ELIZABETH II



1970 CHAPTER xlix

An Act to confer further powers on the Staffordshire County Council in relation to the finances of the county; to confer further powers on the county council and on local authorities and other public authorities with regard to the superannuation of employees and to the investment of superannuation funds; and for other purposes. [23rd July 1970]

WHEREAS it is expedient that further and better provision should be made with reference to the finances of the county council of the administrative county of Stafford (hereinafter referred to respectively as " the county council " and " the county "):

And whereas it is expedient to make provision for the superannuation of officers and servants of the county council and of local and other public authorities and as regards persons who contribute to the superannuation funds of the county council and of local authorities and for the benefit of their dependants and to amend the enactments relating thereto:

And whereas it is expedient that the powers of the county council and of certain local authorities and committees of such authorities in the county in relation to the investment of their superannuation funds should be enlarged and extended as by this Act provided:

And whereas it is expedient that the other provisions in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

1933 c. 51.

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Staffordshire County Council Act 1970.

1937 c. xliv.

(2) The Staffordshire County Council Act, 1937, and this Act may be cited together as the Staffordshire County Council Acts, 1937 to 1970.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Finance.

Part III.—Superannuation.

Part IV.—Miscellaneous and general.

Interpretation.

3.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them:—

" the Act of 1933 " means the Local Government Act, 1933;

1961 c. 62.

" the Act of 1961 " means the Trustee Investments Act, 1961;

" the Council " means the county council of the county;

" the county " means the administrative county of Stafford;

" the county fund " means the county fund of the Council;

" enactment " means any enactment, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

" local authority " means the council of a borough, or an urban or rural district in the county;

" the Minister " means the Minister of Housing and Local Government;

" signature " includes a facsimile of a signature by whatever process reproduced.

PART I —*cont.*

(2) Any reference in this Act to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

PART II

FINANCE

Power to raise money by bills.

4. In addition to the modes of borrowing prescribed by the Act of 1933, the Council may raise money—

(1) for any purpose for which the Council are authorised to borrow;

(2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Council may properly be applied;

by means of bills (to be called "Staffordshire County Council bills", in this section referred to collectively as "bills" and separately as "a bill") subject to, and in accordance with, the following provisions:—

(*a*) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:

(*b*) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:

(*c*) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Council may determine:

(*d*) Bills shall be issued under the authority of a resolution passed by the Council, and shall bear the signature of the treasurer to the Council or of some other person authorised by the Council:

(*e*) The Council may make regulations providing for—

(i) the preparation, form, mode of issue, payment and cancellation of bills;

(ii) the issue of new bills in lieu of bills defaced, lost or destroyed;

(iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and

(iv) the giving of a proper discharge on the payment of a bill:

PART II —*cont.*

(*f*) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:

(*g*) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—

(i) the sum of two million five hundred thousand pounds; or

(ii) one-fifth of the amount estimated to be produced by the levying of rates in the county during the then current financial year to meet liabilities falling to be discharged by the Council;

whichever is the greater:

(*h*) Subject to the provisions of the last preceding paragraph, the Council may renew a bill at maturity:

(*i*) The Council may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Council to borrow shall be suspended to the extent of the amount which has been raised by the issue of bills.

Power to raise money by bearer bonds.

5. In addition to any other method by which the Council may raise any money which they are authorised to borrow, they may, with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by means of the issue of bearer bonds or other securities to bearer.

Power to raise money abroad.

6.—(1) Any method by which the Council are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

(2) The powers conferred by the foregoing subsection shall not be exercised except with the consent of the Treasury, and subject to such conditions as the Treasury may impose.

(3) The enactments empowering the Council to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if for any reference in those enactments to sterling there was substituted

PART II —*cont.*

a reference to the foreign currency, and for any reference therein to a sum expressed in terms of sterling there was substituted a reference to the sum expressed in terms of the foreign currency (adjusted, where necessary, to produce an amount which the Council consider appropriate having regard to all the circumstances of the transaction).

Amendment of power to issue bonds. 1963 c. 46.

7. For the purposes of section 7 (2) of and paragraph 1 (*c*) of Schedule 1 to, the Local Government (Financial Provisions) Act, 1963—

(*a*) bonds issued by the Council under the said Act of 1963 to and held continuously by building societies and persons and bodies of such other classes as the Council may, with the consent of the Treasury, from time to time determine shall not be deemed to have been issued for a period of less than one year by reason only of the fact that the holder of such a bond has the right to claim premature repayment under a stress clause;

(*b*) a bond issued by the Council as aforesaid shall not be deemed to have been issued for a period of less than one year by reason only of the fact that it is issued on the condition that it may at the discretion of the Council be repaid upon the death of the holder or in any other case for the purpose of relieving hardship to the holder.

PART III

SUPERANNUATION

Interpretation of Part III, etc.

8.—(1) In this Part of this Act, except as otherwise expressly provided or unless the context otherwise requires, words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings and—

"the Act of 1937" means the Local Government Superannuation Act, 1937; 1937 c. 68.

"contributor" means a contributor to the fund as respects whom the Council are the employing authority;

"death grant" and "transfer value" have in relation to a contributor the meanings assigned to them respectively by the Regulations of 1954;

"the fund" means the superannuation fund maintained by the Council under Part I of the Act of 1937;

"the principal Acts" means the Local Government Superannuation Acts, 1937 to 1953;

"the Regulations of 1954" means the Local Government Superannuation (Benefits) Regulations, 1954;

PART III —*cont.*

" return of contributions " in relation to a person who has ceased to be a contributor includes any sum paid to or in respect of him by way of interest on the amount of the contributions returned to him;

" superannuation benefit " includes any benefit which is or may be granted in pursuance of the principal Acts or the regulations made thereunder, or in pursuance of any local Act or scheme or local Act scheme.

(2) In sections 9 to 14 of this Act " the new superannuation provisions " means those sections, and this section.

(3) Without prejudice to the provisions of section 11 (Power to require designated sums to be paid to trustees), section 12 (Transfers of employment), section 13 (Application of the new superannuation provisions to other employing authorities) and section 14 (Application of the new superannuation provisions to local authorities) of this Act, the provisions of the principal Acts and the regulations made thereunder shall apply and have effect in relation to a person who is a contributor on or after the date of the coming into force of the new superannuation provisions, subject to the extensions, modifications and applications of the said Acts and regulations contained in the new superannuation provisions.

Commencement of new superannuation provisions.

9. The new superannuation provisions shall come into force on 1st September, 1970.

Benefits in certain cases of premature retirement.

10.—(1) Where, after the coming into force of the new superannuation provisions, the employment of a contributor who has attained the age of fifty-five years and completed ten years' service is terminated in the interests of efficiency before he has attained the age of sixty-five years, he shall be entitled to superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment:

Provided that this subsection shall not apply to a contributor if not later than one month after ceasing to hold his employment he notifies the Council in writing that he does not wish this subsection to apply to him.

(2) Where, after the coming into force of the new superannuation provisions, a contributor who has attained the age of fifty-five years and completed twenty-five years' service, but has not attained pensionable age, terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions under section 10 of the Act of 1937:

PART III
—*cont.*

Provided that—

(i) where a person has become entitled to a superannuation benefit by virtue of this subsection he may, by notice given to the Council 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;

(ii) unless the Council otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this subsection before the date on which he attains pensionable age.

(3) Where a person, who has become entitled to a superannuation benefit by virtue of subsection (2) of this section, dies before any payment on account of such benefit has been made to him, the like benefits shall, as from the date of his death, be payable in respect of him as would have been paid if he had died on the last day of his employment as a contributor.

(4) For the avoidance of doubt it is hereby declared that where a person is for the time being entitled to any benefit by virtue of subsection (2) of this section, that benefit shall be deemed to be a superannuation benefit for the purpose of the definition of "service" in subsection (1) of section 40 of the Act of 1937 whether or not any payment has been made to him on account thereof.

(5) For the purposes of section 16 of the Local Government Superannuation Act, 1953, and of any rules made thereunder, a person entitled to a superannuation benefit by virtue of subsection (2) of this section shall be deemed to cease to hold his employment on the day immediately preceding the day on which that benefit first becomes payable to him and a superannuation benefit as aforesaid shall be deemed to be such a superannuation allowance or benefit as is referred to in subsection (1) of the said section 16. 1953 c. 25.

(6) In this section "pensionable age" in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would, on ceasing to hold his employment, become entitled to superannuation benefits by reason of having otherwise than under this section attained such age and completed such period of service as is prescribed in the principal Acts or the Regulations of 1954, as the case may be.

Power to require designated sums to be paid to trustees.

11.—(1) A contributor may at any time by notice in writing to the Council given in such form as the Council may approve, direct that the provisions of this section shall apply to the amount

PART III —*cont.*

(if any) which would otherwise be payable to his estate by way of death grant or by way of return of contributions to the fund and that any such amount (hereafter in this section and in the Schedule to this Act referred to as " the designated sum ") instead of being paid to his estate shall be paid to such responsible persons (not being less than two nor more than four in number and hereafter in this section and in the said schedule referred to as " the trustees ") as shall be appointed for that purpose by the Council, to be held upon the trusts and with and subject to the powers and provisions in force under the said schedule at the date of such direction.

(2) Any direction given in accordance with this section shall be effective and the designated sum shall accordingly be paid to the trustees and shall be held by them upon the trusts and with and subject to the powers and provisions in force under the said schedule at the date of such direction.

(3) The trusts, powers and provisions set out in the said schedule may from time to time be varied by resolution of the Council, but so that the trusts, powers and provisions as so varied shall only apply in relation to directions received by the Council after the making of such variations.

(4) Any direction given by a contributor under this section shall be irrevocable and binding on such contributor and his estate and all persons interested therein.

(5) In this section and in the said schedule " contributor " includes any person who, on or after the date of the coming into force of the new superannuation provisions, is a contributor to the fund, and " former contributor " shall be construed accordingly.

Transfers of employment.

12.—(1) The Council may, in accordance with the provisions of a scheme made by them for the purposes of this section—

(*a*) as respects any contributor who ceases or has ceased to hold employment under the Council in order to enter an employment (in this paragraph referred to as " the new employment ") in relation to which interchange arrangements are not for the time being in force, if that contributor so desires, in lieu of making any such payment to him from the fund as is referred to in section 10 of the Act of 1937 (or, where such a payment has been made, if it is repaid to the fund by the contributor), either—

(i) make from the fund in respect of him a payment by way of a transfer value to the body or persons responsible for administering any superannuation scheme in connection with the new employment; or

PART III —*cont.*

(ii) subject to such consequential provisions as may be prescribed in the scheme, award to or in respect of him superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment under the Council:

Provided that no benefit shall be paid to a person by virtue of this sub-paragraph before such date as may be prescribed under the scheme; and

(*b*) as respects any person who enters or has entered into employment under the Council from an employment in relation to which interchange arrangements are not for the time being in force, receive any payment made by or in respect of him to the fund, whether by way of transfer value or otherwise, and shall confer on him by virtue of such payment such rights under the principal Acts, and the regulations made thereunder as may be prescribed under the said scheme.

(2) A scheme made under this section shall be of no effect unless it has been approved by the Minister and the Minister may approve any such scheme either with or without modifications after consultation with such organisations as are, in his opinion, representative of the interests concerned.

(3) A scheme made under this section may be amended or revoked by a subsequent scheme.

(4) Any body or persons responsible for administering a superannuation scheme in connection with an employment as respects which interchange arrangements are not for the time being in force, may make any amendments or modifications of that superannuation scheme that may be desirable to facilitate the operation of any scheme made by the Council under this section.

(5) Where any provision of the principal Acts or the regulations made thereunder which has effect in relation to a contributor contains a reference to a transfer value, such reference shall be deemed (as may be appropriate) to include a reference to any such payment by way of a transfer value as is referred to in sub-paragraph (i) of paragraph (*a*) of subsection (1) of this section or to such payment by way of a transfer value or otherwise as is referred to in paragraph (*b*) of that subsection.

(6) In this section "interchange arrangements" means any arrangements, whether by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948, or 1948 c. 33.

PART III —*cont.*

by virtue of any other enactment apart from this section, providing for the preservation of superannuation rights following a change of employment.

Application of the new superannuation provisions to other employing authorities.

13.—(1) An authority to whom this section applies may by resolution adopt all or any of the foregoing sections of the new superannuation provisions and the Schedule to this Act as from such date, not being earlier than 1st September, 1970, as may be specified in such resolution, and where any provisions are so adopted they shall apply and have effect in relation to the authority as if—

(*a*) any reference therein to a contributor was a reference to a contributor to the fund as respects whom the authority are the employing authority;

(*b*) any reference to the Council in section 10 (Benefits in certain cases of premature retirement) or paragraphs (*a*) and (*b*) of subsection (1) of section 12 (Transfers of employment) was a reference to the authority.

(2) Where in pursuance of the foregoing subsection any provisions are adopted by an authority to whom this section applies as from a date later than 1st September, 1970, then any reference in those provisions to 1st September, 1970, or to the date of the coming into force of the new superannuation provisions shall be construed in relation to the authority as a reference to such later date.

(3) This section applies to—

(i) a local authority which does not maintain a superannuation fund under Part I of the Act of 1937;

(ii) the Staffordshire County and Stoke-on-Trent Police Authority;

(iii) the Staffordshire Magistrates' Courts Committee;

(iv) the Staffordshire Probation and After-Care Committee

(v) any organisation, undertaking or body in respect of which there is for the time being in force an admission agreement with the Council pursuant to section 15 of the Local Government Superannuation Act, 1953;

1953 c. 25.

(vi) any other employing authority in relation to which the fund is the appropriate superannuation fund within the meaning of paragraph (*d*) of subsection (3) of section 1 of the Act of 1937.

Application of the new superannuation provisions to local authorities.

14.—(1) Where a local authority or a combination of local authorities maintains a superannuation fund under Part I of the Act of 1937 any such local authority may by resolution adopt all or any of the foregoing sections of the new superannuation

PART III —*cont.*

provisions (other than the last foregoing section) and the Schedule to this Act, as from such date, not being earlier than 1st September, 1970, as may be specified in such resolution, and where any provisions are so adopted they shall apply and have effect in relation to that local authority as if—

(*a*) any reference therein to the Council was a reference to that local authority;

(*b*) any reference therein to a contributor was a reference to a contributor to the superannuation fund maintained by that local authority or combination of local authorities under Part I of the Act of 1937 and (except in section 11 (Power to require designated sums to be paid to trustees) of and the Schedule to this Act) as respects whom that local authority are the employing authority; and

(*c*) any reference therein to the fund was a reference to the superannuation fund maintained by that local authority or combination of local authorities under Part I of the Act of 1937.

(2) If any such local authority as is referred to in subsection (1) of this section adopts all or any of the foregoing sections of the new superannuation provisions and the Schedule to this Act, any other employing authority in relation to which that local authority or combination of local authorities are the appropriate administering authority may by resolution adopt all or any of the foregoing sections of the new superannuation provisions and the Schedule to this Act as from such date as may be specified in such resolution and where any provisions are so adopted any reference therein to a contributor shall be a reference to a contributor to the superannuation fund maintained by the local authority or combination of local authorities in relation to which such employing authority are the employing authority.

Modifications of Act of 1961.

15.—(1) Part II of the First Schedule to the Act of 1961, in its application to the investment by the Council of any property belonging to the narrower-range part of the fund, shall have effect subject to the following modifications:—

(i) for paragraphs 3 and 4 thereof there shall be substituted the following paragraphs:—

" 3. In fixed-interest securities issued by any public, municipal or local authority, or any publicly controlled or nationalised industry or undertaking, whether established within or outside the United Kingdom.

4. In fixed-interest securities issued by the government of any territory outside the United Kingdom.";

PART III —*cont.*

(ii) for paragraph 6 thereof there shall be substituted the following paragraph:—

"6. In debentures issued by a company incorporated in the United Kingdom or established under the law of any territory outside the United Kingdom.";

(iii) in paragraph 9 thereof, the words "in the United Kingdom", where first occurring, shall not apply, and the following sub-paragraph shall be added at the end of that paragraph:—

"(*g*) any public, municipal or local authority established outside the United Kingdom.".

(2) Paragraph 1 of Part III of the said Schedule 1, in its application to the investment by the Council of any property belonging to the wider-range part of the fund, shall have effect as if for the words "and not being securities falling within Part II of this Schedule" there were substituted the words "or in any securities issued by a company established under the law of any territory outside the United Kingdom, and not being in either case securities falling within Part II of this Schedule".

(3) Paragraph 1 and sub-paragraph (*a*) of paragraph 2 of Part IV of the said Schedule 1 shall not apply in relation to any investment by the Council which is authorised by virtue of the provisions of the last two foregoing subsections.

(4) The following sub-paragraph shall be substituted for sub-paragraph (*a*) of paragraph 3 of Part IV of the said Schedule 1 in the application of that paragraph to the investment by the Council of property belonging to the fund:—

"(*a*) shares or debentures of a company of which the total issued and paid up share capital is less than five hundred thousand pounds;".

(5) Notwithstanding anything in the said Act of 1961, the Council may invest any property belonging to the narrower-range part of the fund in any manner specified in Part III of the said Schedule 1, as amended by this section, and may also from time to time vary any such investments:

Provided that no such property as aforesaid shall be so invested at any time when the value of all the investments made in the manner specified in Part III of the said Schedule 1 as so amended equals or exceeds three-quarters of the total value of the said superannuation fund.

(6) For the purpose of the last foregoing subsection, the value of any investment shall be deemed to be the value of the investment at the time at which it was made.

PART III —*cont.*

Investment of superannuation funds in acquisition, etc., of land.

16.—(1) Subject to the provisions of this section, the powers exercisable by the Council under the Act of 1961 to invest any property belonging to the wider-range part of the fund shall include power to invest such property in such manner as they think fit (and whether alone or in association with any other person) in the acquisition, development or management of land situated in the United Kingdom and used or to be used for residential, commercial or industrial purposes, but Part IV of the First Schedule to the Act of 1961 shall not apply to any investment made under this subsection.

(2) So long as the value of the investments of property for the time being made under the powers conferred by the foregoing subsection is equal to or greater than one-sixth of the total value of the wider-range part of the fund, no further investment may be made thereunder.

(3) For the purposes of the last foregoing subsection, the value of any investment of property belonging to the wider-range part of the fund shall be deemed to be the value of the investment at the time at which it was made.

(4) Subsections (2) to (7) of section 6 of the Act of 1961 shall apply in relation to the exercise of the powers of investment conferred by subsection (1) of this section as they apply in relation to the exercise by the Council of the powers conferred by section 1 of that Act to invest any property belonging to the wider-range part of the fund in a manner specified in Part III of the First Schedule to that Act.

Section 21 (3) of Act of 1937 not to limit foregoing powers.

17. The provisions of the last two foregoing sections shall have effect notwithstanding anything in subsection (3) of section 21 of the Act of 1937.

Exclusion of certain remuneration and service for super-annuation purposes.

18.—(1) Subject to the provisions of subsection (4) of this section, subsection (2) of this section applies to employees—

(*a*) who are contributory employees; or

(*b*) who are teachers employed in contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1956; or

(*c*) who are firemen participating in the Firemen's Pension Scheme; or

(*d*) who by virtue of the provisions of rule 3 of the Super-annuation (Policy and Local Government Schemes)

PART III —*cont.*

Interchange Rules, 1948, are not subject to the provisions of the principal Acts;

and who are employed whole-time by the Council, a local authority, a magistrates' courts committee, a probation committee, the managers or governors of a voluntary school, a local valuation panel or any voluntary organisation, undertakers or other body approved by the Minister and who participate in the benefits of the fund.

(2) The salary, wages, fees and other payments paid or made (whether before or after the passing of this Act) to an employee to whom this subsection applies in respect of any part-time employment (not being employment the duties of which may be performed during the hours which such employee is normally required to devote to his ordinary whole-time employment) by the Council or any other authority or body the employees of which participate in the benefits of the fund—

(*a*) as an instructor or other employee performing duties at, or for the purposes of, an evening institute or for the purposes of evening classes; or

(*b*) as a warden of, or other employee performing duties at, or for the purposes of, a youth centre; or

(*c*) as a civil defence instructor; or

(*d*) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment;

shall not be remuneration within the meaning of the principal Acts or of any other enactment affecting the fund, and the service of any such contributory employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

(3) Where, before the passing of this Act, any person to whom subsection (2) of this section applies has paid any contribution or contributions to the fund which would not have been so paid if this section had been in force when such contribution or contributions were made, the Council shall repay to such person a sum equal to the amount of such contribution or contributions, together with compound interest thereon calculated to the date of repayment at the rate of three pounds per centum per annum with half-yearly rests.

(4) Subsection (2) of this section shall not apply to any such person as is referred to in subsection (3) of this section unless within six months after the passing of this Act he gives notice in writing to the Council that the said subsection (2) is to apply to him, whereupon that subsection shall apply to him as if this Act had come into force on the date of the receipt by the Council of such notice.

PART III —*cont.*

Extension of powers of Council to grant gratuities to widows and dependants of former employees. 1953 c. 25.

19.—(1) Section 18 of the Local Government Superannuation Act, 1953, in its application to the county shall have effect as if—

(i) for the expression " to the widow or any other dependant " in subsections (1) and (2) there were substituted the words " to a dependant ";

(ii) after paragraph (*c*) of subsection (1) there were inserted the following new paragraph:—

" (*d*) partly by way of an annuity for the benefit of the widow and partly by way of periodical payments for the benefit of such of the children of the deceased employee who shall for the time being be under the age of twenty-one years:

Provided that the aggregate of the capital value of such annuity and of such periodical payments shall not exceed the amount aforesaid."

(2) Subsection (1) of the said section 18 (as amended by the last foregoing subsection) shall apply to a dependant of a former employee of the Council who dies within one year after ceasing to be in their employment as it applies to a dependant of an employee who dies whilst in their employment:

Provided that no gratuity shall be granted under this subsection to a dependant of a former employee to whom a gratuity has been granted under subsection (1) of the said section 18.

Application to certain authorities of certain provisions of Part III.

20.—(1) (*a*) The provisions of this Part of this Act mentioned in paragraph (*b*) of this subsection shall apply to a local authority and to a joint committee of local authorities established under section 2 of the Act of 1937, and for that purpose those provisions shall have effect as if for references therein to the Council and to the county there were substituted in the case of a local authority references to the local authority and to their district respectively and in the case of any such joint committee references to that committee and to the districts of the constituent authorities respectively, and subject in both cases to any other necessary modifications.

(*b*) The provisions hereinbefore referred to are the following:—

Section 15 (Modifications of Act of 1961);

Section 16 (Investment of superannuation funds in acquisition, etc., of land);

Section 17 (Section 21 (3) of Act of 1937 not to limit foregoing powers);

Section 18 (Exclusion of certain remuneration and service for superannuation purposes);

PART III —*cont.*

Section 19 (Extension of powers of Council to grant gratuities to widows and dependants of former employees).

(2) The provisions of section 19 of this Act shall also apply to the Staffordshire County and Stoke-on-Trent Police Authority, the Staffordshire Magistrates' Courts Committee and the Staffordshire Probation and After-Care Committee as they apply to the Council and for that purpose those provisions shall have effect as if the reference in subsection (2) to an employee of the Council were a reference to an employee of the said authority or of either of the said committees (as the case may require).

(3) The provisions of the said sections 15, 16 and 17 shall not apply to a local authority or to any such joint committee of local authorities as is referred to in subsection (1) of this section, except with the consent of the Minister.

PART IV

MISCELLANEOUS AND GENERAL

Designation of holders of authorised securities in register.

21.—(1) (*a*) Where the holder of an amount of any authorised security occupies an office or official position, his official description may be entered in the register in lieu of his name, and where in relation to an amount of an authorised security any such official description is so entered, an instrument of transfer and an instrument containing directions with respect to the payment of interest on that amount shall if executed by the person for the time being occupying that office or position be as effectual as if his name were entered as the holder of that amount.

(*b*) The entry in the register of the official description of the holder of an office or official position shall not be deemed to constitute notice, express, implied or constructive, of the existence of any trust in connection with the authorised security to which it relates.

(2) Notwithstanding anything in subsection (1) of this section, the Council shall not be required—

(*a*) to enter in the register any designation or description which appears to them unreasonably long or elaborate; or

(*b*) to enter in the register both the name of a holder of an authorised security and any such official description as could under subsection (1) of this section be so entered in lieu of his name.

(3) The Council shall not be required to recognise any such instrument as is referred to in subsection (1) of this section unless they are provided with such evidence as they may reasonably require to show that the person executing the instrument occupies

PART IV —*cont.*

the office or official position which is to be or has been entered in the register in respect of the amount of the authorised security to which the instrument relates.

(4) In this section—

" authorised security " means any mortgage, stock, bond or other security which the Council are for the time being authorised to grant, create or issue or upon or by means of which the Council are for the time being authorised to raise money; and

" register " means the register of an authorised security kept by or on behalf of the Council.

As to use of computer equipment of Council.

22.—(1) The Council may provide services and facilities for the processing of data by computer or by any other equipment of the Council which the Council may possess for any person and the Council may make such charges as may be agreed for the provision of those services and facilities.

(2) Information obtained by any employee of the Council in the course of the provision of such services or facilities shall not without the consent of the person from whom it was obtained be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities or in such cases as may be required by law.

Saving for powers of Treasury.

23. It shall not be lawful to exercise the powers of borrowing conferred by the provisions of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

1946 c. 58.

Saving for Exchange Control Act, 1947.

24. It shall not be lawful to exercise the powers conferred by any of the provisions of this Act except in compliance with the Exchange Control Act, 1947.

1947 c. 14.

Costs of Act.

25.—(1) The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto, shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act.

(2) The Council may borrow, without the consent of any sanctioning authority, such sums as may be necessary for paying the costs, charges and expenses of this Act and, subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(3) The Council shall repay the sums borrowed under the foregoing subsection within five years from the date of borrowing.

Section 11.

SCHEDULE

SETTING OUT THE TRUSTS, POWERS AND PROVISIONS UPON, WITH AND SUBJECT TO WHICH THE DESIGNATED SUM IS TO BE HELD IN PURSUANCE OF A DIRECTION GIVEN BY A CONTRIBUTOR UNDER SECTION 11 (POWER TO REQUIRE DESIGNATED SUMS TO BE PAID TO TRUSTEES) OF THIS ACT

The trustees shall stand possessed of the designated sum to which a contributor has directed that section 11 (Power to require designated sums to be paid to trustees) of this Act should apply and the income thereof upon the trusts and with and subject to the following powers and provisions, that is to say:—

1. During the period of twenty-one years from the death of the former contributor the trustees may pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of all or any one or more exclusively of the other or others of the following persons:—

   (*a*) the widow or widower of such former contributor;

   (*b*) the parents and grandparents of such former contributor and the parents and grandparents of the widow or widower of such former contributor and the parents and grandparents of any previous or deceased wife or husband of such former contributor;

   (*c*) the issue of such former contributor;

   (*d*) any other issue of any of the grandparents referred to in sub-paragraph (*b*) of this paragraph; and

   (*e*) the person or persons (if any and whether of full age or not) to whom such former contributor has at any time put himself in loco parentis or of whose person or property such former contributor has at any time been guardian;

   in such shares and in such manner as the trustees shall in their absolute discretion from time to time determine and so that the trustees may if they think fit pay any sum to the parent or guardian of any infant to be applied for the benefit of such infant without seeing to the application thereof.

2. In addition to the powers conferred on them by virtue of the foregoing paragraph 1, during the said period of twenty-one years the trustees may at any time pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of any person who in the opinion of the trustees was wholly or in part dependent on the earnings of such former contributor at his death in such manner as the trustees shall in their absolute discretion think fit.

3. Subject as aforesaid, the designated sum and the income thereof or so much thereof respectively as shall not have been paid or applied under the powers conferred by the foregoing provisions of this Schedule shall be paid to such person or persons (other than the Crown, the Duchy of Lancaster or

SCH. —*cont.*

the Duke of Cornwall) as would at the death of such former contributor have become entitled thereto under the Administration of Estates Act, 1925, as amended by the Intestates' Estates Act, 1952, or any statutory modification or re-enactment thereof in force at the death of such former contributor if such former contributor had died possessed thereof intestate and domiciled in England and solvent and so that such persons if more than one shall take in such shares and manner in which they would have taken under the provisions of the said Act or Acts and subject to the conditions therein contained.

1925 c. 23. 1952 c. 64.

4. In this Schedule the expressions " grandparent " and " issue " shall be construed as if the step-child, adopted child or illegitimate child of any person was that person's child, and " issue " includes issue in any degree.

PRINTED IN ENGLAND BY THE OYEZ PRESS
PRINT DIVISION OF THE SOLICITORS' LAW STATIONERY SOCIETY, LTD.
FOR C. H. BAYLIS
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

2*s*. 3*d*. [11p] net

SBN 10 514970 5

Staffordshire County Council Act 1970

CHAPTER xlix

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Interpretation.

PART II

FINANCE

4. Power to raise money by bills.
5. Power to raise money by bearer bonds.
6. Power to raise money abroad.
7. Amendment of power to issue bonds.

PART III

SUPERANNUATION

8. Interpretation of Part III, etc.
9. Commencement of new superannuation provisions.
10. Benefits in certain cases of premature retirement.

Section

11. Power to require designated sums to be paid to trustees.
12. Transfers of employment.
13. Application of the new superannuation provisions to other employing authorities.
14. Application of the new superannuation provisions to local authorities.
15. Modifications of Act of 1961.
16. Investment of superannuation funds in acquisition, etc., of land.
17. Section 21 (3) of Act of 1937 not to limit foregoing powers.
18. Exclusion of certain remuneration and service for superannuation purposes.
19. Extension of powers of Council to grant gratuities to widows and dependants of former employees.
20. Application to certain authorities of certain provisions of Part III.

PART IV

MISCELLANEOUS AND GENERAL

21. Designation of holders of authorised securities in register.
22. As to use of computer equipment of Council.
23. Saving for powers of Treasury.
24. Saving for Exchange Control Act, 1947.
25. Costs of Act.

SCHEDULE—Setting out the trusts, powers and provisions upon, with and subject to which the designated sum is to be held in pursuance of a direction given by a contributor under section 11 (Power to require designated sums to be paid to trustees) of this Act.