LOCAL GOVERNMENT SUPERANNUATION ACTS

1953 No. 1274

The Local Government Superannuation (Additional Contributory Payment) (Amendment) Regulations, 1953

Made - - - -	14*th August*, 1953
Laid before Parliament	17*th August*, 1953
Coming into Operation	15*th September*, 1953

The Minister of Housing and Local Government, in exercise of his powers under proviso (ii) to paragraph (*b*) of subsection (2) of section 8 of the Local Government Superannuation Act, 1937(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Local Government Superannuation (Additional Contributory Payment) (Amendment) Regulations, 1953, and shall come into operation on the fifteenth day of September, 1953.

(2) The Interpretation Act, 1889(**b**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. In these regulations—

"magistrates' courts committee" means a magistrates' courts committee set up under section 16 of the Justices of the Peace Act, 1949(**c**);

"the principal regulations" means the Local Government Superannuation (Additional Contributory Payment) Regulations, 1939(**d**).

3.—(1) Subject as hereinafter provided, in relation to a justices' clerk or other person superannuable under Part III of the Justices of the Peace Act, 1949, references in the principal regulations to the employing authority shall, where the context so admits, and in respect of the employment in which the person is superannuable as aforesaid, be construed as references to the magistrates' courts committee by whom the person is appointed or employed; and in those regulations references to employment shall be construed accordingly.

(2) In the principal regulations there shall be added after Article 5 the following Article:—

"6.—(1) Notwithstanding anything in the preceding provisions of these regulations, the following provisions of this Article shall apply in relation to a justices' clerk or other person superannuable under Part III of the Justices of the Peace Act, 1949, who desires to receive by way of superannuation allowance in respect of any year of non-contributing service any such annual sum or larger fraction of his average remuneration as is referred to in Article 3 of these regulations.

(2) A notification given by any such justices' clerk or other person as aforesaid under Article 4 of these regulations or under this Article shall be given to the council, any agreement under these regulations for payment of a sum by instalments shall be made between the justices' clerk or other person as aforesaid and the council, and any sum or sums payable by

(**a**) 1 Edw. 8 & 1 Geo. 6. c. 68. (**b**) 52 & 53 Vict. c. 63. (**c**) 12, 13 & 14 Geo. 6. c. 101. (**d**) S.R. & O. 1939/52; Rev. XVII, p. 807; 1939 II, p. 2566.

the justices' clerk or other person as aforesaid shall be paid to the council and on receipt shall be paid by the council to the appropriate administering authority.

(3) (*a*) A justices' clerk or other person as aforesaid who, not having been a contributory employee immediately before the first day of April, 1953, became a contributory employee on that date by virtue of the Justices of the Peace Act, 1949, may, in respect of any year of non-contributing service, within three months of the coming into operation of these regulations give to the council notification that he intends to secure a title to any such annual sum or larger fraction of his average remuneration as is referred to in Article 3 of these regulations.

(*b*) A justices' clerk or other person as aforesaid who immediately before the first day of April, 1953, was a contributory employee by virtue of section 20 of the Act and who on the first day of April, 1953, became entitled to reckon by virtue only of paragraph 13 of Part II of the Fifth Schedule to the Justices of the Peace Act, 1949, any such service as is mentioned in sub-paragraphs (1) (*a*), (1) (*b*) and (1) (*c*) of that paragraph may, in respect of any year of that service, within three months of the coming into operation of these regulations give to the council notification that he intends to secure a title to any such annual sum or larger fraction of his average remuneration as is referred to in Article 3 of these regulations.

(*c*) The provisions of this paragraph shall apply notwithstanding that the justices' clerk or other person as aforesaid has, before giving a notification to the council under the preceding provisions of this paragraph, become entitled to a superannuation allowance under the Act, and in relation to a person so entitled the material date for the purposes of paragraph 1 of the Schedule to these regulations shall be taken to be the date immediately before his retirement.

(4) In this Article 'the council' means the council paying the remuneration of a justices' clerk or other person as aforesaid or in the case of a person who gives a notification under the last preceding paragraph after the date of his retirement, the council who were paying his remuneration immediately before that date."

Given under the official seal of the Minister of Housing and Local Government this fourteenth day of August, nineteen hundred and fifty-three.

(L.S.) *Harold Macmillan,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

(*This Note is not part of the Regulations but is intended to indicate their general purport.*)

These Regulations are consequential on the coming into operation on 1st April, 1953, of the superannuation provisions of Part III of the Justices of the Peace Act, 1949. The Regulations provide, by amendment of the Local Government Superannuation (Additional Contributory Payment) Regulations, 1939, for the payments to be made by justices' clerks and their assistants wishing to receive in respect of non-contributing service a superannuation allowance at more than the ordinary rate. Justices' clerks and

their assistants who first became contributory employees on 1st April, 1953, and entitled to reckon previous service as non-contributing service, or who on that day became entitled by virtue of the Act of 1949, to reckon as non-contributing service, service which had not previously reckoned for superannuation purposes are given the right in respect of that service to notify not later than 14th December, 1953, (and whether or not they have retired before that date) their intention to make payments under the Regulations.

1953 No. 1047

The Local Government Superannuation (Administration) (Amendment) Regulations, 1953

Made - - - -	*2nd July,* 1953
Laid before Parliament	*3rd July,* 1953
Coming into Operation	*4th July,* 1953

The Minister of Housing and Local Government, in exercise of his powers under subsection (6) of section 36 of the Local Government Superannuation Act, 1937(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Local Government Superannuation (Administration) (Amendment) Regulations, 1953, and shall come into operation on the fourth day of July, 1953.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. In these regulations—

"the 1938 regulations" means the Local Government Superannuation (Administration) Regulations, 1938(c);

"the 1939 regulations" means the Local Government Superannuation (Administration) Regulations, 1939(d).

3.—(1) Subject as hereinafter provided, in relation to a justices' clerk or other person superannuable under Part III of the Justices of the Peace Act, 1949(e), references in the 1938 regulations or in the 1939 regulations to a local authority specified in Part I of the First Schedule to the Local Government Superannuation Act, 1937, a local authority, a local Act authority or an employing authority shall, where the context so admits, be construed as references to the magistrates' courts committee by whom the person is appointed or employed; and in those regulations provisions which refer to a person entering or continuing in the employment of any such authority shall, in the case of a justices' clerk have effect as if he were employed by the magistrates' courts committee appointing him.

(2) The 1938 regulations shall have effect as if in regulation 2 thereof sub-paragraph (*a*) of paragraph (2) (which provides for certain justices' clerks and other persons to be treated as if they were employed by the council of a county or borough) were omitted.

(a) 1 Edw. 8 & 1 Geo. 6. c. 68. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1938/574; Rev. XVII, p. 791; 1938 II, p. 2791.
(d) S.R. & O. 1939/330; Rev. XVII, p. 800; 1939 II, p. 2560.
(e) 12, 13 & 14 Geo. 6. c. 101.