STATUTORY INSTRUMENTS

1973 No. 25

WATER SUPPLY, ENGLAND AND WALES

The Metropolitan Water Board (Superannuation) Order 1973

Made - - - *5th January* 1973

Coming into Operation *15th January* 1973

The Secretary of State for the Environment, in exercise of powers conferred by section 33 of the Water Act 1945(a) and now vested in him(b), and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement.

1. This order may be cited as the Metropolitan Water Board (Superannuation) Order 1973 and shall come into operation on 15th January 1973.

Interpretation.

2.—(1) In this order—

"the Act of 1907" means the Metropolitan Water Board (Various Powers) Act 1907(c);

"the Act of 1935" means the Metropolitan Water Board Act 1935(d);

"the Board" means the Metropolitan Water Board;

"the fund" means the superannuation fund established and maintained by the Board under Part IV (Superannuation Fund) of the Act of 1907;

"the scheme" means any scheme for the time being in force for the establishment of the fund.

(2) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this order.

Amendment of Act of 1907.

3. Part IV (Superannuation Fund) of the Act of 1907 shall be amended by the insertion therein after section 42A (Investment of superannuation fund in acquisition etc. of land) of the following section that is to say—

"Superannuation benefits in certain cases of premature retirement.

42B. Notwithstanding anything contained in this part of this Act it shall be lawful for the Board by resolution to determine that as from the date specified in the said resolution the provisions of the scheme shall have effect as if the following provisions were included therein, that is to say—

(a) 1945 c. 42.
(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).
(c) 1907 c. clxxiv.
(d) 1935 c. lxxxiv.

(1) Where after the date specified in the said resolution a contributor who has attained the age of fifty years and completed twenty-five years' service reckonable for determining eligibility for benefit under the scheme, and has neither attained pensionable age nor upon the termination of his service would become entitled to receive from the fund superannuation benefit otherwise than under the provisions of this section, terminates his employment at his own request (otherwise than to escape dismissal for fraud or dishonesty or misconduct involving pecuniary loss to the Board) then superannuation benefit to which he would be entitled had he attained pensionable age under the provisions of the scheme calculated by reference to the service which he was entitled to reckon for that purpose at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions in respect of service which has become so reckonable under the provisions of the scheme and he shall be entitled to a return of contributions in respect of service which has not become so reckonable:

Provided that—

(*a*) where a person has become entitled to a superannuation benefit by virtue of this subsection he may, by notice given to the Clerk of the Board in writing at any time before any payment on account of such benefit has been made to him, elect that this subsection and any rights to which he is entitled thereunder shall cease to apply in relation to him as from the date on which such notice is given and he shall thereupon be entitled to receive from the fund any contributions not previously returned to him under the provisions of this sub-section;

(*b*) unless the Board otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this sub-section before the date on which he attains pensionable age and in any event shall not be paid before the person attains the age of fifty-five years.

(2) Where a person has become entitled to superannuation benefit by virtue of sub-section (1) of this section and no effective notice has been given by him under proviso (*a*) to that sub-section no account shall be taken of the service in respect of which that benefit was calculated for any other purpose of the scheme or for calculating the amount of any transfer value payment payable in respect of him under the provisions of any interchange arrangements made under the provisions of the scheme.

(3) Where a person, who has become entitled to superannuation benefit by virtue of sub-section (1) of this section, dies before becoming entitled to any payment in respect of that benefit and no effective notice has been given by him

under proviso (*a*) to that sub-section the representatives of such person shall be entitled to receive out of the fund as part of his estate the amount that would have been due if his death had taken place in the service on the day before he became entitled to such superannuation benefit under the said sub-section (1).

(4) In this section "pensionable age" in relation to any person means the earliest age at which he would on ceasing to hold his employment without first obtaining the approval of the Board become entitled to superannuation benefit otherwise than under this section by reason of having attained such age and completed such period of service as is provided in the scheme."

4.—(1) For the purposes of paragraph (*a*) of sub-section (4) of section 66 (Superannuation allowances and annuities for widows) of the Act of 1935 superannuation benefit by virtue of paragraph (1) of section 42B of the Act of 1907 as inserted therein by section 3 of this order shall be deemed not to be a superannuation allowance.

(2) Any notice given under sub-section (4) of the said section 66 of the Act of 1935 by a person who becomes entitled to superannuation benefit by virtue of paragraph (1) of the said section 42B of the Act of 1907 shall be void and of no effect on his becoming entitled to such benefit.

Signed by authority of
the Secretary of State
5th January 1973.

J. E. Beddoe,
An Under Secretary
in the Department
of the Environment.