STATUTORY INSTRUMENTS

1974 No. 162

PENSIONS

The Superannuation (Southampton University (School of Navigation) and Southampton City Council) Interchange Rules 1974

Made - - -	*5th February* 1974
Laid before Parliament	*7th February* 1974
Coming into Operation	*6th March* 1974

The Secretary of State for the Environment, in exercise of powers conferred by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(a), as amended by section 11(6) of the Superannuation (Miscellaneous Provisions) Act 1967(b) and paragraph 25 of Schedule 6 to the Superannuation Act 1972(c), and now vested in him (d) and of all other powers enabling him in that behalf, hereby makes the following rules:—

1. These rules may be cited as the Superannuation (Southampton University (School of Navigation) and Southampton City Council) Interchange Rules 1974 and shall come into operation on 6th March 1974.

2.—(1) In these rules—
"the Act of 1972" means the Superannuation Act 1972;
"council" means the council of the county borough of Southampton;
"non-contributing service" has the same meaning as in the Local Government Superannuation Act 1937(e);
"school" means the School of Navigation of the university, at Warsash in the urban district of Fareham in the county of Hampshire; and
"university" means the University of Southampton.

(2) In these rules, unless the context otherwise requires, the references to the Local Government Superannuation Act 1937 and to the Local Government Superannuation Acts 1937 to 1953(f) shall be construed as references thereto as having effect by virtue of paragraph 5(1) of Schedule 7 to the Superannuation Act 1972.

(3) The Interpretation Act 1889(g) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

(a) 1948 c. 33. (b) 1967 c. 28. (c) 1972 c. 11. (d) S.I. 1951/753, 1900, 1970/1681 (1951 I, pp. 1354, 1347; 1970 III, p. 5551). (e) 1937 c. 68.
(f) 1937 c. 68; 1939 c. 18; 1953 c. 25. (g) 1889 c. 63.

[DOE 15681]

3.—(1) This rule shall apply to a person who—

(*a*) was employed in the school by the university; and

(*b*) was in that employment subject to the University of Southampton Non-Academic Staff Pension Scheme or the University of Southampton Non-Academic Staff Pension and Assurance Scheme; and

(*c*) left that employment and on 1st April 1972 entered employment under the council in which he became a contributory employee.

(2) If a person to whom this rule applies gives notice in writing before 1st April 1974 that he wishes the council to carry out the pension scheme to which he was subject in his employment in the school by the university, the council shall do so and he shall cease to be a contributory employee.

(3) If a person to whom this rule applies does not give such a notice as aforesaid, he shall be entitled to reckon his period of employment in the school by the university for the purpose of determining whether he is entitled to receive any benefit under the Local Government Superannuation Acts 1937 to 1953 but for no other purpose of those Acts.

(4) Where contributions are paid by the council pursuant to paragraph (2) of this rule, the council shall deduct from the person's remuneration the amount of the contributions required by the scheme to be paid by the employee.

4.—(1) This rule shall apply to a person who—

(*a*) was employed in the school by the university; and

(*b*) was in that employment a member of the University of Southampton Provident Fund; and

(*c*) left that employment and on 1st April 1972 entered employment under the council in which he became a contributory employee; and

(*d*) gives notice in writing to the council before 1st April 1974 that he desires these rules to apply to him.

(2) A person to whom this rule applies shall be entitled to reckon his period of employment in the school by the university as non-contributing service.

Geoffrey Rippon,

Secretary of State for the Environment.

5th February 1974.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

Persons who transferred from the employment of the University of Southampton, in the University's School of Navigation, to the employment of the Southampton City Council on 1st April 1972 in their former employment either were subject to the University of Southampton Non-Academic Staff Pension Scheme or the University of Southampton Non-Academic Staff Pension and Assurance Scheme or were members of the University of Southampton Provident Fund. The Fund has been wound up.

These rules—

(*a*) confer on such of those persons as were subject to one of the University's Schemes an option to continue to enjoy the benefits of the Scheme instead of being subject to the Local Government Superannuation Acts 1937 to 1953 and also provide that, if a person does not exercise the option, his employment with the University in the School, is to be reckoned as qualifying service for the purposes of the Acts of 1937 to 1953 (rule 3);

(*b*) enable such of those persons as were members of the Fund to reckon employment with the University, in the School, as non-contributing service with the meaning of the Act of 1937 (rule 4).

The rules are given retrospective effect under the express power of, and subject to the safeguards required by, section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948.