STATUTORY INSTRUMENTS

1967 No. 1330

LONDON GOVERNMENT

The London Authorities (Superannuation) (Amendment) Order 1967

Made - - - -	*7th September* 1967
Laid before Parliament	13*th September* 1967
Coming into Operation	14*th September* 1967

The Minister of Housing and Local Government in exercise of his powers under sections 77(3), 84 and 87(2) of the London Government Act 1963(**a**), under the said sections 84 and 87(2) as applied by section 35 of the Administration of Justice Act 1964(**b**) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1.—(1) This order may be cited as the London Authorities (Superannuation) (Amendment) Order 1967 and shall come into operation on 14th September 1967.

(2) The London Authorities (Superannuation) Order 1965(**c**) and this order may be cited together as the London Authorities (Superannuation) Orders 1965 and 1967.

Interpretation

2.—(1) In this order unless the context otherwise requires "the principal order" means the London Authorities (Superannuation) Order 1965 and other expressions which have meanings assigned to them by the Local Government Superannuation Act 1937(**d**) or the principal order have the same respective meanings for the purposes of this order.

(2) In this order, unless the context otherwise requires, references to the provisions of any enactment or instrument shall be construed as references to those provisions as amended or re-enacted by any subsequent enactment or instrument.

(3) The Interpretation Act 1889(**e**) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Definition of transferred employee

3. In article 3 of the principal order (which defines the expression "transferred employee")—

(*a*) in paragraph (*f*) before the word "Middlesex" there shall be inserted the words "the former county of London or"; and

(*b*) at the end of the article there shall be added the words "and references in this order to the transfer of an employee under the Act, or to the authority to or from which a person is so transferred, shall

(**a**) 1963 c. 33. (**b**) 1964 c. 42. (**c**) S.I. 1965/621 (1965 I, p. 1970).
(**d**) 1 Edw. 8 & 1 Geo. 6. c. 68. (**e**) 52 & 53 Vict. c. 63.

be construed respectively as including a reference to his first becoming a transferred employee and to the authority in whose employment he was or was deemed to be on 1st April 1965 or, as the case may be, immediately before that date.".

Valuation of transferred funds

4. In preparing the actuarial valuation of, and report on, the assets and liabilities of the Greater London Council's superannuation fund required by article 6(4) of the principal order, the actuary shall not be required to comply with regulation 5(2) or 7 of the Local Government Superannuation (Actuarial Valuations) Regulations 1954(a) in respect of any part of the accounting period before 1st April 1965; and article 6(5) of the principal order shall have effect accordingly.

Liabilities to certain funds

5. For article 12 of the principal order (which relates to the repayment of moneys used or borrowed from superannuation funds) there shall be substituted the following article:—

"12. Where in pursuance of any Act or scheme moneys forming part of a superannuation fund have been used, or lent to another authority and used by that authority, for the purpose of any matter transferred by the Act or the Property Order or by or under Part I of the Administration of Justice Act 1964 to an authority other than the authority in whom the fund was vested on 1st April 1965, the moneys shall be repaid to the fund by the authority to whom the matter was transferred and the repayment shall be on the same terms and conditions as applied to the use or borrowing of the moneys immediately prior to 1st April 1965.".

Voluntary school employees

6.—(1) Article 17 of the principal order (which relates to voluntary school employees) shall be numbered (1), and after the word "Middlesex" in the proviso thereto there shall be added the words "other than a contributory employee employed by the governors or managers of a school maintained by the local education authority in the urban district of Staines, Sunbury-on-Thames or Potters Bar".

(2) At the end of article 17(1) of the principal order there shall be added the following paragraph—

"(2) The authority maintaining any voluntary school described in paragraph (1) of this article shall be deemed for the purposes of this order and of the Acts of 1937 to 1953, except section 7 of the Act of 1937, to be the employer of any contributory employee employed by the governors or managers of any such school who is a transferred employee.".

Protection of rights and obligations

7.—(1) In article 21(2) of the principal order (which deals with the protection of rights and obligations) in proviso (i) after the word "contributors" there shall be inserted the words "or which applies to any person by reason only of his employment by a local authority".

(2) At the end of article 21(4) of the principal order there shall be added the words "but nothing in this paragraph shall prejudice or affect any right enjoyed by the employee under the said paragraph (2).".

(a) S.I. 1954/1224 (1954 II, p. 1537).

Cessation of protection

8.—(1) This article applies to any transferred employee who by virtue of article 14 or 15 of the principal order is for the time being entitled to participate in the benefits of the Greater London Council's superannuation fund and to whom article 21(2) of the principal order applies.

(2) Where an employee to whom this article applies ceases to enjoy the protection conferred by article 21(2) of the principal order by reason of any alteration in the terms or conditions of his employment, but continues to be employed by the same authority, he shall be treated for the purposes of the Acts of 1937 to 1953 (except section 8(1) of the Local Government Superannuation Act 1953(a)) and the regulations made thereunder as having entered the employment of that authority at the time when the said article 21(2) ceased to apply to him after ceasing to be employed by another local authority; and article 14(1) or 15(1) of the principal order, as the case may be, shall cease to apply to him thereafter.

Continuity of employment

9. In article 23 of the principal order the words "paragraph (1) of" shall be deleted.

Rights of former employees

10. In article 27 of the principal order (which relates to the rights of former employees) in paragraph (4) after the words "was in receipt of" there shall be inserted the words "or was entitled at some future date to receive".

Local statutory provisions

11.—(1) Article 28 of the principal order and Schedule 6 thereto shall have effect as if there were included in column (1) of that Schedule the local statutory provisions mentioned in column (1) of the Table hereunder and as if there were included opposite thereto in column (2) of that Schedule the authorities mentioned in column (2) of the Table hereunder:—

TABLE

(1) *Local Statutory Provisions*	(2) *Authority*
Middlesex County Council Act 1950(b), section 23 (as modified by the Middlesex County Council Superannuation Scheme 1957, article 14).	Councils of the London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow and Richmond upon Thames and councils of the urban districts of Potters Bar, Staines and Sunbury-on-Thames.
West Ham Corporation Act 1937(c), section 79 (as modified by schemes made by the West Ham County Borough Council on 22nd November 1938 and 4th December 1956).	Council of the London borough of Newham.
London County Council (General Powers) Act 1921(d), section 31.	
London County Council (General Powers) Act 1930(e), section 61, except subsection (7).	Greater London Council.

(a) 1 & 2 Eliz. 2. c. 25. (b) 14 Geo. 6. c. lii. (c) 1 Edw. 8. & 1 Geo. 6. c. xxxv.
(d) 11 & 12 Geo. 5. c. l. (e) 20 & 21 Geo. 5. c. clix.

(2) Article 28 of the principal order and Schedule 7 thereto shall have effect as if there were included at the end of that Schedule the following paragraphs—

"3. In section 31 of the London County Council (General Powers) Act 1921—

(*a*) for the reference to the School Teachers (Superannuation) Act 1918(**a**) there shall be substituted a reference to the Teachers' Superannuation Act 1967(**b**) and any regulations made, or having effect as if made, thereunder, and

(*b*) at the end of the section there shall be added the following subsection—

"(3) For the purposes of this section, any teacher exclusively and permanently employed in any school college hostel or place of detention maintained by the Greater London Council as local education authority shall be deemed to be a person in the service of the said Council."

4. In section 61 of the London County Council (General Powers) Act 1930—

(*a*) for the reference to the Teachers (Superannuation) Acts 1918 to 1925(**c**) there shall be substituted a reference to the Teachers' Superannuation Act 1967 and any regulations made, or having effect as if made, thereunder, and

(*b*) the words "and such person or any other person in respect of such person is not or was not at the time of the disablement or injury or death (as the case may be) in receipt of or entitled to compensation under the Workmen's Compensation Act 1925(**d**) or under any Act repealed by that Act or under any scheme made pursuant to any such Act" shall be omitted, and

(*c*) at the end of the said section 61 there shall be added the following—

"(8) For the purposes of this section any person who is for the time being, or was at the time of his death, employed wholly or in part at the expense of the Greater London Council in any educational institution not provided by them shall be deemed to be or to have been in the service of the said Council." ".

(3) The local statutory provisions specified in the Table hereunder are hereby repealed to the extent mentioned in column (3) of that Table:—

Chapter (1)	Short Title (2)	Extent of Repeal (3)
7 Edw. 7. c. xciv.	The Kensington Borough Council (Superannuation) Act 1907.	The whole Act.
8 Edw. 7. c. xxi.	The Saint Marylebone Borough Council (Superannuation) Act 1908.	The whole Act.
9 Edw. 7. c. lix.	The Westminster City Council (Superannuation and Pensions) Act 1909	The whole Act.

(**a**) 8 & 9 Geo. 5. c. 55. (**b**) 1967 c. 12.
(**c**) 8 & 9 Geo. 5. c. 55: 12 & 13 Geo. 5. c. 42: 14 & 15 Geo. 5. c. 12: 15 & 16 Geo. 5. c. 59.
(**d**) 15 & 16 Geo. 5. c. 84.

Chapter (1)	Short Title (2)	Extent of Repeal (3)
1 & 2 Geo. 5. c. cii.	The Poplar Borough Council (Superannuation and Pensions) Act 1911.	The whole Act.
20 & 21 Geo. 5. c. clix.	The London County Council (General Powers) Act 1930.	Section 61(7).

Given under the official seal of the Minister of Housing and Local Government on 7th September 1967.

(L.S.) *Anthony Greenwood,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the London Authorities (Superannuation) Order 1965. The Order remedies certain defects of drafting in the 1965 Order and provides for other matters which have been found to be expedient in connection with the superannuation of employees affected by the London Government Act 1963.

The main amendments are as follows—

(*a*) Actuaries making the valuation of, and report on, the Greater London Council's superannuation fund in accordance with article 6(4) of the 1965 Order are relieved of the necessity of examining certain statistics in respect of periods prior to 1st April 1965 (article 4).

(*b*) Article 6 corrects certain anomalies in the provisions of the 1965 Order relating to the employees of voluntary schools and makes clear which authority is to be regarded as their employing authority for superannuation purposes.

(*c*) Certain transferred employees were enabled by the 1965 Order to retain their rights under superannuation schemes operated wholly or mainly under local Acts. Article 7 provides that this is not to deprive them of any benefits available to local authority employees in general under the Local Government Superannuation Acts 1937 to 1953.

(*d*) Article 8 deals with the position of former employees of the London County Council who were transferred to the council of a London borough or the Common Council of the City of London, have retained the superannuation rights to which they were entitled prior to 1st April 1965 and have continued to participate in the Greater London Council's superannuation fund. Where any such officers, by reason of any change in the circumstances of their employment, cease to be eligible to retain such rights but remain in the employment of the same authority, they are to be regarded for superannuation purposes as entering the employment of the authority at that time.

(*e*) Article 11 applies, amends or repeals certain local Act provisions dealing with superannuation which were not dealt with when the 1965 Order was made.