UNDER LOCAL GOVERNMENT SUPERANNUATION ACTS

1959 No. 1288

The Probation Officers and Clerks (Superannuation) (Amendment) Regulations, 1959

Made - - - -	23*rd July*, 1959
Coming into Operation	1*st August*, 1959

The Minister of Housing and Local Government, in exercise of his powers under the Fourth Schedule to the Local Government Superannuation Act, 1953(a), and of any other power enabling him in that behalf, hereby makes the following regulations in the terms of a draft approved by resolution of each House of Parliament :—

Citation and commencement

1. These regulations may be cited as the Probation Officers and Clerks (Superannuation) (Amendment) Regulations, 1959, and shall come into operation on the first day of August, 1959.

Amendment of the Probation Officers and Clerks (Superannuation) Regulations, 1954.

2. The following regulations shall be substituted for the regulations comprised in Part III (Application of London Superannuation Enactments) of the Probation Officers and Clerks (Superannuation) Regulations, 1954(b) :—

" *Interpretation of Part III*

9.—(1) In this part of these regulations, unless the context otherwise requires—

" the actuary " means such person, being a Fellow of the Institute of Actuaries, as shall be selected by the Council ;

" contributor " means a contributor to the fund ;

" the Council " means the London County Council ;

" the fund " means the superannuation fund maintained by the Council under the superannuation enactments ;

" the superannuation scheme " means the London County Council (Superannuation) Scheme, 1958, and includes any amendments to that scheme and any scheme amending or replacing that scheme ;

" the superannuation enactments " means the enactments relating to the superannuation of employees of the Council.

(2) References in the superannuation enactments or in the superannuation scheme to service under, or employment by, the Council shall, in the case of a person to whom those enactments or that scheme are applied by this part of these regulations, be deemed to include service or employment in the Metropolitan Police Court area as a probation officer or clerk, and references therein to a person being or ceasing to be in the employment of the Council shall, in the case of such a person, be construed as references to that person being or ceasing to be employed in the said area as aforesaid.

(a) 1 & 2 Eliz. 2. c. 25. (b) S.I. 1954/1049 (1954 II, p. 1749).

(3) Any reference in the superannuation enactments or in the superannuation scheme to remuneration shall, in relation to a probation officer or clerk, be construed as a reference to remuneration payable out of the Metropolitan Police Fund.

Application of enactments

10. The superannuation enactments and the superannuation scheme, as they apply to whole-time officers of the Council, shall apply, subject to the adaptations, modifications and exceptions contained in this part of these regulations, to probation officers and clerks, being whole-time officers or clerks whose remuneration is payable out of the Metropolitan Police Fund other than officers who gave notice in accordance with the proviso to article 1 of the order of 1948 that they did not desire the provisions of that order to apply to them.

Adaptations, etc., of the superannuation enactments and superannuation scheme

11.—(1) Notwithstanding anything in subsection (1) of section 30 of the Act of 1937 or in any provision of the superannuation scheme relating to whole-time officers appointed in a temporary capacity, a probation officer shall not be deemed to have been appointed in a temporary capacity for a period of not more than two years by reason only of the fact that his appointment is determinable within the said period unless it is confirmed by the Secretary of State.

(2) The Receiver for the Metropolitan Police District may deduct from the remuneration from time to time payable to a contributor to whom this part of these regulations applies, any contributions payable by such contributor under the scheme and the Receiver shall pay into the fund any sums so deducted.

(3) If and so far as deductions are not made from the remuneration from time to time payable to a contributor as aforesaid, the Council may deduct any sum remaining due on account thereof from any payment by way of superannuation benefit.

(4) For the purposes of any provision of the superannuation scheme relating to the reckoning of previous service of a contributory employee or local Act contributor transferring to employment under the Council, references to a person who is or is deemed to be a contributory employee or local Act contributor shall be deemed to include a reference to a person who becomes a contributory employee or a local Act contributor under the provisions of these regulations or became such an employee or contributor under the provisions of part I of the order of 1948, and references to a local authority shall be deemed to include a probation committee.

(5) Any surplus or deficiency in the fund disclosed in the periodical actuarial valuation made in accordance with the provisions of the superannuation scheme and certified by the actuary to be referable to persons who become contributors to whom the superannuation enactments and the superannuation scheme apply by virtue of this part of these regulations shall be dealt with in such manner as may be agreed between the Council and the Secretary of State.

(6) There shall be paid into the fund out of the Metropolitan Police Fund for the purpose of making good any deficiency disclosed and certified as aforesaid such sums as the Secretary of State may from time to time direct.

Miscellaneous adaptations, etc.

12.—(1) Subject to paragraph (4) of this regulation, any discretion exercisable by the Council under the superannuation enactments or under the superannuation scheme shall in relation to a person who becomes a contributor to whom the said enactments or scheme apply by virtue of this part of these regulations, be exercised by the Council in such manner as shall be agreed between the Council and the Secretary of State.

(2) Paragraphs (4) and (5) of regulation 7 of these regulations shall apply for the purposes of this part of these regulations.

(3) Any reference in the superannuation enactments or in the superannuation scheme to compulsory retiring age shall be construed, save as may be otherwise provided in rules made by the Secretary of State under the Fifth Schedule to the Criminal Justice Act, 1948(a), as a reference to the age of sixty-five years.

(4) Any matter relating to entitlement to—

(i) a benefit arising on account of a person's permanent incapacity to discharge his duties by reason of infirmity of mind or body,

(ii) a payment under section 18 of the Act of 1953, or

(iii) a payment in respect of injury or disease under the provisions of the superannuation scheme corresponding to regulation 7 of the benefits regulations

which is under the said scheme or under the superannuation enactments a matter for the Council shall be a matter for the Secretary of State instead of the Council.

13. Any contribution which under the superannuation scheme is to be paid by the body employing a person or any gratuity or any amount by way of benefit which under the said scheme or under the superannuation enactments is to be made good to the fund shall be paid out of the Metropolitan Police Fund."

Given under the official seal of the Minister of Housing and Local Government this twenty-third day of July, nineteen hundred and fifty-nine.

(L.S.)

Henry Brooke,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

Part III of the Probation Officers and Clerks (Superannuation) Regulations, 1954, applied to probation officers and clerks paid out of the Metropolitan Police Fund (except those who chose not to become subject to the Probation Officers (Superannuation) Order, 1948) the provisions of the local Act superannuation scheme administered by the London County Council. The London County Council have adopted a new consolidated superannuation scheme and these regulations apply the provisions of that scheme to probation officers and clerks with modifications similar in effect to those contained in Part III of the Regulations of 1954.

(a) 11 & 12 Geo. 6. c. 58.