " the words " in electricity board employment ".

(6) In regulation eight, there shall be substituted for the words " , whether or not a pension scheme to which any of these regulations apply," the words " to which regulation one, two, four or seven applies ", and for the word " shall " (where it first occurs) the words " may, if he and that Board so agree," ; and there shall be inserted before the word " contributions " the words " in any such case ".

(7) The following sub-paragraph shall be substituted for sub-paragraph (*a*) of paragraph (1) of regulation eleven (which provides that if the parties to a question comprise only a person having rights under a transferred scheme or regulation two and the Electricity Board concerned, and a method of determining it is provided under the relevant scheme, it shall be determined by that method) :—

" (*a*) if the parties comprise only a person having rights under a transferred scheme and the Electricity Board maintaining that scheme, and a method of determining the question is provided under the scheme, by that method ; ".

(8) In paragraph (1) of regulation thirteen (which relates to interpretation) there shall be inserted after the words and figures " paragraphs (1), (3) and (4) of regulation two ; " the words and figure—

" " electricity board employment " has the meaning assigned by paragraph (5) of regulation two ; ".

(9) The schedule to the Electricity (Pension Rights) Regulations, 1948, shall be deemed to be the first schedule to those regulations and the schedule to these regulations shall be deemed to be the second schedule thereto.

3.—(1) These regulations may be cited as the Electricity (Pension) (Amendment) Regulations, 1950.

(2) These regulations shall come into operation on the twentieth day of March, nineteen hundred and fifty, but shall then be deemed to have had effect, in so far as concerns regulation one, and any other provision affecting any person taken into the employment of, or made a member of, an Electricity Board before the vesting date, from the passing of the Act, and otherwise from the vesting date.

Dated this fourteenth day of March, nineteen hundred and fifty.

Philip Noel-Baker,
Minister of Fuel and Power.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

SCHEDULE Regulation 2 (9)

(SECOND SCHEDULE) (Regulation 1 (2))

Modifications to transferred schemes

1. In each transferred scheme, there shall be substituted, in the provisions determining the persons eligible for membership or benefits, for any reference—

(*a*) to persons employed by a body to whom Part II applied, a reference to persons employed by that body before the vesting date ;

(*b*) to any person ceasing to be so eligible by reason of his ceasing to be employed by any such body, a reference to his ceasing to be so eligible by reason of his ceasing to be in electricity board employment.

2.—(1) In each transferred scheme, not being a scheme under which the benefits due are provided in pursuance of a contract between the managers of the scheme and an insurer, there shall be inserted a provision that, notwithstanding anything in the scheme, any person subject thereto may, if he so agrees, and subject to the provisions hereinafter set out, cease to be subject thereto and become subject to a pension scheme maintained in pursuance of the Electricity (Pension Scheme) Regulations, 1948, in which the Electricity Board maintaining the transferred scheme participate, or to a pension scheme established thereunder by the North of Scotland Board.

(2) Where any person becomes subject to a pension scheme in pursuance of an agreement as aforesaid, the trustees or other persons in whom the assets available for the purposes of the transferred scheme are vested shall—

(*a*) within six months of his becoming so subject pay to the Board maintaining the first mentioned scheme, or as that Board may direct, a sum by way of transfer value appropriate to the liability of which the transferred scheme has been relieved in respect of service which he was entitled to reckon when he ceased to be subject thereto ;

(*b*) not later than the periodical valuation of the scheme next afterwards, or the expiry of five years, whichever first occurs, cause to be determined—

(i) the net amount (if any) by which in proportion to the continuing liabilities of the scheme any deficiency in respect of the scheme has been increased, or surplus reduced, by the aggregate of the payments made in pursuance of sub-paragraph (2) (*a*) since the last such valuation, as compared with the deficiency or surplus which would have been ascertained at the date of that determination if none of the said payments had been made and the scheme had not been relieved of liabilities in respect of any of the persons to whom those payments related ; and

(ii) the amount of all expenses actually and necessarily incurred by them in determining the amount of all such payments and the amount by which any deficiency has been increased or surplus reduced as mentioned in the foregoing sub-paragraph ; and

(*c*) forthwith thereafter cause each amount so determined to be certified to the Board maintaining the transferred scheme.

(3) If any amount is certified in pursuance of sub-paragraph (2) (*c*), the Board maintaining the transferred scheme shall pay to the said trustees or other persons a sum equal to that amount within three months of the date of the said certificate.

(4) Any question arising as to the amount of the appropriate sum prescribed in sub-paragraph (2) (*a*), or as to the amount by which any deficiency has been increased or surplus reduced as mentioned in sub-paragraph (2) (*b*), or as to whether any expenses were actually and necessarily incurred in any determination thereunder, shall, in default of agreement between the Electricity Board concerned and the said trustees or other persons, be determined by an actuary agreed between them or (in default of agreement) appointed for the purpose by the Minister (or, in a case where the Board concerned are the North of Scotland Board, by the Secretary of State).

(5) Where by reason of the payment of any sum in pursuance of sub-paragraph (2) (*a*) any liability for income tax is incurred by the said trustees or other persons which would not otherwise have been incurred, the Board maintaining the transferred scheme shall indemnify them against that liability.

EXPLANATORY NOTE

(This note is not part of these regulations, but is intended to indicate their general purport.)

1. These regulations amend the Electricity (Pension Scheme) Regulations, 1948, so as to provide that in certain cases service as a whole-time member of an Electricity Board may, for the purposes of a pension scheme maintained under those regulations, be treated as service in the employment of the Board. This is to be allowed where the person concerned either was subject to the scheme before becoming a member of the Board, or (either as employee or member) enjoyed pension rights preserved for him as against the Board by the Electricity Act, 1947, or the Electricity (Pension Rights) Regulations, 1948, and wishes to give up these rights and to join the scheme instead.

2. They also amend the Electricity (Pension Rights) Regulations, 1948—

(*a*) transferred schemes (those which at the vesting date (1st April, 1948) were confined to employees taken over by Electricity Boards, and which are therefore being carried on with the functions of the employer transferred to an Electricity Board) are amended, in the case of schemes financed from investments, so as to allow transfer to schemes maintained under the Electricity (Pension Scheme) Regulations ; in such cases the trustees of the scheme are to pay a transfer value to the Electricity Board concerned ;

(*b*) the Merchant Navy Officers' Pension Fund is added to the schemes expressly excluded from the category known as divided schemes (those which had other persons subject to them besides persons taken over by Electricity Boards, and which are therefore split) ;

(*c*) in the case of persons who were subject to a divided scheme but were taken over by an Electricity Board, disputes as to the application or effect of the regulations are now to be referred to a referee appointed by the Minister of Labour and National Service, like questions under other schemes to which the regulations apply ;

(*d*) certain other amendments are made to clarify existing provisions; the expression "electricity board employment" is inserted to remove doubts as to the provision enabling employees to transfer from one Electricity Board to another without being compelled to sacrifice membership of certain pension schemes; the scope of the provision enabling membership of an Electricity Board to be counted as service in the employment of that Board, in the case of certain pension schemes to which these regulations relate, is more clearly defined.

3. The regulations are given retrospective effect from the dates when the regulations amended came into operation.

The Electricity (Severance Compensation) Regulations, 1950

1950 No. 1278

Made - - - -	28*th July*, 1950
Laid before Parliament	28*th July*, 1950
Coming into Operation	3*rd August*, 1950

The Minister of Fuel and Power, in exercise of the powers conferred upon him by section twenty-three of the Electricity Act, 1947(a) (in these regulations referred to as "the Act"), and of all other powers him enabling, hereby makes the following regulations:—

Prescribed Conditions

1. The local authorities among whom the sum to be paid by the Central Authority in pursuance of section twenty-three of the Act is to be divided shall consist of—

(*a*) every such council as were authorised undertakers immediately before the vesting date, being the council of a county borough, county district or metropolitan borough, or, in Scotland, a county or town council; and

(*b*) any joint board of local authorities having immediately before that date functions as authorised undertakers and also other functions.

Principles and manner of determination of amounts

2.—(1) Subject to the provisions of the following paragraph, the amount to be paid under the said section twenty-three to any local authority shall be determined by aggregating in relation to that authority the appropriate sums (calculated to the nearest pound) specified in the third column of the schedule to these regulations with respect to—

(*a*) the units (if any) generated by them during the period specified in paragraph (3),

(*b*) the number of units sold by them during that period, otherwise than in bulk,

(*c*) their total revenue from working during that period, and

(*d*) the number of their consumers at the end of that period,

so however that, if, in the case of any authority, the amount so determined would exceed the sum of one pound for each consumer as aforesaid, the amount to be paid to them shall be that last mentioned sum.

(2) Any amount by which the sum mentioned in regulation one exceeds the aggregate of all sums to be paid under the foregoing paragraph shall be divided, as nearly as may be, equally among the local authorities receiving

(a) 10 & 11 Geo. 6. c. 54.