STATUTORY INSTRUMENTS

1983 No. 353

ELECTRICITY

The Electricity Supply (Staff) Superannuation Scheme and the Electricity Supply (Industrial Staff) Superannuation Scheme (Winding Up) Regulations 1983

Made - - - -	8*th March* 1983
Laid before Parliament	11*th March* 1983
Coming into Operation	1*st April* 1983

The Secretary of State for Energy and the Secretary of State for Scotland in exercise of the powers conferred by Section 54 of the Electricity Act 1947(**a**) and now vested in them(**b**) and of all other powers them enabling, hereby make the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Electricity Supply (Staff) Superannuation Scheme and the Electricity Supply (Industrial Staff) Superannuation Scheme (Winding Up) Regulations 1983 and shall come into operation on 1st April 1983.

Application

2. These Regulations shall apply to the Electricity Supply (Staff) Superannuation Scheme established by Resolution of the British Electricity Authority dated 14th July 1949, and to the Electricity Supply (Industrial Staff) Superannuation Scheme established by Resolution of the British Electricity Authority dated 10th March 1955.

Interpretation

3. In these Regulations the following expressions have the meanings hereby assigned to them respectively—

"the Industrial Staff Scheme" means The Electricity Supply (Industrial Staff) Superannuation Scheme;

"the Pension Scheme" means The Electricity Supply Pension Scheme established by Resolution of the Electricity Council dated 20th January 1983;

(**a**) 1947 c. 54; section 54 was amended by the Electricity Act 1957 (c. 48), section 42 and Schedule 4, Part I, the Tribunals and Inquiries Act 1958 (c. 66), Schedule 2, Part II; the Employment Protection (Consolidation) Act 1978 (c. 44), section 130 and Schedule 10, paragraph 7 and S.I. 1959/1769, 1968/729 and 1970/1537.
(**b**) S.I. 1957/48, 1969/1498 and 1970/1537.

"relevant Committee" means the Committee established in accordance with the provisions of the Industrial Staff Scheme or the Staff Scheme, as the case may be;

"the Secretary" means the Secretary of the Industrial Staff Scheme or the Staff Scheme, as the case may be;

"the Staff Scheme" means The Electricity Supply (Staff) Superannuation Scheme;

"the Trustees" means the Trustees of the Pension Scheme appointed and elected in accordance with the provisions of the Scheme.

Transfer of Property and Rights

4.—(1) Subject to the provisions of this and the next following regulation, all property and rights of every type and description vested at the commencement of these Regulations in any person other than as a nominee or custodian trustee, being property or rights available for the purposes of the Staff Scheme or of the Industrial Staff Scheme are hereby transferred without further assurance to the Trustees.

(2) A certificate, signed by the Secretary and by any person in whom any property or right transferred by virtue of this regulation was vested immediately before these Regulations came into operation, that that property or right was so transferred, or a copy of such certificate certified by the Secretary to be a true copy thereof, shall be sufficient evidence that the property or right was transferred as aforesaid.

(3) In the case of any property or right vested in two or more persons jointly, a certificate for the purposes of the last foregoing paragraph signed by any one of those persons on behalf of them all shall be sufficient.

(4) Every person in whom any property or right transferred as aforesaid was vested immediately before these Regulations came into operation shall do all such things as are necessary, or as the Trustees may reasonably require to be done, for the purpose of ensuring:—

(*a*) the due registration of the title of the Trustees to such property;

(*b*) the delivery to the Trustees of any document constituting evidence of the said registration;

(*c*) the performance for the benefit of the Trustees of all obligations due in respect of such right; and

(*d*) the receipt by the Trustees of all dividends, rent, interest or other sums in respect of such property or right due for payment after these Regulations come into operation.

Transfer of Liabilities

5.—(1) Subject to the provisions of the next following paragraph, every liability or obligation outstanding immediately before the commencement of these Regulations and incurred by any member of a relevant Committee, the Secretary or other person on behalf of or for the purposes of the Staff Scheme

or of the Industrial Staff Scheme, as the case may be, shall be liabilities or obligations of the Trustees to the exclusion of that person:

Provided that nothing in this paragraph shall relieve any member of a relevant Committee, the Secretary or other person from any liability for any breach of trust or duty, except in so far as under the provisions of the Staff Scheme or the Industrial Staff Scheme he would, but for the operation of these Regulations, have been entitled to an indemnity in respect thereof from assets available for the purposes of the Staff Scheme or the Industrial Staff Scheme, as the case may be.

(2) The exclusion of each member of a relevant Committee, the Secretary or other person to whom the foregoing paragraph applies from liability as aforesaid shall, without prejudice to the vesting in the Trustees of the liability in question, take effect only after signature and delivery of all certificates required to be made for the due registration of the title of the Trustees to all property and rights transferred with respect to the Staff Scheme and the Industrial Staff Scheme by virtue of the last foregoing regulation and after the adoption of the accounts for those Schemes by the Trustees.

Application of Funds

6. The Trustees shall not cause or allow the disposal of any property or right transferred by virtue of the foregoing regulations, or the application of any such property or right otherwise than—

(*a*) for the discharge of any liability or obligation or the payment of any expense imposed upon them by these Regulations; or

(*b*) in accordance with the provisions of and for the purposes of the Pension Scheme.

Winding Up

7.—(1) The Staff Scheme and the Industrial Staff Scheme shall cease to have effect on the date when these Regulations come into operation:

Provided that—

(*a*) the proviso to paragraph (1) of regulation 5 shall apply in relation to this paragraph as it applies in relation to that paragraph; and

(*b*) nothing in this paragraph shall affect the operation of paragraph (2) of regulation 5.

(2) The Trustees shall cause accounts to be prepared (in the form normally used for the accounts of the Staff Scheme and the Industrial Staff Scheme) for the period beginning at the date to which the last audited accounts for the Staff Scheme and the Industrial Staff Scheme were made up and ending on the date when these Regulations come into operation, accounting for all sums received and expended for the purposes of the Staff Scheme and the Industrial Staff Scheme during that period, and shall cause the said accounts to be audited by the auditor by whom the accounts of the said Schemes were audited, or, if that person is unable or unwilling to act, by an auditor appointed by the Secretary of State.

Transfer of Members

8. Every person who was a member (other than a special member) of the Staff Scheme or the Industrial Staff Scheme immediately before these Regulations came into operation shall, subject to the Rules thereof, become a member of the Pension Scheme.

Nigel Lawson,
Secretary of State for Energy.

Dated 1st March 1983.

George Younger,
Secretary of State for Scotland.

Dated 8th March 1983.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for the winding up of the Electricity Supply (Staff) Superannuation Scheme and the Electricity Supply (Industrial Staff) Superannuation Scheme. These Schemes provided superannuation benefits for employees of the Electricity Council, the Central Electricity Generating Board and the Area Electricity Boards, and the Electricity Consultative Councils in England and Wales.

Assets and outstanding liabilities of these Schemes pass to the Trustees of the Electricity Supply Pension Scheme, which is a new Scheme providing the same pension benefits for those employees. The Regulations also provide that members of the old Schemes become members of the new Scheme.

The Secretary of State for Energy and the Secretary of State for Scotland are obliged by Section 54 of the Electricity Act 1947 to provide by regulations for the winding up of a pension scheme relating to the electricity supply industry in England and Wales, but they are not obliged to approve the setting up of a new scheme: see The Electricity (Pension Scheme) Regulations 1971 (S.I. 1971/936).

Certain requirements are specified in the Regulations for the effective registration of the title to the property being transferred. Provision is also made for the auditing of the accounts of the old Schemes up to the date of transfer.

SI 1983/353
ISBN 0-11-036353-1

