STATUTORY INSTRUMENTS

1965 No. 570

PENSIONS

LOCAL GOVERNMENT SUPERANNUATION ACTS

The Quarter Sessions Officers (Superannuation) Regulations 1965

Made - - - -	*23rd March* 1965
Laid before Parliament	*29th March* 1965
Coming into Operation	*1st April* 1965

The Minister of Housing and Local Government, in exercise of the powers conferred on him by sections 8(8) and 29(7) of the Administration of Justice Act 1964(a) and of all other powers enabling him in that behalf hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Quarter Sessions Officers (Superannuation) 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 Act of 1953" means the Local Government Superannuation Act 1953(c);

"the Act of 1964" means the Administration of Justice Act 1964;

"the benefits regulations" means the Local Government Superannuation (Benefits) Regulations 1954(d);

"the administration regulations" means the Local Government Superannuation (Administration) Regulations 1954(e);

"the council" means—

(*a*) in relation to a court of quarter sessions for a London commission area, the Greater London Council, and

(*b*) in relation to a court of quarter sessions for a county, the council of the county;

and "London commission area" has the meaning assigned by section 2(2) of the Act of 1964.

(2) The Interpretation Act 1889(f) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(3) Unless the context otherwise requires, references in these regulations to the provisions of any enactment or regulation shall be construed as references to those provisions as amended or re-enacted by any subsequent enactment or regulation.

(a) 1964 c. 42. (b) 1 Edw. 8 & 1 Geo. 6. c. 68. (c) 1 & 2 Eliz. 2. c. 25.
(d) S.I. 1954/1048 (1954 II, p. 1595). (e) S.I. 1954/1192 (1954 II, p. 1570).
(f) 52 & 53 Vict. c. 63.

3.—(1) The Act of 1937, the Act of 1953 and any regulations made thereunder shall apply to any person mentioned in paragraph (2) of this regulation subject to the adaptations, modifications and exceptions specified in these regulations and as if the courts of quarter sessions were local authorities mentioned in Part I of Schedule 1 to the Act of 1937 and as if a clerk of the peace or a deputy clerk of the peace were employed by the court by whom he was appointed:

Provided that, where any person mentioned in paragraph (2) of this regulation is a part-time officer or a servant within the meaning of the Act of 1937, the said Acts and regulations shall not so apply to him unless he belongs to a class or description of persons which the court has resolved under section 3(2)(*b*) of the Act of 1937 shall be contributory employees.

(2) The persons referred to in paragraph (1) of this regulation are—

(*a*) any clerk of the peace or deputy clerk of the peace for a London commission area and any other officer of a court of quarter sessions for such an area,

(*b*) any clerk of the peace of a county who is not also clerk of the county council,

(*c*) any deputy clerk of the peace of a county who does not fall within paragraph C of Part II of Schedule 2 to the Act of 1937, and

(*d*) any officer appointed under section 29(6) of the Act of 1964:

Provided that sub-paragraphs (*b*), (*c*) and (*d*) of this paragraph shall not include—

(i) any clerk of the peace, deputy clerk of the peace or officer for whose superannuation provision is made by any local Act passed before or in the same session as the Act of 1964 unless the county council have resolved to adopt the provisions of section 29(7) of that Act; or

(ii) any officer whose employment is of a casual nature.

Provisions as to appropriate superannuation fund

4. The appropriate superannuation fund in relation to contributory employees of an employing authority for the purposes of the Act of 1937 which is a court of quarter sessions for a London commission area shall be the fund maintained by the Greater London Council or the fund maintained under any combination scheme under section 2 of the Act of 1937 in which that Council is a constituent member.

Adaptation of Acts and regulations

5.—(1) In section 6(2), (3) and (4) and section 21(2)(*b*) of the Act of 1937, in the proviso to section 2(2) of the Act of 1953 and in regulations 7(4), 8(5) and 12(6) of the benefits regulations, the references to an employing authority shall be construed as references to the council and not as references to the court of quarter sessions.

(2) Sections 10(4) and 12(6) of the Act of 1937, sections 2(2), 17(3) and 18(1) of the Act of 1953 and regulations 7 and 12 of the benefits regulations shall have effect respectively as if they—

(*a*) required the court of quarter sessions to report to the council any decision taken by them thereunder, and

(*b*) provided that, if the council are dissatisfied with the decision, they may within one month of receiving the report appeal to the Secretary of State, whose determination shall be final and that, if the council appeal, the decision of the court of quarter sessions shall not be effective until the appeal is determined.

(3) Section 36(6) of the Act of 1937 shall have effect as if it provided that regulations thereunder may provide for anything to be done by or to the council where apart from this provision they could provide for it to be done by or to the court of quarter sessions.

(4) A gratuity granted under section 18 of the Act of 1953 by a court of quarter sessions shall be paid in accordance with that section by the council.

(5) In regulation 12 of the administration regulations references to an employing authority shall be construed as references to the council and not as references to the court of quarter sessions: and for the purposes of regulations 14 and 15 of the administration regulations a court of quarter sessions shall be deemed not to be an employing authority interested in the superannuation fund maintained by the administering authority.

Given under the official seal of the Minister of Housing and Local Government on 23rd 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 apply the provisions of the Local Government Superannuation Acts 1937 to 1953 and the regulations made thereunder with appropriate modifications to the clerks of the peace, deputy clerks and other officers of the courts of quarter sessions for the new London commission areas established by the Administration of Justice Act 1964.

The Acts and regulations are also applied in the rest of England and Wales to—

(*a*) a clerk of the peace of a county who is not also clerk of the county council,

(*b*) a deputy clerk of the peace of a county who is not a contributory employee of the county council, and

(*c*) an officer appointed under section 29(6) of the Act of 1964 to assist the clerk of the peace of a county who is not also clerk of the county council.