STATUTORY INSTRUMENTS

1969 No. 413

LONDON GOVERNMENT

The London Authorities (Superannuation) (Amendment) Order 1969

Made - - -	*20th March* 1969
Laid before Parliament	*27th March* 1969
Coming into Operation	*1st April* 1969

The Minister of Housing and Local Government, in exercise of his powers under sections 77(3), 84 and 90 of the London Government Act 1963(**a**), and of all other powers enabling him in that behalf, hereby makes the following order :—

PART I

PRELIMINARY

Title and commencement

1.—(1) This order may be cited as the London Authorities (Superannuation) (Amendment) Order 1969 and shall come into operation on 1st April 1969.

(2) The London Authorities (Superannuation) Orders 1965 and 1967(**b**) and this order may be cited together as the London Authorities (Superannuation) Orders 1965 to 1969.

Interpretation

2.—(1) In this order, unless the context otherwise requires, "the principal order" means the London Authorities (Superannuation) Order 1965(**c**) as amended (**d**), and other expressions which have meanings assigned to them by the Local Government Superannuation Act 1937(**e**) 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(**f**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(**a**) 1963 c. 33. (**b**) S.I. 1965/621, 1967/1330 (1965 I, p. 1970; 1967 III p. 3975).
(**c**) S.I. 1965/621 (1965 I, p. 1970).
(**d**) The relevant amending instrument is S.I. 1967/1330 (1967 III, p. 3975).
(**e**) 1937 c. 68. (**f**) 1889 c. 63.

PART II

PROTECTION OF INTERESTS

Amendment of the principal order

3.—(1) For article 14(1) of the principal order (which prescribes the appropriate superannuation fund in relation to certain former employees of the county council of London or Middlesex becoming employed on or after 1st April 1965 by the council of a London borough) there shall be substituted the following:—

"(1) For the purposes of the Act of 1937, the appropriate superannuation fund in relation to a person to whom this article applies shall be the superannuation fund maintained by the Greater London Council, so long as he continues to enjoy the protection conferred by article 21(6)."

(2) In article 15(1) of the principal order (which prescribes the appropriate superannuation fund in relation to certain former employees of the county council of London or Middlesex becoming employed on or after 1st April 1965 by the Common Council of the City of London) for the words "as long as he continues without a break in the employment of the Common Council" there shall be substituted the words "so long as he continues to enjoy the protection conferred by article 21(6)".

(3) In article 21 of the principal order (which protects superannuation rights and obligations of transferred employees, and provides for their duration)—

(*a*) in paragraph (6) the words "without a break of twelve months or more" shall be omitted; and

(*b*) there shall be added the following paragraph:—

"(7) For the purposes of the preceding paragraph, if an employee leaves the employment of the authority or body but re-enters their employment within twelve months without any intervening period of employment under any local authority, he shall be deemed for purposes of this article to have continued in their employment".

Amendment of the order of 1967

4. For article 8 of the London Authorities (Superannuation) (Amendment) Order 1967(**a**) (which provides that where a person who is within the Greater London Council's fund by virtue of article 14 or 15 of the principal order loses the protection of article 21, he shall be treated for superannuation purposes as if he had just entered the employment of the authority by whom he is employed) there shall be substituted the following article:—

"Deemed transfer, following loss of protection

8.—(1) This article applies to any transferred employee who by virtue of article 14 or 15 of the principal order is on or after 1st April 1969 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—

(*a*) continues in the employment of the authority referred to in article 21(2) of the principal order, or

(*b*) leaves their employment and re-enters it,

but in such circumstances that he loses the protection conferred by the said

(**a**) S.I. 1967/1330 (1967 III, p. 3975).

article 21(2), he shall be treated for the purposes of the provisions mentioned in paragraph (3) of this article—

(i) in the case described in sub-paragraph (*a*), as if at the date when he lost the said protection he were entering the employment of the authority immediately after ceasing to be employed by another local authority, or

(ii) in the case described in sub-paragraph (*b*), as if at the date when he left the employment of the authority he had ceased to be employed by another local authority.

(3) The provisions referred to in the preceding paragraph are—

(i) the Acts of 1937 to 1953 and the regulations made thereunder;

(ii) the local Act scheme of the Common Council;

(iii) article 21(4) of the principal order.".

Transitional provisions

5. Article 3 of this order shall not apply so as to alter the appropriate superannuation fund in relation to any person or to affect the rights of any person under article 21(2) of the principal order in consequence of a change in that person's employment, or a change in the circumstances of that person's employment, which occurred before the commencement of this order.

PART III

TRANSFER OF CERTAIN PENSION LIABILITIES

Liabilities in respect of teachers in former poor law schools

6. Where after the commencement of this order a liability arises under section 124(5) of the Local Government Act 1929(**a**) (which subsection provides for the superannuation of teachers transferred from poor law schools) in respect of an officer who was immediately before 1st April 1930 serving in an establishment which was subsequently transferred to the corporation of a London borough by the London Authorities (Property etc.) Order 1964(**b**), the liability shall be discharged by the council of that borough and not by the Greater London Council as provided by that order.

Liabilities in respect of increases of pension payable to certain employees in health and education services

7. As from the commencement of this order article 8(3) of the principal order shall cease to apply to any liability which was transferred to an authority by virtue of a transfer of functions effected by or under the Education Act 1944(**c**) or the National Health Service Act 1946(**d**).

Liabilities in respect of certain justices' clerks, etc., and probation officers

8.—(1) This article applies to any liability existing on 31st March 1965 with respect to the payment of superannuation benefit to or in respect of a person whose last employing authority was the magistrates' courts committee or the probation committee for the borough of Croydon, East Ham or West Ham.

(2) As from the commencement of this order any liability to which this article applies shall be discharged by the Greater London Council out of the superannuation fund maintained by them, and not by the council of the London borough of Croydon or Newham, as the case may be, as provided by the principal order; but each of those councils shall pay from their superannuation fund into the superannuation fund of the Greater London Council

(**a**) 1929 c. 17.
(**b**) S.I. 1964/1464 (1964 III, p. 3392).
(**c**) 1944 c. 31.
(**d**) 1946 c. 81.

an amount equivalent to the value, as certified by an actuary, of the liability of which their fund has been relieved by virtue of this article.

Liabilities in respect of certain hospital employees

9.—(1) This article applies to any liability existing on 31st March 1965 of the council of the county borough of Croydon, East Ham or West Ham to pay to the Minister of Health, under superannuation regulations made by the said Minister under section 67(1) of the National Health Service Act 1946, instalments of transfer value in respect of any person formerly subject to the Asylums Officers' Superannuation Act 1909(a).

(2) As from the commencement of this order any liability to which this article applies shall be discharged by the Greater London Council and not by the council of the London borough of Croydon or Newham, as the case may be, as provided by the London Authorities (Property etc.) Order 1964.

Given under the official seal of the Minister of Housing and Local Government on 20th March 1969.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

EXPLANATORY NOTE
(This Note is not part of the Order.)

This Order effects a group of linked amendments to the London Authorities (Superannuation) Orders 1965 and 1967, and transfers the obligation to discharge certain minor liabilities in respect of pensions from the Greater London Council to London borough councils and vice versa. (The actual pensions are not affected.)

The linked amendments are these. Articles 14 and 15 of the Order of 1965 enabled former employees of the county councils of London and Middlesex to participate in the Greater London Council's superannuation fund even if they were transferred to the employment of some other authority. Article 21 protected their existing superannuation rights and obligations. The present order—

(i) relates the right to participate in the Greater London Council's fund specifically to continuation of protected rights;
(ii) re-defines the circumstances in which protected rights can survive a break in service;
(iii) extends article 8 of the Order of 1967 (which provides for a deemed transfer for superannuation purposes in the case where a person loses his protected rights although remaining in the employment of the same authority) to cover the case where a person re-enters their employment after a break.

(a) 1909 c. 48.