STATUTORY INSTRUMENTS

1980 No. 233

PENSIONS

The Local Government Superannuation (Amendment) (No. 2) Regulations 1980

Made - - - -	21*st February* 1980
Laid before Parliament	3*rd March* 1980
Coming into Operation	1*st April* 1980

The Secretary of State for the Environment, in exercise of the powers conferred upon him by sections 7 and 12 of the Superannuation Act 1972**(a)**, 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, etc.

1.—(1) These regulations may be cited as the Local Government Superannuation (Amendment) (No. 2) Regulations 1980 and shall come into operation on 1st April 1980.

(2) These regulations shall be included among the regulations which may be cited together as the Local Government Superannuation Regulations 1974 to 1980**(b)**.

Contributions towards certain gratuities and allowances

2. The Local Government Superannuation Regulations 1974**(c)** are amended by inserting after regulation J11 the following regulation—

"**J11A**—(1) Contributions are to be made in accordance with the following provisions of this regulation where—

(*a*) the authority ("the paying authority"), which on the appointed day became responsible under regulation J11(1) for the continued payment of a gratuity or allowance to a person, or the widow or a dependant of a person, who had been employed by an authority described in column (1) of Part I or II of Schedule 4 to the English or Welsh Property Order ("the former authority"), did not on that date become wholly responsible as respects the whole of the area of the former authority for the function in connection with which the person was engaged immediately before his employment with that authority ended; and

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(a) 1972 c. 11.
(b) S.I. 1974/520, 1977/1121, 1845, 1978/266, 822, 1738, 1739, 1979/2, 592, 1534, 1980/216.
(c) S.I. 1974/520, to which there are amendments not relevant to these Regulations.

(*b*) another authority or body ("the contributing authority") became on that date wholly or partly responsible for that function as respects the whole or a part of the area of the former authority.

(2) No account shall be taken of arrangements made under section 101 of the Local Government Act 1972**(a)** (arrangements for discharge of local authorities' functions) in determining under paragraph (1) whether an authority or body has any responsibility for a function.

(3) Unless the paying and contributing authorities otherwise agree, the contributing authority shall contribute towards payments which have been or are to be made under regulation J11(1) by the paying authority in relation to the person or his widow or dependant.

(4) An agreement under paragraph (3) may be confined to payments under regulation J11(1) made before 1st April 1980.

(5) The paying and contributing authorities are to agree the amount and the method of paying any contribution to be made under this regulation, and the agreement may include provision for the payment of interest for any period beginning on or after 1st April 1980.

(6) Where there is more than one contributing authority in any case, any agreement under paragraph (3) or (5) is only to have effect if it is made by all the authorities concerned.

(7) If the paying and contributing authorities are unable to reach agreement under paragraph (5), any unresolved matter relating to that paragraph is to be determined by an arbitrator appointed by the Secretary of State.

(8) Section 31 of the Arbitration Act 1950**(b)** shall have effect in relation to any arbitration under paragraph (7) as if it were an arbitration to which that section applies.".

21st February 1980.

Michael R. D. Heseltine,
Secretary of State for the Environment.

(a) 1972 c. 70.
(b) 1950 c. 27, section 31 has been repealed in part, but the repeal is not relevant to these Regulations.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations further amend the Local Government Superannuation Regulations 1974.

They provide for contributions to be made to authorities paying gratuities and allowances to ex-employees, and the widows and dependants of ex-employees, of local authorities and other bodies which ceased to exist on the re-organisation of local government and the water industry in 1974. Contributions are to be made (unless there is agreement to the contrary) if the ex-employee worked on a function which did not become the responsibility, or the sole responsibility, of the paying authority in 1974.

Section 12(1) of the Superannuation Act 1972 permits retrospective regulations to be made. These regulations are to some extent retrospective in that they provide for contributions to be made in certain circumstances in relation to payments made before the regulations come into operation.