STATUTORY INSTRUMENTS

1983 No. 1268

PENSIONS

The Local Government Superannuation (Transferred Water Employees) (No. 2) Regulations 1983

Made - - - - -	17*th August* 1983
Laid before Parliament	30*th August* 1983
Coming into Operation	30*th September* 1983

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 and commencement

1.—(1) These regulations may be cited as the Local Government Superannuation (Transferred Water Employees) (No. 2) Regulations 1983.

(2) The Local Government Superannuation Regulations 1974 to 1983**(b)** and these regulations may be cited together as the Local Government Superannuation Regulations 1974 to 1983.

(3) These regulations shall come into operation on 30th September 1983.

(a) 1972 c. 11.

(b) S.I. 1974/520, 1977/1121, 1845, 1978/266, 822, 1738, 1739, 1979/2, 592, 1534, 1980/216, 233, 234, 1981/1250, 1509, 1982/908, 1514, 1983/178, 1269, 1270, 1271.

Interpretation

2. In these regulations "the principal regulations" means the Local Government Superannuation Regulations 1974**(a)** and "the 1983 regulations" means the Local Government Superannuation (Transferred Water Employees) Regulations 1983**(b)**.

Elections as to superannuation terms

3. Regulation 4 of the 1983 regulations is amended—

(*a*) by substituting for the words "the National Water Council" in paragraphs (5) and (7) the words "the Severn–Trent Water Authority"; and

(*b*) by substituting for the words "the Council" in paragraph (5) the words "that authority".

Preservation of rights on dissolution of National Water Council

4. The 1983 regulations are amended by inserting after regulation 5 the following:

"*Preservation of rights on dissolution of National Water Council*

5A.—(1) This regulation applies where—

(*a*) an election has been made under regulation 4(2) or (3)(*b*), or by virtue of regulation 5 the principal regulations are deemed to have been modified in accordance with Case A in Part IV of the Schedule, and

(*b*) the transferred employee has, not earlier than 9th May 1983, ceased to hold an employment under the National Water Council ("the first employment") and has, within 12 months after ceasing to hold the first employment and without having entered any other employment in which he was or was deemed to be a pensionable employee, or which he held for a period of more than 3 months, entered a new employment which is—

(i) an employment under a water authority in which he becomes a pensionable employee, or

(ii) an employment in which he is admitted under an agreement made under regulation B4 of the principal regulations with the Severn–Trent Water Authority to participate in the benefits of a superannuation fund maintained by them.

(2) Subject to paragraph (4), where paragraph (1)(*b*)(i) applies the new employment shall for the purposes of the principal regulations as modified by these regulations be deemed to be a continuation of the first employment.

(a) S.I. 1974/520; relevant amending instruments are S.I. 1979/2, 1534, 1980/234, 1981/1250, 1509, 1983/1271.
(b) S.I. 1983/178.

(3) Subject to paragraph (4), but notwithstanding anything in regulation B4 of the principal regulations, every agreement made under that regulation with the Severn–Trent Water Authority shall provide that where paragraph (1)(*b*)(ii) applies the transferred employee's rights and liabilities are to be those which he would have had by virtue of regulation 4 or 5 if the new employment had been a continuation of the first employment.

(4) Nothing in this regulation shall be taken—

(*a*) to make any contributions payable in respect of, or

(*b*) to make reckonable as reckonable service or as qualifying service,

any period between the cessation of the first employment and the commencement of the new employment.".

Continuation of certain rights and liabilities

5. Regulation 7 of the 1983 regulations is amended—

(*a*) by inserting after the words "1st April 1974" in paragraph (2) the words ", and the Severn–Trent Water Authority shall be deemed to have had from 30th September 1983"; and

(*b*) by inserting at the end of paragraph (4)(*b*) the words ", and became on 30th September 1983 references to payment to or receipt from the fund maintained under those regulations by the Severn–Trent Water Authority".

Actuary's certificates

6. Regulation 8 of the 1983 regulations is amended by substituting for the words "the National Water Council" the words "the Severn–Trent Water Authority".

Right to opt out

7. Regulation 9 of the 1983 regulations is amended by substituting for the words "the National Water Council" the words "the Severn–Trent Water Authority".

Modification of principal regulations

8.—(1) Where regulation 5A of the 1983 regulations applies by virtue of an election under regulation 4(3)(*b*) of those regulations, regulation E2 of the principal regulations as modified by paragraph 29 of the Schedule to the 1983 regulations applies as if references to the employee's new employing body included references to the water authority by whom he has become employed or, as the case may be, to the body who made the agreement under regulation B4 of the principal regulations.

(2) Where notice for the purposes of regulation E19 of the principal regulations as modified by paragraph 44 of the Schedule to the 1983 regulations was not given before 30th September 1983, it may be given to, and the time for giving it may be extended by, the Severn–Trent Water Authority.

Signed by authority of the Secretary of State.

Ian Gow,
Minister for Housing and Construction,
Department of the Environment.

17th August 1983.

EXPLANATORY NOTE

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

These regulations adapt the provision made by the Local Government Superannuation (Transferred Water Employees) Regulations 1983 ("the 1983 regulations") so as to take account of the determination of the functions of the National Water Council ("the Council").

By virtue of the Local Government Superannuation (National Water Council Dissolution) Regulations 1983 (S.I. 1983/1271) the superannuation fund maintained by the Council is transferred to the Severn–Trent Water Authority, who become the administering authority for the purposes of the Local Government Superannuation Regulations 1974. Regulations 3, 5, 6, 7 and 8(2) substitute for references in the 1983 regulations to the Council references to that authority.

Regulation 4 inserts into the 1983 regulations a new regulation 5A. By virtue of the 1983 regulations certain employees who had been transferred to new employments when the water industry was reorganised under the Water Act 1973 (c.37) retained, or could elect to retain, while they remained in those employments, superannuation rights embodying features of their previous superannuation schemes. New regulation 5A preserves those rights in cases where the employment was with the Council, has ceased after the enactment of the Water Act 1983 (c. 23), and is followed, within 12 months and without any other intervening pensionable or more than temporary employment, by further employment in the water industry. Regulation 8(1) makes a consequential change in the body by whom certain discretionary powers become exercisable in some of these cases.

SI 1983/1268
ISBN 0-11-037268-9

