STATUTORY INSTRUMENTS

1965 No. 422

PENSIONS

LOCAL GOVERNMENT SUPERANNUATION ACTS

The Probation Officers and Clerks (Superannuation) (Amendment) Regulations 1965

Laid before Parliament in draft

Made - - - - 8*th March* 1965

Coming into Operation 1*st April* 1965

The Minister of Housing and Local Government, in exercise of his powers under Schedule 4 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 1965 and shall come into operation on 1st April 1965.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act of 1937" means the Local Government Superannuation Act 1937(b);

"the regulations of 1954" means the Probation Officers and Clerks (Superannuation) Regulations 1954(c), as amended by the Probation Officers and Clerks (Superannuation) (Amendment) Regulations 1959(d),

and other words and expressions have the same meanings as in the regulations of 1954.

(2) In these regulations and in the regulations of 1954 as amended by these regulations, unless the context otherwise requires, the expressions "inner London area" and "outer London area" have the same meanings as in section 2 of the Administration of Justice Act 1964(e) and references to any enactment shall be construed as references to that enactment as amended or modified by any subsequent enactment.

(a) 1 & 2 Eliz. 2. c. 25.
(b) 1 Edw. 8 & 1 Geo. 6. c. 68.
(c) S.I. 1954/1049 (1954 II, p. 1749).
(d) S.I. 1959/1288 (1959 II, p. 2012).
(e) 1964 c. 42.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament and as if these regulations and the regulations hereby revoked were Acts of Parliament.

Amendment of the regulations of 1954

3. In regulation 4 of the regulations of 1954—

(*a*) in paragraph (1) after the words " these regulations " there shall be inserted the words " and the Probation Officers and Clerks (Superannuation) (Amendment) Regulations 1965 "; and

(*b*) at the end of paragraph (2) there shall be added the words " or a part-time officer in the employment of the probation committee for the inner London area ".

4. In regulation 5 of the regulations of 1954—

(*a*) for paragraph (3) there shall be substituted the following paragraph—

" (3) The appropriate superannuation fund in relation to the contributory employees of an employing authority which is the probation committee for a combined area shall be—

(*a*) in the case of the inner London and outer London areas, the fund maintained by the Greater London Council or, as the case may be, the fund maintained under any combination scheme in which that Council is a constituent member, and

(*b*) in the case of any other combined area, the fund determined in accordance with the last foregoing paragraph in respect of any one of the petty sessional divisions comprising the combined area."; and

(*b*) in paragraph (4) for the words " the Minister " there shall be substituted the words " the Secretary of State ".

5. Regulation 6 of the regulations of 1954 shall be amended as follows—

(*a*) in paragraph (2) for the words " the Minister " there shall be substituted the words " the Secretary of State "; and

(*b*) in paragraph (3)(*b*) for the words " the notional whole-time salary of a probation officer " there shall be substituted the words " the mean of the scale of annual salary for probation officers prescribed by rules made under Schedule 5 to the Criminal Justice Act 1948(b), disregarding the scale for probation officers who have not attained the age specified in such rules,"; and for the words from " In this paragraph " to the end of the said paragraph (3) there shall be substituted the words " In relation to any period of part-time service performed before 1st April 1965, sub-paragraph (*b*) of this paragraph shall have effect as if for the reference to the aforesaid mean there were substituted a reference to the notional whole-time salary of a probation officer determined in relation to any year in accordance with the schedule to these regulations."

6. In regulations 7(1), 8 and 18(2) of the regulations of 1954 for the words " the Minister " there shall be substituted the words " the Secretary of State ".

7. In the first column of the table in the schedule to the regulations of 1954, for the words " On and after 1st April 1954 " there shall be substituted the words " 1st April 1954 to 31st March 1965 ".

(a) 52 & 53 Vict. c. 63. (b) 11 & 12 Geo. 6. c. 58.

Provisions relating to the probation committee for the inner London area

8. In their application to the probation committee for the inner London area, regulations 6(2), 7(1) and 8 of the regulations of 1954 shall have effect as if, in lieu of the provisions as to reporting decisions and as to appeals against decisions contained therein, they required the probation committee to report to the Secretary of State any decision taken by them under any enactment or regulation mentioned therein and provided that any such decision should not have effect until it had been approved by the Secretary of State.

9.—(1) Any sum payable by or to the probation committee for the inner London area as employing authority under the enactments and regulations mentioned in regulation 4(1) of the regulations of 1954 shall be payable by or to the Receiver for the Metropolitan Police District; and the powers conferred by section 6(3) of the Act of 1937 to deduct contributions from remuneration shall, in the case of contributory employees employed by the said committee, be exercisable by the said Receiver.

(2) Section 36(6) of the Act of 1937 shall have effect as if it provided that regulations made thereunder may provide for anything to be done by or to the said Receiver where apart from this paragraph they could provide for it to be done, in the case of the probation committee for the inner London area, by or to that committee.

(3) In relation to a contributory employee of the probation committee for the inner London area, section 6(4) of the Act of 1937 shall apply subject to the modification that for the reference to the employing authority there shall be substituted a reference to the Receiver for the Metropolitan Police District.

(4) In relation to an employee of the probation committee for the inner London area, section 18 of the Local Government Superannuation Act 1953 shall apply subject to the modification that at the end of proviso (i) to subsection (1), there shall be inserted the words " but shall be paid by the Receiver for the Metropolitan Police District ".

Reckoning of service

10. Any period of service or employment prior to 1st April 1965 as a probation officer or clerk in the Metropolitan Police Court area which would have been treated as service under, or employment by, the London County Council if these regulations had not been made shall be treated as service for the purposes of the enactments and regulations mentioned in regulation 4(1) of the regulations of 1954.

Revocation

11. Regulations 9 to 13 of the regulations of 1954 and the Probation Officers and Clerks (Superannuation) (Amendment) Regulations 1959 are hereby revoked:

Provided that, without prejudice to the general application of section 38 of the Interpretation Act 1889, any sum which would have been payable under regulation 11(6) or 13 of the regulations of 1954 shall be payable as if those regulations had not been revoked but, if payable into a superannuation fund, shall be paid into the superannuation fund maintained by the Greater London Council, or, as the case may be, the superannuation fund maintained under any combination scheme in which that Council is a constituent member.

Given under the official seal of the Minister of Housing and Local Government on 8th March 1965.

(L.S.) *R. H. S. Crossman,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

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

These regulations relate mainly to the superannuation of probation officers and clerks employed in the new inner London and outer London probation areas on and after 1st April 1965. The changes are a consequence of the reorganisation of local government and the administration of justice in Greater London brought about by the London Government Act 1963 (1963 c. 33) and the Administration of Justice Act 1964.

The regulations amend Part II of the Probation Officers and Clerks (Superannuation) Regulations 1954, which will from 1st April 1965 apply to probation officers and clerks employed in the inner London area in place of the provisions of Part III of those regulations and the Probation Officers and Clerks (Superannuation) (Amendment) Regulations 1959, which applied the London County Council's local Act superannuation scheme.

The regulations provide that probation staffs in the inner London and outer London areas will contribute to the Greater London Council's superannuation fund.

The regulations amend generally the provisions of the 1954 regulations concerning the reckoning of part-time service. They also substitute the Secretary of State for the Minister of Housing and Local Government as the appellate authority where any council is dissatisfied with a discretionary decision on superannuation matters of the probation committee whose expenses it defrays.