

SCHEDULE

Article 8

SUPERANNUATION OF LOCAL GOVERNMENT OFFICERS

1. In this schedule—

“existing employment” means employment for the purpose of functions of a local health authority;

“new employment” means employment for the purpose of functions of a local education authority ;

“the Act” means the Local Government Superannuation Act 1937;

“transferred employee” means a person employed before the appointed day for the purpose of functions of a local health authority who on the appointed day (within the meaning of article 3 of this order as modified by article 5) is in consequence of the Education (Handicapped Children) Act 1970 employed for the purpose of functions of a local education authority; and, except in paragraphs 2, 3, 4, 7 and 12 (which apply only to persons transferred by virtue of article 3 of this order), includes any person so employed whether or not he has been transferred from the employment of one local authority to that of another.

2. Subject to the provisions of this schedule, any enactment, instrument or other document contained in or made or issued under the Local Government Superannuation Acts 1937 to 1953⁽¹⁾, the Superannuation (Miscellaneous Provisions) Act 1948, Part III of the National Insurance Act 1965 or article 21(6) of the London Authorities (Superannuation) Order 1965 as amended ⁽²⁾ shall have effect in relation to any transferred employee to whom it applies as if his new employment and his existing employment were one continuous employment.

3. Paragraph 2 of this schedule shall not have effect for the purposes of section 29 of the Act and shall not affect the operation of the Local Government Superannuation (Administration) Regulations 1954 as amended⁽³⁾ in relation to any transferred employee.

4. Where immediately before the appointed day a transferred employee is a contributory employee by virtue of a statutory resolution under section 3(2)(b) of the Act, he shall continue to be a contributory employee in his new employment, and for that purpose the Inner London Education Authority shall be deemed to have passed or made such statutory resolution as would have the effect of making him a contributory employee in his new employment.

5. Any transferred employee who, if this order had not been made, would have become a contributory employee by completing any period of qualifying service necessary to comply with such a resolution as is mentioned in paragraph 4 of this schedule and who does not otherwise become a contributory employee at an earlier date shall, if the other conditions (if any) of the resolution are complied with, become a contributory employee on the expiration of the qualifying period.

6. Any transferred employee who is paying superannuation contributions immediately before the appointed day at a rate appropriate to a servant shall continue to contribute at the like rate so long as he is employed without a break of 12 months or more by the new employing authority in duties reasonably comparable to those in which he is engaged immediately before that day and has not, during any break, become an employee of some other local authority.

7. Where immediately before a transferred employee is transferred it is the prevailing practice of the authority employing him to exercise beneficially (that is to say, to secure the payment of gratuities, allowances or pensions, or of increased pensions or lump sum benefits) any discretionary power exercisable by them by virtue of any statutory provision relating to pensions, it shall be the duty of the Inner London Education Authority in relation to that transferred employee, if he has

(1) 1937 c. 68; 1939 c. 18; 1953 c. 25.

(2) The relevant amending instruments are S.I. 1967/1330, 1969/413.

(3) The relevant amending instruments are S.I. 1965/621, 1969/793.

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continued in their employment without a break of 12 months or more and has not, during any break, become an employee of some other local authority, to exercise that power (or any corresponding power under the statutory provisions relating to pensions for the time being in force) in a way which is not less beneficial than that practice; and section 35 of the Act shall apply to any question arising under this paragraph.

8.—(1) This paragraph shall, subject to sub-paragraph (4) thereof, apply to a transferred employee to whom there applied immediately before the appointed day section 16 (modifications applicable to female nursing, etc. staff) of the Act as originally enacted by virtue of an option to retain existing benefits under regulation 17 of the Local Government Superannuation (Benefits) Regulations 1954, or regulation 21 or 22 or regulation 23 of the said Regulations of 1954, save as provided in the next following sub-paragraph, so long as he continues in his new employment without any break in that employment.

(2) Where a person's duties are changed and his new duties are such that he is not such a person as is mentioned in the said section 16 or in paragraph (1) of the said regulation 21, or, where the said regulation 23 applied to him immediately before the appointed day, such a person as is mentioned in that regulation, then—

- (a) if the change is made at his request, this paragraph shall cease to apply to him on the change taking effect;
- (b) if the change is made otherwise than at his request and within six months thereof he gives notice in writing to the local authority that he does not desire this paragraph to apply in his case, this paragraph shall cease to apply to him on his giving the said notice.

(3) Without prejudice to the application of the provisions mentioned in sub-paragraph (1) of this paragraph to a person otherwise than by virtue of this paragraph, so long as this paragraph applies to a transferred employee any of the said provisions which applied to him immediately before the appointed day shall continue to apply in his case, notwithstanding that on or after the appointed day he ceases to be such a person as is mentioned in the said provision.

(4) In relation to a person to whom the Manchester Superannuation (Benefits) Scheme 1955 applies, this paragraph shall have effect as if for any references to the said section 16, the said regulation 17 and the said regulation 23 there were substituted respectively references to section 47 of the Manchester Corporation Act 1946, and articles 25 and 23 of the said scheme.

9. Section 6(5) of the Act (which relates to the payment of superannuation contributions on the reduction or discontinuance of remuneration) shall apply to any transferred employee or other employee of a local authority who suffers reduction of remuneration which is attributable to anything done by or under this order as if in place of the reference in the said section to an employee suffering a reduction of remuneration owing to incapacity there were a reference to any employee suffering a reduction of remuneration in consequence of the provision of this order.

Provided that the said section 6(5) shall so apply only so long as the employee continues without a break of 12 months or more in the employment in which he suffered the reduction of remuneration, whether in the same post or in some other post and has not, during any break, become an employee of some other local authority.

10. Where under section 6(5) of the Act as applied by paragraph 9 above an employee pays contributions as if his remuneration had not been reduced, he shall be deemed for the purposes of regulation 3(1) of the Local Government Superannuation (Benefits) Regulations 1954 or proviso (b) to section 8(5) of the Act to have received the remuneration which he would have received but for the reduction.

11. In calculating for the purposes of paragraph 9 or 10 whether, or the amount by which, an employee's remuneration has been reduced, no account shall be taken of any increase in his

remuneration which is attributable to any temporary allowance granted in consequence of this order and otherwise than in the ordinary course of his employment.

12. Any agreement or trust deed made for the purposes of any scheme of superannuation by policies of insurance by an authority employing a transferred employee and having effect immediately prior to his transfer shall, so far as relates to that employee, have effect thereafter as if it had been made with the new employing authority; and any policies of insurance which are held for the purposes mentioned in this paragraph for the benefit of any transferred employee by the first-mentioned authority shall be held for the like purposes by the new employing authority.