



Superannuation Act 1972

1972 CHAPTER 11

An Act to amend the law relating to pensions and other similar benefits payable to or in respect of persons in certain employment; to provide for distribution without proof of title of certain sums due to or in respect of certain deceased persons; to abolish the Civil Service Committee for Northern Ireland; to repeal section 6 of the Appropriation Act 1957; and for purposes connected with the matters aforesaid. [1st March 1972]

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:—

Persons employed in the civil service, etc.

1 Superannuation schemes as respects civil servants, etc.

- (1) The Minister for the Civil Service (in this Act referred to as "the Minister")—
- (a) may make, maintain, and administer schemes (whether contributory or not) whereby provision is made with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the scheme, are to be paid, or may be paid, by the Minister to or in respect of such of the persons to whom this section applies as he may determine ;
 - (b) may, in relation to such persons as any such scheme may provide, pay or receive transfer values ;
 - (c) may make, in such circumstances as any such scheme may provide, payments by way of a return of contributions, with or without interest; and
 - (d) may make such payments as he thinks fit towards the provision, otherwise than by virtue of such a scheme, of superannuation benefits for or in respect of such of the persons to whom this section applies as he may determine.

- (2) The Minister may, to such extent and subject to such conditions as he thinks fit, delegate to any other Minister or officer of the Crown any functions exercisable by him by virtue of this section or any scheme made thereunder.
- (3) Before making any scheme under this section the Minister, or, if the Minister so directs in relation to a particular scheme, another Minister of the Crown specified in the direction, shall consult with persons appearing to the Minister or that other Minister, as the case may be, to represent persons likely to be affected by the proposed scheme or with the last-mentioned persons.
- (4) This section applies to persons serving—
 - (a) in employment in the civil service of the State ; or
 - (b) in employment of any of the kinds listed in Schedule 1 to this Act; or
 - (c) in an office so listed.
- (5) Subject to subsection (6) below, the Minister may by order—
 - (a) add any employment to those listed in the said Schedule 1, being employment by a body or in an institution specified in the order,
 - (b) add any office so specified to the offices so listed, or
 - (c) remove any employment or office from the employments or offices so listed.
- (6) No employment or office shall be added to those listed in the said Schedule 1 unless the remuneration of persons serving in that employment or office is paid out of moneys provided by Parliament or the Consolidated Fund.
- (7) Notwithstanding subsection (6) above, the Minister may by order provide that this section shall apply to persons serving in employment which is remunerated out of a fund specified in the order, being a fund established by or under an Act of Parliament.
- (8) An order under subsection (5) or (7) above—
 - (a) may be made so as to have effect as from a date before the making of the order ;
 - (b) may include transitional and other supplemental provisions ;
 - (c) may vary or revoke a previous order made under that subsection; and
 - (d) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2 Further provisions relating to schemes under s. 1

- (1) A scheme under section 1 of this Act which makes provision with respect to the pensions, allowances or gratuities "which are to be, or may be, paid to or in respect of a person to whom that section applies and who is incapacitated or dies as a result of an injury sustained, or disease contracted, in circumstances prescribed by the scheme may make the like provision in relation to any other person, being a person who is employed in a civil capacity for the purposes of Her Majesty's Government in the United Kingdom, whether temporarily or permanently and whether for reward or not, or is a person holding office in that Government and who is incapacitated or dies as a result of an injury or disease so sustained or contracted.
- (2) Any scheme under the said section 1 may make provision for the payment by the Minister of pensions, allowances or gratuities by way of compensation to or in respect of persons—
 - (a) to whom that section applies ; and

- (b) who suffer loss of office or employment, or loss or diminution of emoluments, in such circumstances, or by reason of the happening of such an event, as may be prescribed by the scheme.
- (3) No scheme under the said section 1 shall make any provision which would have the effect of reducing the amount of any pension, allowance or gratuity, in so far as that amount is calculated by reference to service rendered before the coming into operation of the scheme, or of reducing the length of any service so rendered, unless the persons consulted in accordance with section 1 (3) of this Act have agreed to the inclusion of that provision.
- (4) Subject to subsection (3) above, any scheme under the said section 1, or any provision thereof, may be framed—
 - (a) so as to have effect as from a date earlier than the date on which the scheme is made ; or
 - (b) so as to apply in relation to the pensions, allowances or gratuities paid or payable to or in respect of persons who, having been persons to whom the said section 1 applies, have died or ceased to be persons to whom that section applies before the scheme comes into operation; or
 - (c) so as to require or authorise the payment of pensions, allowances or gratuities to or in respect of such persons.
- (5) Where an order has been made under section 1(7) of this Act, any scheme under that section may provide for the payment' to the Minister out of the fund specified in the order of benefits or other sums paid by him in accordance with the scheme to or in respect of persons to whom that section applies by virtue of the order, together with any administrative expenses incurred in connection with the payment of those sums, and for the payment into that fund of contributions paid in accordance with the scheme by or in respect of those persons and of any transfer values received in respect of them.
- (6) Any scheme under the said section 1 may provide for the determination by the Minister of questions arising under the scheme and may provide that the decision of the Minister on any such question shall be final.
- (7) Where under any such scheme any question falls to be determined by the Minister, then, at any time before the question is determined, the Minister may (and if so directed by any of the Courts hereinafter mentioned shall) state in the form of a special case for determination by the High Court, the Court of Session or the Court of Appeal in Northern Ireland any question of law arising out of the question which falls to be determined by him.
- (8) Where such a case is stated for determination by the High Court, an appeal to the Court of Appeal from the determination by the High Court shall lie only with the leave of the High Court or of the Court of Appeal; and where such a case is stated for determination by the Court of Session then, subject to any rules of court, the Minister shall be entitled to appear and be heard when the case is being considered by that Court.
- (9) Any scheme under the said section 1 may amend or revoke any previous scheme made thereunder.
- (10) Different schemes may be made under the said section 1 in relation to different classes of persons to whom that section applies, and in this section " the principal civil service pension scheme" means the principal scheme so made relating to persons serving in employment in the home civil service or the diplomatic service.

- (11) Before a scheme made under the said section 1, being the principal civil service pension scheme or a scheme amending or revoking that scheme, comes into operation the Minister shall lay a copy of the scheme before Parliament.
- (12) Notwithstanding any repeal made by this Act, the existing civil service superannuation provisions, that is to say, the enactments and instruments listed in Schedule 2 to this Act, shall, with the necessary adaptations and modifications, have effect as from the commencement of this Act as if they constituted a scheme made under the said section 1 in relation to the persons to whom that section applies, being the principal civil service pension scheme, and coming into operation on the said commencement and may be revoked or amended accordingly.

3 Recovery in certain circumstances of payments by way of injury allowances

- (1) The following provisions of this section shall have effect where a scheme under section 1 of this Act provides for the payment of a pension, allowance or gratuity to or in respect of a person who is incapacitated or dies as a result of an injury sustained or disease contracted in circumstances prescribed by the scheme, and a pension, allowance or gratuity is paid in accordance with the scheme to or in respect of a person in consequence of an injury or disease so sustained or contracted or of a death resulting from such injury or disease.
- (2) If the scheme requires the Minister to take into account, as against any sums otherwise payable under the scheme, any damages which are recovered or recoverable by or on behalf of the recipient of the pension, allowance or gratuity granted in consequence of the injury, disease or death, being damages in respect of that injury, disease or death, and the Minister makes any payments without taking such damages into account, then if and when the Minister is satisfied that there are any damages to be so taken into account, he shall have the right to recover from the recipient—
 - (a) where the amount of the payments made by the Minister is less than the net amount of the damages, the amount of those payments;
 - (b) where the amount of those payments is not less than the net amount of the damages, such part of those payments as is equal to the net amount of the damages.
- (3) So far as any amount recoverable under this section represents a payment made by the Minister from which income tax has been deducted before payment, the proper allowance shall be made in respect of the amount so deducted, and in this section "the net amount of the damages" means the amount of the damages after deducting any tax payable in the United Kingdom or elsewhere to which the damages are subject.
- (4) No proceedings shall be brought to recover any amount under this section—
 - (a) after the death of the recipient of the payments; or
 - (b) after the expiration of two years from the date on which the amount of the damages taken into account in arriving at the amount so recoverable is finally determined (whether in court proceedings or in arbitration proceedings or by agreement between the parties) or from the date on which the final determination of that amount first came to the knowledge of the Minister, whichever date is the later.
- (5) A certificate issued by the Minister and stating the date on which the final determination of any amount of damages first came to his knowledge shall be admissible in any proceedings as sufficient evidence of that date.

- (6) The provisions of this section are without prejudice to any right of the Minister under any such scheme to take damages into account by withholding or reducing any further sums otherwise payable to the recipient of the pension, allowance or gratuity.

4 Payments due to deceased persons

- (1) Where on the death of any person there is due to the deceased or his personal representatives from a government department a sum, not exceeding £500, in respect of salary, wages or other emoluments or of superannuation benefits payable by virtue of a scheme made under section 1 of this Act, probate or other proof of the title of the personal representatives of the deceased may be dispensed with, and the appropriate authority may pay the whole or any part of that sum to those representatives or to the person, or to or among any one or more of any persons, appearing to that authority to be beneficially entitled to the personal or movable estate of the deceased; and any person to whom such a payment is made, and not the appropriate authority, shall thereafter be liable to account for the amount paid to him under this subsection.
- (2) Subsection (1) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the Administration of Estates (Small Payments) Act 1965 substituting for references to £500 such higher amount as may be specified in the order.
- (3) The reference to a government department in subsection (1) above shall be construed as including a reference to a body or institution listed in Schedule 1 to this Act.
- (4) In this section "the appropriate authority", in relation to any sum, means the Minister in charge of the government department, the body, or the trustees or other authority responsible for the institution, as the case may be, from whom that sum is due.

5 Benefits under civil service superannuation schemes not assignable

- (1) Any assignment (or, in Scotland, assignation) of or charge on, and any agreement to assign or charge, any benefit payable under a scheme made under section 1 of this Act shall be void.
- (2) Nothing in subsection (1) above shall affect the powers of any court under section 51(2) of the Bankruptcy Act 1914 or section 148 of the Bankruptcy (Scotland) Act 1913 (bankrupt's salary, pension, etc. may be ordered to be paid to the trustee in bankruptcy) or under any enactment applying to Northern Ireland (including an enactment of the Parliament of Northern Ireland) and corresponding to the said section 51(2).

6 Power to repeal or amend Acts, etc.

- (1) The Minister may by order repeal or amend any provision in any Act of Parliament, whether public general, local or private, including an Act confirming a provisional order, or in any order or other instrument made under any such Act, where it appears to him that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, any provision of section 1 or 2 of this Act or of any scheme made under the said section 1 or any repeal made by this Act in consequence of the enactment of those sections.
- (2) An order under this section—

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- (a) may be made so as to have effect as from a date before the making of the order ;
- (b) may vary or revoke a previous order made thereunder; and
- (c) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Persons employed in local government service, etc.

7 Superannuation of persons employed in local government service, etc.

- (1) The Secretary of State may by regulations make provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the regulations, are to be, or may be, paid to or in respect of such persons, or classes of persons, as may be so prescribed, being—
 - (a) persons, or classes of persons, employed in local government service; and
 - (b) other persons, or classes of persons, for whom it is appropriate, in the opinion of the Secretary of State, to provide pensions, allowances or gratuities under the regulations.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section—
 - (a) may include all or any of the provisions referred to in Schedule 3 to this Act; and
 - (b) may make different provision as respects different classes of persons and different circumstances.
- (3) Notwithstanding anything in the Pensions (Increase) Act 1971, regulations under this section may provide—
 - (a) that increases under that Act of such of the pensions, allowances or gratuities payable under the regulations as may be prescribed by the regulations, or such part of those increases as may be so prescribed, shall be paid out of such of the superannuation funds established under the regulations as the regulations may provide; and
 - (b) that the cost of those increases or of that part thereof, as the case may be, shall be defrayed by contributions from the persons to whom any services in respect of which the pensions, allowances or gratuities are or may become payable were or are being rendered or by such of those persons as may be so prescribed ;

and any provisions of the said Act of 1971, or of regulations made under section 5 thereof, relating to liability for the cost of increases under that Act of pensions, allowances or gratuities payable under the regulations shall have effect subject to the provisions of any regulations made by virtue of this subsection and for the time being in force.
- (4) Without prejudice to subsection (2) above, regulations made by virtue of subsection (3) above may make different provision as respects different classes of pensions, allowances or gratuities.
- (5) Before making any regulations under this section the Secretary of State shall consult with—
 - (a) such associations of local authorities as appear to him to be concerned;
 - (b) any local authority with whom consultation appears to him to be desirable; and

- (c) such representatives of other persons likely to be affected by the proposed regulations as appear to him to be appropriate.

8 Local Act schemes

- (1) The Secretary of State may make regulations providing for—
 - (a) the revocation of the local Act scheme administered by a local Act authority;
 - (b) the winding up of the superannuation fund maintained under that scheme and the transfer of its assets and liabilities to such superannuation fund as may be specified in the regulations ;
 - (c) the modification of regulations made under section 7 of this Act for the purpose of securing that rights enjoyed by and in respect of the persons who were entitled to participate in the benefits of the superannuation fund which is to be wound up are preserved;
 - (d) such other consequential and incidental matters as appear to the Secretary of State to be necessary or expedient.

- (2) The Secretary of State may by regulations make such additions to, or modifications of, a local Act scheme as he considers necessary to reproduce (with or without modifications) the effect of any enactment relating to the local Act scheme and repealed by this Act.

In this subsection " enactment" includes any instrument made under an Act.

- (3) Regulations under section 7 of this Act may provide for any of their provisions to apply, subject to such modifications as may be prescribed by the regulations, in relation to such local Act schemes as may be so prescribed or in relation to such pensions, allowances or gratuities, payable under such local Act schemes, as may be so prescribed; and where by virtue of this subsection any provisions of the regulations are so applied, the local Act scheme shall have effect subject thereto.
- (4) Before making any regulations under this section the Secretary of State shall consult with the local Act authority concerned and with such representatives of other persons likely to be affected by the proposed regulations as appear to him to be appropriate.
- (5) In this section " local Act authority" means a local authority who, not maintaining a superannuation fund in accordance with regulations under section 7 of this Act, maintain a superannuation fund under a local Act and " local Act scheme " means the superannuation scheme which such an authority administer.

Teachers

9 Superannuation of teachers

- (1) The Secretary of State may, by regulations made with the consent of the Minister, make provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the regulations, are to be, or may be, paid by the Secretary of State to or in respect of teachers.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section—

Status: This is the original version (as it was originally enacted).

- (a) may include all or any of the provisions referred to in Schedule 3 to this Act; and
 - (b) may make different provision as respects different classes of persons and different circumstances.
- (3) Where the regulations provide for the making of any such payment as is referred to in paragraph 3, 5 or 6 of the said Schedule 3, they may also provide for the payment to be made by the Secretary of State.
- (4) Where regulations under this section provide for the establishment of a superannuation fund, the regulations may also provide for the payment by the Secretary of State—
- (a) of the administrative expenses of the persons by whom, in accordance with the regulations, the fund is to be administered ; and
 - (b) of such travelling, subsistence and other allowances to those persons as the Secretary of State may, with the consent of the Minister, determine.
- (5) Before making any such regulations the Secretary of State shall consult with representatives of local education authorities and of teachers and with such representatives of other persons likely to be affected by the proposed regulations as appear to him to be appropriate.
- (6) In this section " teachers " includes such persons as may be prescribed by regulations made under this section, being persons employed otherwise than as teachers—
- (a) in a capacity connected with education which to a substantial extent involves the control or supervision of teachers; or
 - (b) in employment which involves the performance of duties in connection with the provision of education or services ancillary to education.
- (7) In the application of this section to Scotland for the reference in subsection (5) to local education authorities there shall be substituted a reference to education authorities.

Persons engaged in health services, etc.

10 Superannuation of persons engaged in health services, etc.

- (1) The Secretary of State may, by regulations made with the consent of the Minister, make provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the regulations, are to be, or may be, paid by the Secretary of State to or in respect of such persons, or classes of persons, as may be so prescribed, being—
- (a) persons, or classes of persons, engaged in health services other than services provided by a local health authority or other local authority ; and
 - (b) other persons, or classes of persons, for whom it is appropriate, in the opinion of the Secretary of State, to provide pensions, allowances or gratuities under the regulations.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section—
- (a) may include all or any of the provisions referred to in Schedule 3 to this Act; and
 - (b) may make different provision as respects different classes of persons and different circumstances.

- (3) Where the regulations provide for the making of any such payment as is referred to in paragraph 3, 5 or 6 of the said Schedule 3, they may also provide for the payment to be made by the Secretary of State.
- (4) Before making any such regulations the Secretary of State shall consult with such representatives of persons likely to be affected by the proposed regulations as appear to him to be appropriate.
- (5) In section 7(2) of the Superannuation (Miscellaneous Provisions) Act 1967 (which, in a case where any person within 12 months after leaving employment by virtue of which he was entitled to participate in superannuation benefits provided under the National Health Service Act 1946 enters other approved employment, empowers the Secretary of State to direct that the superannuation regulations shall apply to him with certain modifications) after the words " any person " there shall be inserted the words " while continuing in or ".

Provisions ancillary to sections 7 to 10

11 Statement of case by Secretary of State

- (1) Where under any regulations made under section 7, 9 or 10 of this Act, in its application to England and Wales, any question falls to be determined by the Secretary of State, then, at any time before the question is determined, the Secretary of State may (and if so directed by the High Court shall) state in the form of a special case for determination by the High Court any question of law arising out of the question which falls to be determined by him; and where such a case is so stated, an appeal to the Court of Appeal from the determination by the High Court shall lie only with the leave of the High Court or of the Court of Appeal.
- (2) Where under any regulations made under section 7, 9 or 10 of this Act, in its application to Scotland, any question falls to be determined by the Secretary of State, then, at any time before the question is determined, the Secretary of State may (and if so directed by the Court of Session shall) state a case for the opinion of that Court on any question of law arising out of the question which falls to be determined by him; and subject to any rules of court, the Secretary of State shall be entitled to appear and be heard when the case is being considered by the Court.

12 Further provisions as to regulations

- (1) Any regulations made under section 7, 8(2), 9 or 10 of this Act may be framed so as to have effect as from a date earlier than the making of the regulations.
- (2) Subject to subsection (4) below, any regulations made under section 7, 9 or 10 of this Act may be framed—
 - (a) so as to apply in relation to the pensions which are being paid or may become payable under the regulations to or in respect of persons who, having served in an employment or office service in which qualifies persons to participate in the benefits for which the regulations provide, have ceased to serve therein or died before the regulations come into operation; or
 - (b) so as to require or authorise the payment of pensions to or in respect of such persons.

- (3) Subsection (2) above shall apply in relation to regulations under the said section 7, being regulations made by virtue of section 8(3) of this Act, as if for the first two references to those regulations in paragraph (a) there were substituted references to the local Act scheme affected by the regulations.
- (4) No provision shall be made by any regulations by virtue of subsection (2) above unless any person who is placed in a worse position than he would have been in if the provision had not applied in relation to any pension which is being paid or may become payable to him is by the regulations given an opportunity to elect that the provision shall not so apply.
- (5) In the foregoing provisions of this section " pension" includes allowance and gratuity.
- (6) Regulations made under section 7, 8, 9 or 10 of this Act shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provisions relating to superannuation of various other persons

13 The Comptroller and Auditor General

- (1) A person appointed to be the Comptroller and Auditor General (in this section referred to as the Comptroller) may, within such period and in such manner as may be prescribed by regulations under this section, elect between the statutory scheme of pensions and other benefits applicable to the judicial offices listed in Schedule 1 to the Judicial Pensions Act 1959 and the scheme of pensions and other benefits applicable by virtue of section 1 of this Act to the civil service of the State (in this section referred to respectively as the judicial scheme and the civil service scheme), and if he does not so elect shall be treated as having elected for the civil service scheme.
- (2) Where a person so appointed elects for the judicial scheme, a pension may be granted to him on ceasing to hold office as Comptroller if he has held that office for not less than five years and either—
 - (a) has attained the age of sixty-five years ; or
 - (b) is disabled by permanent infirmity for the performance of the duties of that office ;
 and subject to regulations under this section, the provisions of the Judicial Pensions Act 1959, other than section 2 (retiring age), and of sections 2 to 8 of the Administration of Justice (Pensions) Act 1950 (lump sums and widows' and dependants' pensions) shall apply in relation to him and his service as Comptroller as they apply in relation to the holders of judicial offices listed in Schedule 1 to the said Act of 1959 and service in any such office, this subsection being the relevant pension enactment for the purposes of that Act.
- (3) Where a person so appointed elects for the civil service scheme, the principal civil service pension scheme within the meaning of section 2 of this Act and for the time being in force shall, subject to regulations under this section, apply as if his service as Comptroller were service in employment in the civil service of the State.
- (4) Any pension or other benefit granted to the Comptroller by virtue of this section shall be granted by letters patent.

- (5) The Minister may by statutory instrument make regulations for purposes supplementary to the foregoing provisions of this section; and such regulations may, without prejudice to section 38 of the Superannuation Act 1965 (employment in more than one public office), make special provision with respect to the pensions and other benefits payable to or in respect of persons to whom the judicial scheme or the civil service scheme has applied or applies in respect of any service other than service as Comptroller, including provision—
- (a) for aggregating other service falling within the judicial scheme with service as Comptroller, or service as Comptroller with such other service, for the purpose of determining qualification for or the amount of benefit under that scheme ;
 - (b) for increasing the amount of the benefit payable under the judicial scheme, in the case of a person to whom that scheme applied in respect of an office held by him before appointment as Comptroller, up to the amount which would have been payable thereunder if he had retired from that office on the ground of permanent infirmity immediately before his appointment ;
 - (c) for limiting the amount of benefit payable under the judicial scheme, in the case of a person to whom the civil service scheme applied in respect of service before his appointment as Comptroller, by reference to the difference between the amount of the benefit granted in his case under the civil service scheme and the amount which would be payable under the judicial scheme if that service had been service as Comptroller.
- (6) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (7) Any pension or other benefit granted by virtue of this section shall be charged on, and issued out of, the Consolidated Fund.

14 Metropolitan civil staffs

- (1) Section 15 of the Superannuation (Miscellaneous Provisions) Act 1967 (which applies the legislation governing the superannuation of civil servants to certain persons employed under the Commissioner of Police for the Metropolis, justices' clerks for the inner London area and other persons employed by the committee of magistrates for that area) shall be amended as follows.
- (2) In subsection (1)(b) (definition of " civil service provisions ") for the words from " the Superannuation Act" to " any other " there shall be substituted the words " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and any ".
- (3) In subsection (3) (which empowers the Secretary of State by regulations to provide that any of the civil service provisions shall have effect for the purposes of pensions or other benefits under the section and certain other purposes subject to exceptions, modifications and adaptations specified in the regulations)—
- (a) after the word " may ", where first occurring, there shall be inserted the words " with the consent of the Minister for the Civil Service "; and
 - (b) in paragraph (a), after the word " exceptions " there shall be inserted the word " additions ".
- (4) Subsection (5) (which authorises the Secretary of State in certain circumstances to confer on himself power to make rules or regulations in relation to members of

the metropolitan civil staffs where the Minister has power to make similar rules or regulations in relation to civil servants) shall be omitted.

- (5) For subsection (6) (which provides that regulations under the section shall be subject to annulment in pursuance of a resolution of either House of Parliament) there shall be substituted the following subsection:—

“(6) Before making regulations under subsection (3) of this section the Secretary of State shall consult with persons appearing to him to represent the metropolitan civil staffs, and before any such regulations come into operation the Secretary of State shall lay a copy thereof before Parliament”.

15 Members of police forces, special constables and police cadets

- (1) Section 1 of the Police Pensions Act 1948 (power to make regulations providing for police pensions) shall have effect subject to the following amendments:—

- (a) in subsection (3), for the words " or terminated " there shall be substituted the words " terminated or forfeited " and at the end there shall be added the words " and may provide for a pension to be forfeited wholly or in part and for the forfeiture to be permanent or temporary ";
- (b) in subsection (7), for the words from " and before " onwards there shall be substituted the words " which shall be subject to annulment in pursuance of a resolution of either House of Parliament ".

- (2) In section 4(1) of the said Act of 1948 (forfeiture of pensions) the words " granted under regulations made under this Act is granted, and every pension " shall be omitted.

- (3) For section 5 of the said Act of 1948 (appeals) there shall be substituted the following section—

“5 Appeals.

- (1) Subject to subsections (3) and (4) below, regulations made under section 1 of this Act shall make provision as to the court or other person by whom appeals are to be heard and determined in the case of any person who is aggrieved—
 - (a) by the refusal of the police authority to admit a claim to receive as of right a pension, or a larger pension than that granted, under regulations made under that section; or
 - (b) by the forfeiture of any pension granted to him thereunder.
- (2) If any person is aggrieved by the forfeiture, under the provisions in that behalf contained in this Act, of any pension granted to him under any of the enactments specified in Part I of the First Schedule to this Act, he may appeal to the Crown Court and that court, after enquiring into the case, may make such order in the matter as appears to the court to be just.
- (3) No provision made in the regulations by virtue of subsection (1) of this section shall confer a right of appeal against anything done by the police authority in the exercise of any power which is conferred on them by the regulations and is expressly declared by the regulations to be a power which they are to exercise in their discretion
- (4) The regulations may provide, in relation to questions arising thereunder, for the reference of any such matter as is prescribed, either by the police authority,

or by the court, to a medical practitioner, whose decision thereon shall, subject to such rights of appeal as may be provided by the regulations to such tribunal as may be constituted thereunder, be final on the matter so referred.

- (5) In the application of this section to Scotland, for the reference in subsection (2) to the Crown Court there shall be substituted a reference to the sheriff having jurisdiction in the place where the person concerned last served as a member of a police force.”
- (4) The provisions of sections 4(1) and (2) and 5(1) and (5) of the said Act of 1948 as in force immediately before the commencement of this Act shall, so far as they related to pensions granted under regulations made under section 1 of that Act, be deemed to have effect as if they were provisions of regulations so made and in force on that date, and may be revoked accordingly.
- (5) Section 12 (except subsections (3) and (6)) of this Act shall apply in relation to—
- (a) regulations under section 1 of the said Act of 1948;
 - (b) regulations relating to pensions under section 34 or 35 of the Police Act 1964 (special constables and police cadets);
 - (c) regulations under section 26(2)(k) of the Police (Scotland) Act 1967 (regulations with respect to the application to special constables of provisions relating to the pensions payable to or in respect of regular constables); or
 - (d) regulations relating to pensions under section 27 of the said Act of 1967 (police cadets),
- as it applies in relation to regulations under section 7, 8(2), 9 or 10 of this Act.

16 Members of fire brigades

- (1) Without prejudice to the generality of section 26 of the Fire Services Act 1947 (power to make order bringing the Firemen's Pension Scheme into operation), any Scheme under that section may include provision for the payment by a fire authority or the Secretary of State of transfer values as respects persons who transfer or have transferred from employment in respect of which awards may be made under the Scheme to such other employment as may be specified in the Scheme.
- (2) Subsection (3) of the said section 26 (circumstances in which a pension may be provided under the Scheme) shall cease to have effect.
- (3) Section 12 (except subsections (3) and (6)) of this Act shall, with the necessary modifications, apply in relation to an order under the said section 26 as it applies in relation to regulations under section 7, 8(2), 9 or 10 of this Act.

17 Persons employed by general lighthouse authorities, etc.

- (1) After section 1 of the Merchant Shipping (Mercantile Marine Fund) Act 1898 there shall be inserted the following section:—

“1A Pension rights of certain employees.

- (1) There shall be payable to or in respect of persons whose salaries are paid out of the General Lighthouse Fund such pensions, allowances or gratuities as may be determined in accordance with, in the case of such of those persons as are employed by the Secretary of State, arrangements made by him and,

in the case of other such persons, arrangements made by a general lighthouse authority and approved by the Secretary of State, and those benefits shall be charged on and payable out of that Fund.

- (2) Section 210 of the Income and Corporation Taxes Act 1970 (contributions for widows' and certain other pensions not to qualify for tax relief), as amended by the Superannuation Act 1972, shall apply in relation to contributions made in pursuance of any such arrangements as are referred to in subsection (1) above by any person who is chargeable to income tax under the Income Tax Acts as it applies in relation to contributions made in accordance with a scheme under section 1 of the said Act of 1972”.

- (2) Section 665 of the Merchant Shipping Act 1894 (power of general lighthouse authority to grant pensions) shall cease to have effect.

18 Employees of law societies

- (1) For section 11 of the Legal Aid and Advice Act 1949 (pension rights of employees of Law Society) there shall be substituted the following section—

“11 Pension rights of employees.

- (1) The Law Society shall, with the approval of the Lord Chancellor, make arrangements for the provision of pensions, allowances or gratuities to or in respect of persons employed by the Law Society for the purpose of their functions under this Part of this Act, and any such arrangements may include the establishment and administration, by the Law Society or otherwise, of a pension scheme with or without a pension fund.
- (2) If the Lord Chancellor so directs, receipts and expenses of the Law Society attributable to their establishment and administration of a pension scheme under this section shall, notwithstanding anything in section 9 of this Act, be dealt with under the scheme instead of being paid into and out of the legal aid fund”.

- (2) For section 12 of the Legal Aid (Scotland) Act 1967 (pension rights of employees of Law Society of Scotland) there shall be substituted the following section—

“12 Pension rights of employees.

- (1) The Law Society shall, with the approval of the Secretary of State, make arrangements for the provisions of pensions, allowances or gratuities to or in respect of persons employed by the Law Society for the purpose of their functions under this Act, and any such arrangements may include the establishment and administration, by the Law Society or otherwise, of a pension scheme with or without a pension fund.
- (2) If the Secretary of State so directs, receipts and expenses of the Law Society attributable to their establishment and administration of a pension scheme under this section shall, notwithstanding anything in section 9 of this Act, be dealt with under the scheme instead of being paid into and out of the legal aid fund”.

19 Members and staff of certain Commissions

- (1) Any Order in Council made under section 8 of the Minister of Town and Country Planning Act 1943 (power to establish Commissions to assist the Secretary of State in the exercise of his functions in relation to the use and development of land) may provide for empowering the Commission established by the Order—
 - (a) to pay to or in respect of the following persons, that is to say, the members of the Commission and the officers and servants of the Commission, or to or in respect of such of those persons as may be determined by the Commission with the approval of the Secretary of State, such pensions, allowances or gratuities as may be so determined;
 - (b) to make such payments towards the provision of such pensions, allowances or gratuities as may be so determined ; or
 - (c) to provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (2) The Location of Offices Bureau established by the Location of Offices Bureau Order 1963 made under the said section 8 shall be deemed always to have had power to do all such things as are referred to in paragraphs (a), (b) and (c) of subsection (1) above.

20 Officers and servants of certain river authorities

- (1) This section applies to the following persons, namely—
 - (a) every officer and servant of the Conservators of the River Thames (" the Conservators") to whom but for any repeal made by this Act section 79(8) of the Land Drainage Act 1930 or section 53(2) of the Thames Conservancy Act 1950 would have applied; and
 - (b) every officer and servant of the Lee Conservancy Board or of the Lee Conservancy Catchment Board (" the Catchment Board ") to whom but for any such repeal section 80(7) of the said Act of 1930 would have applied.
- (2) There shall be paid by the Conservators to or in respect of the persons to whom this section applies by virtue of subsection (1)(a) above, and there shall be paid by the Catchment Board to or in respect of the persons to whom this section applies by virtue of subsection (1)(b) above, the same pensions, allowances or gratuities as can be paid to or in respect of persons employed in the civil service of the State, and the principal civil service pension scheme within the meaning of section 2 of this Act and for the time being in force shall apply accordingly in relation to those persons with the necessary adaptations.
- (3) The Conservators and the Catchment Board shall have all such powers as may be necessary to enable them to comply with subsection (2) above, including power to pay and receive transfer values and to make payments towards the provision of such pensions, allowances and gratuities as are referred to in that subsection.
- (4) The Catchment Board shall be deemed always to have had power to pay pensions, allowances or gratuities in respect of persons to whom section 80(7) of the Land Drainage Act 1930 at any time applied.

21 Employees of British Airways Board, British European Airways Corporation, British Overseas Airways Corporation, etc.

- (1) For section 56 of the Civil Aviation Act 1971 (participation of employees of the British Airways Board in pension schemes established by the corporations) there shall be substituted the following section:—

“56 Pensions.

- (1) The Board may, in the case of such of the persons mentioned in subsection (3) below as may be determined by it, pay such pensions, allowances or gratuities to or in respect of those persons as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or establish and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (2) The Board may make arrangements with the corporations whereby any or all of the functions of the Board under subsection (1) above are to be performed by the corporations.
- (3) The persons referred to in subsection (1) above are—
 - (a) employees of any member of the group ;
 - (b) employees of the board of trustees of any joint medical services of the group or of the corporations; and
 - (c) persons employed by any other person in connection with the management and administration of any scheme established and maintained by virtue of subsection (1) or (2) above.
- (4) Section 24 of the Air Corporations Act 1967, (power to make regulations providing for pension schemes for employees of the corporations and certain other persons) shall cease to have effect, but any scheme established by virtue of regulations made under that section and in force immediately before the commencement of this section shall, unless and until terminated in accordance with its provisions, have effect as if—
 - (a) it had been established by virtue of subsection (2) above; and
 - (b) the persons in respect of whose service benefits may be provided under the scheme included, in addition to the persons mentioned in subsection (1) of the said section 24, the other persons mentioned in subsection (3) above;

and the reference in paragraph (c) of subsection (3) above to any scheme established and maintained by virtue of subsection (2) above shall be construed accordingly.
- (5) The Board shall take such steps as it thinks expedient to secure the participation in such a scheme as is referred to in subsection (4) above, on such terms as it thinks fit (which may include terms as to the payment of contributions by participants and their employers and former employers or any of them), of such persons as the Board may determine, being employees of the Board or a joint subsidiary or an undertaking which is a subsidiary by reference to share capital held by, or a power to appoint directors vested in, the Board.

- (6) Where a participant in any such scheme as is referred to in subsection (3)(c) above becomes—
 - (a) a member of the Board or of either of the corporations, or
 - (b) a director of any other member of the group,his service as such a member or director (whether before or after the passing of this Act) shall be treated for the purposes of the scheme as if it were service as an employee of the member of the group, the board of trustees or other person, as the case may be, in whose employment he was or was treated for those purposes as being when he became such a member or director.”
- (2) The following enactments are hereby repealed, namely—
 - (a) in the Air Corporations Act 1967, section 24, in section 29 the words from " and the transfer" to the end, section 30 and in Schedule 2, Part II;
 - (b) in the Civil Aviation Act 1968, section 25(2)(b) and the word " and" immediately preceding that paragraph ; and
 - (c) in the Civil Aviation Act 1971, in Schedule 10, paragraph 20.

22 Pension schemes of various statutory bodies: removal of requirement to obtain Ministerial approval for certain determinations

- (1) Any body specified in column 1 of Schedule 4 to this Act may make any determination relating to, or connected with, the provision of pensions, gratuities or other like benefits to or in respect of persons employed by it which it has power to make under the enactment specified in relation to that body in column 2 of that Schedule without obtaining the approval or agreement of any Minister of the Crown or government department whose approval of, or agreement to, that determination is required by virtue of that enactment or by virtue of that enactment and any order made in pursuance of section 1 or 2 of the Ministers of the Crown (Transfer of Functions) Act 1946 or section 4 of the Ministers of the Crown Act 1964.
- (2) The Council for Professions Supplementary to Medicine may approve any determination relating to pensions made under paragraph 20(2) of Schedule 1 to the Professions Supplementary to Medicine Act 1960 by a board established under that Act without obtaining the agreement of the Minister.
- (3) Any pension scheme in force immediately before the commencement of this Act, being a scheme which was referred to in or established under section 12(4) of the Port of London (Consolidation) Act 1920 (provision of pensions, etc.), and any rules made in pursuance of such a scheme may be amended without the approval of the Secretary of State.
- (4) So much of any provision contained in a document forming part of any scheme for the provision of pensions, gratuities or other like benefits to or in respect of persons employed by industrial training boards established under section 1 of the Industrial Training Act 1964 as prohibits any alteration being made in that document, or any other document forming part of such a scheme, without the approval of the Secretary of State shall cease to have effect.
- (5) Any provision contained in a document forming part of a scheme for the provision of pensions, gratuities or other like benefits to or in respect of persons employed by the National Film Finance Corporation may, with the approval of the Secretary of State, be amended to such extent as appears to him to be necessary or expedient having regard

to subsection (1) above, as it applies in relation to the Corporation, and to any repeal of the Cinematograph Film Production (Special Loans) Act 1949 made by this Act.

23 Superannuation Acts to continue to apply to certain persons

- (1) The repeal by this Act of any provisions of the Superannuation Acts 1965 and 1967 shall not affect the continued operation of those Acts so far as immediately before the repeal takes effect they apply in relation to any of the persons listed in Schedule 5 to this Act.
- (2) The said repeal shall not affect any provision of the Governors' Pensions Act 1957 by virtue of which superannuation and additional allowances have been or may be granted under the Superannuation Acts 1965 and 1967 to a Governor within the meaning of the said Act of 1957 instead of, or in addition to, a pension under that Act, and the said Acts of 1965 and 1967 shall accordingly continue to have effect for the purposes of the Governors' Pensions Acts 1957 and 1967 and any rules made thereunder.

Miscellaneous and Supplemental

24 Compensation for loss of office, etc.

- (1) Subject to subsection (2) below, the Secretary of State may, with the consent of the Minister, by regulations provide for the payment by such person as may be prescribed by or determined under the regulations of pensions, allowances or gratuities by way of compensation to or in respect of the following persons, that is to say, persons—
 - (a) in relation to whom regulations may be made under section 7, section 9 or section 10 of this Act or section 1 of the Police Pensions Act 1948 or in relation to whom a Scheme may be made in accordance with section 26 of the Fire Services Act 1947 (Firemen's Pension Scheme); and
 - (b) who suffer loss of office or employment, or loss or diminution of emoluments, in such circumstances, or by reason of the happening of such an event, as may be prescribed by the regulations.
- (2) Regulations under this section relating to persons in relation to whom regulations may be made under section 7 of this Act may be made without the consent of the Minister.
- (3) Regulations under this section may—
 - (a) include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations;
 - (b) make different provision as respects different classes of persons and different circumstances and make or authorise the Secretary of State to make exceptions and conditions; and
 - (c) be framed so as to have effect from a date earlier than the making of the regulations,

but so that regulations having effect from a date earlier than the date of their making shall not place any individual who is qualified to participate in the benefits for which the regulations provide in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.
- (4) Regulations under this section may include all or any of the provisions referred to in paragraphs 8, 9 and 13 of Schedule 3 to this Act.

- (5) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

25 Pension increases

- (1) For subsections (1) to (4) of section 2 of the Pensions (Increase) Act 1971 (which provides for the future review of official pensions and payment of increases) there shall be substituted the following subsections:—

“(1) Subject to the provisions of this section, the Minister for the Civil Service, as soon as may be after 30th June in the year 1972, and every year thereafter, shall review the rates of official pensions against any rise there may have been in the cost of living during the review period, that is to say—

- (a) the period of fifteen months ending with 30th June 1972 (" the first review period "); or
- (b) the period of twelve months ending with 30th June in the year 1973 and every year thereafter ;

and if it is found that in the review period the cost of living has risen by two per cent. or more, then the Minister shall by order provide that the annual rate of an official pension may, if a qualifying condition is satisfied, be increased in accordance with the order in respect of any period beginning on or after 1st December next following the review period.

- (2) Subject to subsection (3) below, the increases to be provided for by an order under this section shall be as follows:—

- (a) for pensions beginning on or before the first day of the review period the increase shall be in the proportion (to the nearest one-tenth of one per cent.) in which the cost of living has risen during the review period; and
- (b) for pensions beginning—
 - (i) in the half year following that day ; or
 - (ii) in the next succeeding half year ending, in the case of the first review period, with 1st April 1972 and, in the case of any other review period, with the day after the end of that period ; or
 - (iii) in the three months ending with 1st July 1972,

the increases shall be in the proportion (to the nearest one-tenth of one per cent.) in which the cost of living is found to have risen between the basis period for that half year or that period of three months, as the case may be, and the end of the review period, if the cost of living in the basis period is taken as the mean of the monthly figures.

- (2A) For purposes of subsection (2)(b) above—

- (a) the basis period for any half year is the six months ending with the first month of the half year or, if the cost of living is lower in the half year than in those six months, is the half year itself ;
- (b) the basis period for the period of three months specified in subparagraph (iii) is the period of three months ending with 1st February 1972 or, if the cost of living is lower in the period so specified, is that period.

- (3) Where the rise referred to in subsection (2)(b) above is less for any half year than two per cent., there shall only be an increase for pensions beginning in that half year if there is one for pensions beginning in a later half year, and the increase (if there is one) shall be two per cent.; but where this subsection prevents there being an increase for pensions beginning in any half year, then the order made in respect of the next review period shall for those pensions authorise, instead of an increase calculated in accordance with subsection (2) (a) above, such increase as would result if that prevented by this subsection had been made and were followed by one calculated in accordance with subsection (2)(a) by reference to the rate as so increased.
- (4) Where on any review under this section it is not found that the cost of living has risen by two per cent. or more in the review period, the review in the next year shall be for the same review period extended by twelve months ; and if it is found that the cost of living has risen by two per cent. or more in the (extended) review period, the provisions of this section shall apply subject to the modification that for subsection (2)(b)(ii) and (iii) there shall be substituted the following:—
- “(ii) in any of the succeeding half years up to that ending with the day after the end of the review period”.
- (2) For subsection (3) of section 9 of the said Act of 1971 (which relates to gratuities and lump sums) there shall be substituted the following subsection:—
- “(3) In respect of any lump sum or instalment of a lump sum which becomes payable after the day following the last day of a review period but before 1st December next following the review period there may be paid by virtue of section 2 above the same increase as if it became payable on that date.”
- (3) After subsection (4) of the said section 9 there shall be inserted the following subsection:—
- “(4A) Subsection (4) above shall have effect in relation to the first review period as if the period of three months ending with 1st July 1972 were a half year ending with that date.”

26 Financial provisions

- (1) There shall be paid out of moneys provided by Parliament—
- (a) any expenses incurred by a Minister of the Crown in the payment in accordance with schemes made under section 1 of this Act or regulations made under section 9, 10 or 24 thereof of pensions, allowances, gratuities or other sums;
 - (b) expenses incurred by a Secretary of State in making any such payments as are referred to in section 9(4) of this Act;
 - (c) any administrative expenses incurred by a government department in consequence of this Act; and
 - (d) any increase attributable to the provisions of this Act in the sums payable under any other enactment out of moneys so provided.
- (2) Subject to any scheme made under section 1 of this Act or to regulations made under section 9 or 10 of this Act, there shall be paid into the Consolidated Fund all sums received by a Minister of the Crown by virtue of this Act.

27 Dissolution of Civil Service Committee for Northern Ireland

- (1) The Civil Service Committee for Northern Ireland shall cease to exist and, accordingly, section 56 of the Government of Ireland Act 1920 (establishment of Committee) and paragraph 7(1) of Schedule 1 to the Irish Free State (Consequential Provisions Act) 1922 (Session 2) (amendment of constitution of Committee) shall cease to have effect.
- (2) In the proviso to section 8(1) of the Northern Ireland Act 1947, and in the proviso to section 9(1) of that Act (determination by the said Committee of certain questions relating to the position of officers who became officers of the Government of Northern Ireland by virtue of the said section 8(1) or 9(1)), for the words "the Civil Service Committee for Northern Ireland " there shall be substituted the words " a referee appointed by the Lord Chief Justice of Northern Ireland ".

28 Certain enactments relating to superannuation of Forestry Commissioners and to declarations required from recipients of certain pensions to cease to have effect

- (1) Paragraph 11 of Schedule 1 to the Forestry Act 1967 (which authorises the grant in certain circumstances of superannuation benefits to a person who retires from the office of Forestry Commissioner while under the age of 60 without renewal of public employment and who is not entitled to a pension by virtue of other provisions of that Schedule) shall cease to have effect.
- (2) Section 6 of the Appropriation Act 1957 (which prohibits the receipt of any payment out of moneys provided by Parliament for half-pay or navy, army, air-force or civil non-effective services unless the prescribed declaration has been made by the recipient) shall cease to have effect.

29 Amendments, savings, transitional provisions and repeals

- (1) The enactments mentioned in Schedule 6 to this Act shall have effect subject to the minor and consequential amendments specified therein.
- (2) The savings and transitional provisions contained in Schedule 7 to this Act shall have effect.
- (3) The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).
- (4) Subject to section 23 of this Act, and Schedule 7 thereto, the enactments mentioned in Schedule 8 to this Act (which include certain enactments already spent or otherwise unnecessary) are hereby repealed to the extent specified in column 3 of that Schedule.

30 Short title, construction of references, commencement and extent

- (1) This Act may be cited as the Superannuation Act 1972.
- (2) References in this Act to an enactment include an enactment in a local Act and a provisional order confirmed by Parliament, and any reference in this Act to any enactment or instrument shall be construed as a reference to that enactment or instrument as amended, and includes a reference thereto as extended or applied, by or under any other enactment or instrument, including any enactment contained in this Act.

Status: This is the original version (as it was originally enacted).

- (3) Section 21 of this Act and paragraphs 68 and 96 of Schedule 6 thereto shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (4) The other provisions of this Act shall come into force on such day as the Minister may by order made by statutory instrument appoint, and references in this Act to the commencement thereof shall be construed as references to the day appointed by an order under this subsection.
- (5) This section, and the following provisions only of this Act, extend to Northern Ireland, that is to say,—
 - (a) sections 1 to 6 and Schedules 1 and 2;
 - (b) sections 13 and 17 ;
 - (c) section 21;
 - (d) section 22(1) and (2) and Schedule 4 so far as they relate to any body exercising functions in relation to Northern Ireland;
 - (e) section 23 and paragraph 2 of Schedule 5 ;
 - (f) section 26, so far as applicable, and sections 27 and 28(2);
 - (g) section 29 and Schedules 6 and 8, so far as they relate to any enactment which extends to Northern Ireland and paragraphs 1 to 3, 10, 11 and 13 to 15 of Schedule 7.

SCHEDULES

SCHEDULE 1

Section 1.

KINDS OF EMPLOYMENT, ETC., REFERRED TO IN SECTION 1

Museums and Galleries

British Museum.
British Museum (Natural History).
Imperial War Museum.
London Museum.
National Gallery.
National Maritime Museum.
National Portrait Gallery.
Tate Gallery.
Wallace Collection.
National Galleries of Scotland.
National Museum of Antiquities of Scotland.

Royal Commissions and other Commissions

Royal Fine Art Commission.
Royal Fine Art Commission for Scotland.
Historical Manuscripts Commission.
Commission on Industrial Relations.
Monopolies Commission.
Standing Commission on Museums and Galleries.
Royal Commission on Historical Monuments (England).
Royal Commission on Ancient and Historical Monuments (Wales and Monmouthshire).
Royal Commission on Ancient and Historical Monuments of Scotland.

Other Bodies

Gaming Board for Great Britain.
National Economic Development Council.
National Library of Scotland.
Public Works Loan Board.
Race Relations Board.
Scottish Land Court.

Offices

Receiver for the Metropolitan Police District.
Falkland Macer.

SCHEDULE 2

Section 2.

THE EXISTING CIVIL SERVICE SUPERANNUATION PROVISIONS

PART I

Enactments

The Pensions Commutation Acts 1871 to 1882, in so far as they apply to persons to whom section 1 of this Act applies.

Section 281 of the Government of India Act 1935.

Section 26 of the Agriculture Act 1937.

Section 18 of the Old Age and Widows' Pensions Act 1940.

Part II of the Schedule to the Agriculture (Miscellaneous Provisions) Act 1944.

Section 6 of the Food and Drugs (Milk and Dairies) Act 1944.

Section 6(2)(d)(i), (ii) and (iii) of the Commonwealth Telegraphs Act 1949.

Section 53 of the Superannuation Act 1949.

So much of section 2(7) of the Supreme Court Officers (Pensions) Act 1954 as provides for such employments of such persons as are referred to therein to be treated as having been employment in the civil service of the State.

The Superannuation Act 1965, except sections 38, 39, 39A, 42(1), 93, 95, 96, 97, 102, 104(2) and 106, Schedule 9, paragraphs 10 and 11 of Schedule 10 and Schedule 11.

Section 1 of the Superannuation (Miscellaneous Provisions) Act 1967.

Section 45 of the Post Office Act 1969.

PART II

Instruments

The following, in so far as they are in force immediately before the commencement of this Act:

Any rules, regulations, orders, schemes or warrants made, or having effect as if made, under an enactment listed in Part I above, except any regulations made under section 6(2) of the Commonwealth Telegraphs Act 1949 in so far as they apply to persons who have ceased to be employed in the civil service of the State.

Article 6 of the Government of Ireland (Miscellaneous Adaptations) (Northern Ireland) Order 1923.

The National Insurance (Modification of the Superannuation Acts) Regulations 1948.

The National Insurance (Modification of the Superannuation Acts) (Amendment) Regulations 1949.

The National Insurance (Modification of the Superannuation Acts) Regulations 1960.

The National Insurance (Modification of the Superannuation Acts) Regulations 1961.

The Widows', Children's and Dependants' Pensions (India and Pakistan) Rules 1965, in so far as they apply to persons who at the commencement of this Act are serving in employment in the civil service of the State.

The National Insurance (Modification of the Superannuation Acts) (Amendment) Regulations 1965.

The National Insurance (Modification of the Superannuation Acts) (Amendment) Regulations 1971.

SCHEDULE 3

Sections 7, 9, 10, 24.

PROVISIONS WHICH MAY BE INCLUDED IN CERTAIN REGULATIONS

- 1 Provision as to the means by which the cost of providing the benefits for which the regulations provide is to be defrayed, including provision for the making of contributions or other payments by persons entitled to participate in such benefits and by the employers of those persons or such other persons as may be prescribed by the regulations.
- 2 Provision for the establishment and administration of superannuation funds, the management and application of the assets of such funds, the amalgamation of all or any of such funds, and the winding up of, or other dealing with, any such fund.
- 3 Provision for the payment and receipt of transfer values or in lieu thereof for the transfer or receipt of any fund or part of a fund or policy of insurance.
- 4 Provision for reckoning in respect of a person to whom the regulations apply any service in employment or as the holder of an office (other than service in respect of which benefits are payable under the regulations) as service in respect of which such benefits are payable, either unconditionally or subject to such conditions as may be prescribed by the regulations and either as respects the whole of the service or as respects such fraction thereof as may be so prescribed. In this paragraph "employment" includes engagement in any service.
- 5 Provision for the making by such persons as may be prescribed by the regulations of payments towards the provision (otherwise than under the regulations) of pensions, allowances or gratuities in such cases as may be determined in accordance with the regulations.
- 6 Provision as to the circumstances in which contributions paid by any person in accordance with the regulations, or any part thereof, may be repaid with or without interest.
- 7 Provision for securing that where—
 - (a) the regulations provide for the payment to or in respect of a person of a pension in consequence of his having become incapacitated, or having died, as a result of an injury sustained, or disease contracted, in circumstances prescribed by the regulations ; and
 - (b) any damages in respect of the injury, disease or death in consequence of which the pension is paid are recovered by or on behalf of the person to whom the pension is paid,the amount of any payments made to that person in respect of the pension before the right to or amount of such damages is finally determined, or such part of those payments as may be determined in accordance with the regulations, may be recovered from that person in such circumstances and subject to such conditions as the regulations may provide.

In this paragraph " pension " includes allowance and gratuity.

Status: This is the original version (as it was originally enacted).

- 8

Provision authorising the payment, without probate or other proof of tide, of any sum due under the regulations in respect of a person who has died to his personal representatives or such other persons as may be prescribed by the regulations.
- 9

Provision rendering void any assignment of or charge on, or any agreement to assign or charge, any benefit under the regulations, and provision that on the bankruptcy of a person entitled to such a benefit no part thereof shall pass to any trustee or other person acting on behalf of the creditors except in accordance with an order made by a court in pursuance of any enactment specified in the regulations.

In the application of this paragraph to Scotland for the references to assignment and to the bankruptcy of a person there shall be substituted respectively references to assignation and to the sequestration of the estate of a person.
- 10

Provision for the determination of all questions arising under the regulations and for any decision which falls to be taken by a Minister of the Crown in accordance with the regulations to be final.
- 11

Provision for conferring on such persons as may be prescribed by the regulations such functions as the Secretary of State considers necessary or expedient for purposes of the regulations.
- 12

Provision repealing or amending any provision in any Act of Parliament, whether public general, local or private, including an Act confirming a provisional order, or in any order or other instrument made under any such Act, where it appears to the Secretary of State that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, the regulations.
- 13

Such incidental, supplementary, consequential and transitional provisions as appear to the Secretary of State to be necessary or expedient

SCHEDULE 4

Section 22.

BODIES TO WHOM SECTION 22 RELATES

<i>Body</i>	<i>Enactment under which determination made</i>
British Airports Authority	Airports Authority Act 1965, Schedule 1, paragraph 9(1).
British Film Fund Agency	Cinematograph Films Act 1957, Schedule, paragraph 5(1)(b).
Channel Tunnel Planning Council	Transport Act 1968, Schedule 15, paragraph 8(2)(b).
Commonwealth Development Corporation	Overseas Resources Development Act 1959, Schedule 1, paragraph 6(b).
Council for Professions Supplementary to Medicine	Professions Supplementary to Medicine Act 1960, Schedule 1, paragraph 20(1).
Covent Garden Market Authority	Covent Garden Market Act 1961, Schedule 1, paragraph 8(2)(b).
Independent Television Authority	Television Act 1964, Schedule 1, paragraph 7(2).

Status: This is the original version (as it was originally enacted).

<i>Body</i>	<i>Enactment under which determination made</i>
Industrial Training Board	Industrial Training Act 1964, Schedule, paragraph 10.
Meat and Livestock Commission	Agriculture Act 1967, Schedule 1, Part II, paragraph 8(2)(b).
National Film Finance Corporation	Cinematograph Film Production (Special Loans) Act 1949, Schedule, paragraph 6(b).
National Ports Council	Harbours Act 1964, Schedule 1, paragraph 8(2)(b).
National Research Development Corporation	Development of Inventions Act 1967, Schedule, paragraph 6.
Post Office	Post Office Act 1969, section 43(1).
Sugar Board	Sugar Act 1956, Schedule 2, paragraph 7(2)(b).
White Fish Authority	Sea Fish Industry Act 1970, Schedule 1, paragraph 15.

SCHEDULE 5

Section 23.

PERSONS REFERRED TO IN SECTION 23

- 1 The President of the Transport Tribunal.
- 2 A person holding the office of Judge Advocate General who duly elects, or has duly elected, that section 34(1) of the Courts-Martial (Appeals) Act 1951 shall apply to him.
- 3 A registrar to whom section 4 of the County Courts Act 1924 applies.
- 4 A person to whom the provisions of section 128(1) of the Supreme Court of Judicature (Consolidation) Act 1925, other than the proviso to that subsection, apply.
- 5 Any such registrar as is referred to in section 21 of the County Courts Act 1934, or in relation to whom that section applies by virtue of section 25(2) of the Administration of Justice Act 1956, other than a registrar who for the purposes of superannuation is deemed by virtue of the said section 21 or the said section 25(2), as the case may be, to be employed in the civil service of the State.
- 6 Any person in relation to whom, by virtue of rules made under section 39A of the Superannuation Act 1965, that Act applies with or without modification.

Status: This is the original version (as it was originally enacted).

SCHEDULE 6

Section 29.

CONSEQUENTIAL AND MINOR AMENDMENTS

Supreme Court of Judicature Act (Ireland) 1877

- 1 In section 76 of the Supreme Court of Judicature Act (Ireland) 1877 for the words from " and whose " to the end substitute " shall for the purposes of superannuation be deemed to be employed in the civil service of the State. "

Judicial Factors (Scotland) Act 1889

- 2 In section 1 of the Judicial Factors (Scotland) Act 1889 for the words from " No " to the end substitute " The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall apply in relation to the accountant and the said clerks as it applies in relation to persons to whom section 1 of that Act applies ".

Clerks of Session (Scotland) Regulation Act 1889

- 3 For section 8 of the Clerks of Session (Scotland) Regulation Act 1889 substitute—
- “8 The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall apply in relation to persons appointed to offices in the Court of Session as it applies in relation to persons to whom section 1 of that Act applies.”

Development and Road Improvement Funds Act 1910

- 4 For section 2(2) of the Development and Road Improvement Funds Act 1910 substitute—
- “(2) The Development Commissioners may, with the approval of the Minister for the Civil Service, make schemes providing for the payment out of the Development Fund of pensions, allowances or gratuities to or in respect of the persons employed by them, and schemes made under this section shall be so framed as to correspond, so far as is appropriate, with the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force.
- (3) Section 210 of the Income and Corporation Taxes Act 1970 (contributions for widows' and certain other pensions not to qualify for tax relief), as amended by the said Act of 1972, shall apply in relation to contributions made in accordance with schemes made under subsection (2) above as it applies in relation to contributions made in accordance with schemes made under section 1 of the said Act of 1972.”

Constabulary (Ireland) Act 1922

- 5 In section 1(5) of the Constabulary (Ireland) Act 1922 for " the permanent civil service of the Crown on " substitute " a public civil office in consequence of ".

Status: This is the original version (as it was originally enacted).

Supreme Court of Judicature (Consolidation) Act 1925

- 6 In section 118(1) of the Supreme Court of Judicature (Consolidation) Act 1925 for " a permanent civil servant" substitute " employed in the civil service ".
- 7 In proviso (i) to section 128(1) of the said Act of 1925 for the words from " a civil " to " 1887 " substitute " employed in the civil service of the State " and for the words from " general" to the end substitute " provisions of the principal civil service pension scheme for the time being in force ".
- 8 In section 128A(1) of the said Act of 1925 omit " part-time or " and for " a permanent civil servant" substitute " employed in the civil service ".

Sheriff Courts and Legal Officers (Scotland) Act 1927

- 9 In section 1(3) of the Sheriff Courts and Legal Officers (Scotland) Act 1927 for " the Superannuation Acts 1834 to 1919 " substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force ".
- 10 In section 6 of the said Act of 1927 for the words from " to be " to the end substitute " for all purposes to be employed in the civil service of the State ".
- 11 In section 7(2) of the said Act of 1927 for " the Superannuation Acts 1834 to 1919 " substitute " superannuation ".

Administration of Justice (Scotland) Act 1933

- 12 In section 28 of the Administration of Justice (Scotland) Act 1933 for the words from " the conditions " to the end substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall apply in relation to persons appointed to any such office as it applies in relation to persons to whom section 1 of that Act applies ".

Assessor of Public Undertakings (Scotland) Act 1934

- 13 For section 2 of the Assessor of Public Undertakings (Scotland) Act 1934 substitute:
—
- “2 (1) There may be granted to or in respect of the Assessor of Public Undertakings (Scotland) (hereinafter referred to as the assessor) and to or in respect of the clerks or other officers whom he may be allowed to employ such pensions, allowances or gratuities as the Secretary of State may determine.
- (2) The Secretary of State shall so far as may be exercise his powers under this section as if the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force applied to the assessor and the clerks and other officers aforesaid, and the relevant provisions of that scheme and also section 210 of the Income and Corporation Taxes Act 1970 (contributions for widows' and certain other pensions not to qualify for tax relief), as amended by the said Act of 1972, shall with any necessary adaptations apply accordingly.”
- 14 In section 3 of the said Act of 1934 for " superannuation" (where first occurring) substitute " pensions ".

Status: This is the original version (as it was originally enacted).

County Courts Act 1934

- 15 In section 21(1) of the County Courts Act 1934 for the words from " (b)" to the end substitute " of his desire to continue subject to the provisions of the principal civil service pension scheme for the time being in force he shall, for the purposes of superannuation, be deemed not to be a whole-time registrar but to be employed in the civil service of the State ".

Land Registration Act 1936

- 16 In section 7(a) of the Land Registration Act 1936 for the words from " under " to the end substitute " payable by virtue of schemes made under section 1 of the Superannuation Act 1972 ".

Superannuation (Various Services) Act 1938

- 17 In the Schedule to the Superannuation (Various Services) Act 1938, in Part I, for the words from " The Merchant Shipping Act" to " 1898 " substitute " The Merchant Shipping (Mercantile Marine Fund) Act 1898, section 1A, as inserted by section 17 of the Superannuation Act 1972 ".

Scottish Land Court Act 1938

- 18 In section 1(2) of the Scottish Land Court Act 1938 for " The Superannuation Acts 1834 to 1935 " substitute " The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force " and for " those Acts apply to persons in the permanent" substitute " that scheme applies to persons employed in the ".

Local Government (Scotland) Act 1947

- 19 In section 96 of the Local Government (Scotland) Act 1947 for " the Local Government Superannuation (Scotland) Act, 1937 or any other " substitute " any regulations made under section 7 of the Superannuation Act 1972 or any " and for "Act of 1937 or such other " substitute " regulations, ".
- 20 In section 260(2) of the said Act of 1947 for "the Local Government Superannuation (Scotland) Act 1937 " substitute " any regulations made under section 7 of the Superannuation Act 1972 " and for " that Act " substitute " those regulations ".

Church Commissioners Measure 1947

- 21 For paragraph (b) of the proviso to section 17(1) of the Church Commissioners Measure 1947 substitute:—
- “(b) the superannuation benefits to be granted to or in respect of him on his retirement or death shall not be less than those which might have been awarded had the provisions of the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and then in force applied to him, and the Commissioners shall have the like power to permit the allocation of such benefits to the spouse or dependants of such an officer as they would have had by virtue of section 1 of the Superannuation (Various Services) Act 1938 had that section not been repealed.”

22 At the end of the said section 17 insert—

“(3) Section 210 of the Income and Corporation Taxes Act 1970 (contributions for widows' and certain other pensions not to qualify for tax relief), as amended by the Superannuation Act 1972, shall, with the necessary adaptations, apply in relation to contributions towards the cost of a pension payable by virtue of subsection (1) of this section to the widow (or, as the case may be, widower), children or dependants of a transferred officer, being an officer in relation to whom the scheme referred to in that subsection is applied, made by that officer to the Church Commissioners.”

Police Pensions Act 1948

23 In section 3(1) of the Police Pensions Act 1948 for the words from the beginning to the end of paragraph (a) of the proviso, substitute " Nothing in regulations made under section 1 of this Act shall ".

Local Government Act 1948

24 In section 108 of the Local Government Act 1948—

- (a) in subsection (2)(b)(i) for the words from " the Superannuation " to " Act, 1937 " substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 or of regulations made under section 7 of that Act in its application to Scotland ";
- (b) in subsection (2)(b)(ii) after " enactment " insert " or scheme " and for " Act of 1937 " substitute " regulations ";
- (c) in subsection (3) for the words from " the Local Government Superannuation (Scotland) " to the end substitute " regulations made under section 7 of the Superannuation Act 1972 in its application to Scotland there were substituted a reference to regulations made under that section in its application to England and Wales ".

Superannuation (Miscellaneous Provisions) Act 1948

25 In section 2 of the Superannuation (Miscellaneous Provisions) Act 1948—

- (a) in subsection (1), proviso (ii) after " (c) " insert " (cc) ";
- (b) for subsection (2)(a) substitute—
 - “(a) employment by virtue of which the person employed is a person to whom section 1 of the Superannuation Act 1972 applies”;
- (c) for subsection (2)(c) substitute—
 - “(c) employment by virtue of which the person employed is or is deemed to be, or, but for any rules made under this section, would be or be deemed to be, a contributory employee or local Act contributor within the meaning of regulations made under section 7 of the said Act of 1972 in its application to England and Wales ;
 - (cc) employment by virtue of which the person employed is, or is deemed to be, or, but for any rules made under this section, would be or be deemed to be a contributory employee or local Act contributor within the meaning of

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regulations made under the said section 7 in its application to Scotland”;

(d) for subsection (2)(e) substitute—

“(e) employment by virtue of which the person employed is entitled to participate in superannuation benefits provided under regulations made under section 9 of the said Act of 1972 in its application to England and Wales ;”

(e) for subsection (2)(ee) substitute—

“(ee) employment by virtue of which the person employed is entitled to participate in superannuation benefits provided under regulations made under the said section 9 in its application to Scotland;”

(f) in subsection (3)(iii) for " or" substitute " and in relation to the class specified in paragraph (cc) thereof ”;

(g) in subsection (4)(e) after " (c)" insert " paragraph (cc) ”.

26 In section 17(1) of the said Act of 1948—

(a) immediately before the definition of " pension" insert

“ local Act scheme ' has the same meaning as in section 8 of the Superannuation Act 1972”; and

(b) in the definition of " pension fund ", for the words from " the Metropolitan" onwards substitute " in relation to schemes made under section 1 of the Superannuation Act 1972 and regulations made under section 9 thereof, the Consolidated Fund ”.

National Health Service (Amendment) Act 1949

27 In section 18 of the National Health Service (Amendment) Act 1949, in subsection (1), for " subsection (1) of section sixty-seven of the Act of 1946 " substitute " section 10 of the Superannuation Act 1972 " and in subsection (5) omit the words from " and for " to the end.

Courts-Martial (Appeals) Act 1951

28 In section 34(4) of the Courts-Martial (Appeals) Act 1951, for the words from " the Superannuation", where first occurring, to " Crown" substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall have effect in his case as if service in that office were service in employment in the civil service of the State. "

29 For section 35 of the said Act of 1951 substitute—

“35 The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall have effect as if employment as such an officer as is mentioned in section 30(1) of this Act were employment in the civil service of the State.”

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

30 In section 46(3) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 for paragraphs (i) and (ii) substitute—

“(i) regulations made under section 7 or 10 of the Superannuation Act 1972; or

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(ii) any local Act scheme ; or”.

- 31 In section 61(1) of the said Act of 1951 for paragraphs (b) and (c) substitute—
“ (b) any regulations made under section 7 or 10 of the Superannuation Act 1972 (which relate respectively to the superannuation of local government officers etc. and national health service officers) ;
(c) any local Act scheme ;”.

- 32 In section 64 of the said Act of 1951 for the definitions of " local authority " and " local Act scheme " substitute—
“ local authority ' has the same meaning as in paragraph 6(1) of Schedule 3 to the Pensions (Increase) Act 1971 and any reference in this Act to a local authority shall apply also to the bodies mentioned in paragraph 6(2) of that Schedule ;
' local Act scheme ' means the superannuation scheme administered by a local authority maintaining a superannuation fund under a local Act;”.

- 33 In Schedule 2 to the said Act of 1951, in Part I, for paragraph 8 substitute—

“8. Registration officer within the meaning of regulations made under section 7 of the Superannuation Act 1972.

The local authority in whose employment he is or is deemed for the purposes of those regulations to be.”

Supreme Court Officers (Pensions) Act 1954

- 34 In section 4(1)(b) of the Supreme Court Officers (Pensions) Act 1954—
(a) for " the Superannuation Acts 1834 to 1950 " substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force "; and
(b) omit the words from " and shall " to the end.

Restrictive Trade Practices Act 1956

- 35 In section 2(5) of the Restrictive Trade Practices Act 1956 for the words from " the Superannuation " to the end substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall, with the necessary adaptations, apply to officers and servants of the Court as it applies to other persons employed in the civil service of the State ".

Governors' Pensions Act 1957

- 36 In section 11 of the Governors' Pensions Act 1957 omit " in an established capacity " and for " the Superannuation Acts " substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force ".

Overseas Service Act 1958

- 37 For section 3(1) of the Overseas Service Act 1958 substitute—

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“(1) Service as an officer to whom this Act applies shall not be taken to be service in employment in the civil service of the State for the purposes of section 1 of the Superannuation Act 1972 (superannuation of civil servants, etc.).”

Road Traffic Act 1960

- 38 In section 126 of the Road Traffic Act 1960 for " The Superannuation Acts 1834 to 1950" substitute " The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force ".

Covent Garden Market Act 1961

- 39 In Schedule 1 to the Covent Garden Market Act 1961, in paragraph 8(2)(b), for " pensions " substitute " pensions, allowances or gratuities ".

Trustee Investments Act 1961

- 40 In section 11(4)(c) of the Trustee Investments Act 1961 for the words from " a combination scheme " to the end substitute " those authorities acting in combination in accordance with regulations made under section 7 of the Superannuation Act 1972 ".

Transport Act 1962

- 41 In Schedule 10 to the Transport Act 1962, in paragraph 8, omit the words in sub-paragraph (1) from " (including " to " retirement) " and after the said sub-paragraph (1) insert—

“(1A) There shall be paid to or in respect of the clerk, officers and servants of the tribunal such pensions, allowances or gratuities as the Secretary of State, with the approval of the Minister for the Civil Service, may determine, and those pensions, allowances or gratuities shall be the same as could be paid to or in respect of those persons if they were persons to whom section 1 of the Superannuation Act 1972 applies, and the principal civil service pension scheme within the meaning of section 2 of the said Act of 1972 and also section 210 of the Income and Corporation Taxes Act 1970 (contributions for widows' and certain other pensions not to qualify for tax relief), as amended by the said Act of 1972, shall apply accordingly with any necessary adaptations.”

Education (Scotland) Act 1962

- 42 In section 145 of the Education (Scotland) Act 1962, in paragraph (48) for " the Teachers Superannuation (Scotland) Act 1968 " substitute " section 9 of the Superannuation Act 1972 ".

Water Resources Act 1963

- 43 In section 97 of the Water Resources Act 1963—
 (a) in subsection (2), for the words from " and section 35 " to the end substitute " and any question as to the existence or extent of any such customary

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obligations shall be determined by the Secretary of State whose decision shall be final:

Provided that the Secretary of State may at any time before the question is determined, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the High Court any question of law arising in those proceedings " ;

- (b) in subsection (3), for the words from " and section 35 " to the end substitute " and any question arising under this subsection shall be determined as if it were such a question as is mentioned in subsection (2) of this section "; and
- (c) in subsection (8), for " (1) to (7) ", wherever occurring, substitute " (2) to (7) ".

Television Act 1964

- 44 In paragraph 7(2) of Schedule 1 to the Television Act 1964 for " pensions" substitute " pensions, allowances or gratuities ".

Harbours Act 1964

- 45 In section 2(4)(b) of the Harbours Act 1964 and in Schedule 1 to that Act, in paragraph 8(2)(b), for " pensions ", wherever occurring, substitute " pensions, allowances or gratuities ".

Police Act 1964

- 46 In Schedule 4 to the Police Act 1964, in paragraph 5(6), for the words from " and section 35 " to the end substitute " and any question arising under this sub-paragraph shall be determined by the Secretary of State whose decision shall be final:

Provided that the Secretary of State may at any time before the question is determined, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the High Court any question of law arising in those proceedings."

Housing Act 1964

- 47 In Schedule 1 to the Housing Act 1964, in paragraph 2(9), omit the words from the beginning to " Corporation ; but " and for " by virtue of this sub-paragraph " substitute " in accordance with regulations made under section 7 of the Superannuation Act 1972 ".

Public Libraries and Museums Act 1964

- 48 In Schedule 1 to the Public Libraries and Museums Act 1964, in paragraph 3, for the words from " and section 35 " to the end substitute " and any question arising under this paragraph shall be determined by the Secretary of State whose decision shall be final :

Provided that the Secretary of State may at any time before the question is determined, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the High Court any question of law arising in those proceedings ".

Status: This is the original version (as it was originally enacted).

Museum of London Act 1965

- 49 In subsection (1) of section 10 of the Museum of London Act 1965, for paragraph (a) (ii) substitute—
- “(ii) are serving in the employment of the Trustees of the London Museum on such terms as would render them eligible to participate in the benefits for which the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 provides ; and”.
- 50 For subsections (6) and (7) of the said section 10 substitute—
- “(6) A scheme under subsection (3) above shall be of no effect unless it has been approved by the Secretary of State, who may approve any such scheme either with or without modifications.
- Before approving any such scheme, the Secretary of State shall consult with such organisations as are in his opinion representative of the interests concerned.
- (7) A scheme under subsection (3) above approved by the Secretary of State in accordance with subsection (6) above—
- (a) shall be laid before Parliament and be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as if it were a statutory instrument; and
- (b) may be amended by a subsequent scheme.
- Any enactment affected by the scheme shall have effect subject to the provisions of the scheme”.

Registration of Births, Deaths and Marriages (Scotland) Act 1965

- 51 In section 7(7) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 for " section 7 of the Local Government Superannuation (Scotland) Act 1937 " substitute " regulations under section 7 of the Superannuation Act 1972 ".

National Insurance Act 1965

- 52 In Schedule 5 to the National Insurance Act 1965 for paragraphs 3 to 6 substitute—
- | | |
|---|---|
| “3. Section 7 of the Superannuation Act 1972. | The Secretary of State for the Environment or, in Scotland, the Secretary of State for Scotland. |
| 4. Section 10 of the Superannuation Act 1972. | The Secretary of State for Social Services or, in Scotland, the Secretary of State for Scotland.” |

New Towns Act 1965

- 53 In Schedule 9 to the New Towns Act 1965, in paragraph 2(4), omit the words from the beginning to " Commission ; but " and for " by virtue of this subparagraph " substitute " in accordance with regulations made under section 7 of the Superannuation Act 1972 ".

Status: This is the original version (as it was originally enacted).

Redundancy Payments Act 1965

54 In section 16(4)(a) of the Redundancy Payments Act 1965 for " section 7 of the Superannuation (Amendment) Act 1965 " substitute " section 38 of the Superannuation Act 1965 " .

55 In section 41 of the said Act of 1965—

- (a) in subsection (2) after paragraph (a) insert—
 - “(aa) in accordance with any provision of a scheme made under section 1 of the Superannuation Act 1972, or”;
- (b) in subsection (3)(b) after " with" insert " a scheme made under section 1 of the Superannuation Act 1972 or ";
- (c) in subsection (6)(a) for " section 7 of the Superannuation (Amendment) Act 1965" substitute " section 39 of the Superannuation Act 1965

Superannuation Act 1965

55 In section 38 of the Superannuation Act 1965—

- (a) in subsection (2)(a) for " this Act and any other " substitute " any " ;
- (b) in subsection (2)(b) for the words from " this Act" to " any other " substitute " the civil service scheme, with or without modifications, in substitution for any ", and for " this Act", where last occurring, substitute " that scheme ";
- (c) in subsection (3) for " this Act", wherever occurring, substitute " the civil service scheme " , and
- (d) after subsection (5) insert—

“(5A) References in this section to enactments shall be construed as including references to the civil service scheme, and in this section ' the civil service scheme' means the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force”.

57 In section 42(1) of the said Act of 1965 for " this Act specified in subsection (3) of this section" substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force ".

58 In section 95 of the said Act of 1965—

- (a) in subsection (1) for the words from " regulations" to " warrant" substitute " or orders ";
- (b) in subsection (2) for the words from " regulations or " to " said section 93 " substitute " an order made under this Act ".

National Health Service Act 1966

59 In section 9(4) of the National Health Service Act 1966, for the words " a direction under subsection (1) of this section applies)" substitute " regulations under section 10 of the Superannuation Act 1972 apply) ".

Forestry Act 1967

60 In Schedule 1 to the Forestry Act 1967, in paragraph 9—

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- (a) in sub-paragraph (1) for the words from "officers" to "to time " substitute " classes of officers employed by the Commissioners as may be ";
- (b) in sub-paragraph (2) for the words from " civil service superannuation " to " relief) " substitute " principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force, and the relevant provisions of that scheme and also section 210 of the Income and Corporation Taxes Act 1970 (contributions for widows' and certain other pensions not to qualify for tax relief), as amended by the said Act of 1972 "; and
- (c) in sub-paragraph (4) omit the words from " ' the civil " to " service ; and ".

61 In the said Schedule 1, for paragraph 10(3), substitute—

“(3) A scheme made under this paragraph may be made so as to take effect from such date, not being earlier than 14th July 1949, as may be specified in the scheme.”

62 In the said Schedule 1, at the end of paragraph 12 insert—

“This paragraph shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the Administration of Estates (Small Payments) Act 1965 substituting for references to £500 such higher amount as may be specified in the order.”

Parliamentary Commissioner Act 1967

63 In Schedule 1 to the Parliamentary Commissioner Act 1967, in paragraph 1, for the words from " schemes " to " State " substitute " scheme of pensions and other benefits applicable to the judicial offices listed in Schedule 1 to the Judicial Pensions Act 1959 and the scheme of pensions and other benefits applicable by virtue of section 1 of the Superannuation Act 1972 to the civil service of the State ".

64 In the said Schedule 1, in paragraph 3,—

- (a) for " the Superannuation Act 1965 " substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force "; and
- (b) for " an established capacity " substitute " employment ".

Superannuation (Miscellaneous Provisions) Act 1967

65 In section 4(6) of the Superannuation (Miscellaneous Provisions) Act 1967 omit " in an established capacity " and for " the Superannuation Act 1965 " substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force ".

66 In section 7 of the said Act of 1967—

- (a) in subsection (1), for " section 67(1) of the National Health Service Act 1946" substitute " section 10 of the Superannuation Act 1972 ", for " said Act of 1946 ", where first occurring, substitute " National Health Service Act 1946 " and for " the Superannuation Act 1965 " substitute " any scheme under section 1 of the said Act of 1972 "; and
- (b) in subsections (2) and (4), for "section 67(1)" substitute " section 10 ".

67 In section 18(4) of the said Act of 1967 for "Sections 6 to 8 " substitute " Section 7 " and for " so far as they apply", in both places, substitute " so far as it applies ".

Status: This is the original version (as it was originally enacted).

Air Corporations Act 1967

- 68 In Schedule 1 to the Air Corporations Act 1967, in paragraph 8(1), for " section 24(6) of this Act" substitute " section 56(6) of the Civil Aviation Act 1971 ".

Road Traffic Regulation Act 1967

- 69 For section 81(9) of the Road Traffic Regulation Act 1967 substitute—
- “(9) Neither regulations under section 7 of the Superannuation Act 1972 nor any local Act scheme within the meaning of section 8 of that Act shall apply to traffic wardens by virtue of the foregoing provisions of this section ; but in relation to such traffic wardens employed outside the metropolitan police district as the police authority may determine those regulations (or, if the expenses of the police authority are paid by a local Act authority, the local Act scheme) shall apply, subject to such adaptations, modifications and exceptions as the Secretary of State may by regulations prescribe.”

Courts-Martial (Appeals) Act 1968

- 70 In section 7(2) of the Courts-Martial (Appeals) Act 1968 for the words from " the Superannuation " to the end substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall, with the necessary adaptations, apply to officers and servants of the Court as it applies to other persons employed in the civil service of the State ".

Rent Act 1968

- 71 In section 40(3) of the Rent Act 1968 omit " the Local Government Superannuation Act 1937 and " and for "that Act" substitute " section 8 of the Superannuation Act 1972 ".

Vehicle and Driving Licences Act 1969

- 72 In section 2(4) of the Vehicle and Driving Licences Act 1969 for the words from " an employment " to " authority aforesaid" substitute " employment either with that authority or with another authority, that employment and his first mentioned employment ".

Post Office Act 1969

- 73 At the end of section 44 of the Post Office Act 1969 insert—
- “(3) References in this section to the Superannuation Act 1965 shall be construed as including references to the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force.”
- 74 At the end of section 46 of the said Act of 1969 insert—
- “References in this section to the Superannuation Act 1965 shall be construed as including references to the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force.”

Status: This is the original version (as it was originally enacted).

Trustee Savings Banks Act 1969

75 In section 76(1) of the Trustee Savings Banks Act 1969 for the words from " tables " to " benefits) " substitute " tables prepared from time to time by the Government Actuary ".

76 In section 82 of the said Act of 1969—

- (a) in subsection (2) for the words from " the Superannuation " to the end substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force ";
- (b) in subsection (3) omit the words from the beginning to " (2) above " and for the words from " corresponding", where secondly occurring, to "conferred)" substitute " for the payment of pensions to widows or widowers, children and dependants and for the payment of contributions towards defraying the cost of such pensions "; and
- (c) subsection (5) shall be omitted.

Taxes Management Act 1970

77 In section 3(3) of the Taxes Management Act 1970 after " pension ", in both places where it occurs, insert " allowance ".

Income and Corporation Taxes Act 1970

78 In section 210 of the Income and Corporation Taxes Act 1970 for paragraphs (a) and (b) substitute—

- “(a) any contributions made by him in accordance with a scheme under section 1 of the Superannuation Act 1972, being contributions towards defraying the cost of a pension payable under the scheme to that person's widow (or, as the case may be, widower) children or dependants, or
- (b) any contributions made by him under Part II or III of the Superannuation Act (Northern Ireland) 1967 or by virtue of any enactment of the Parliament of Northern Ireland corresponding to section 1 of the said Act of 1972, or”.

Sea Fish Industry Act 1970

79 In Schedule 1 to the Sea Fish Industry Act 1970, in paragraph 15, for " pensions " substitute " pensions, allowances or gratuities ".

Courts Act 1971

80 At the end of section 27 of the Courts Act 1971 insert—

“(2) The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall, with the necessary adaptations, apply to such officers and staff as it applies to other persons employed in the civil service of the State”.

81 In Schedule 10 to the said Act of 1971, in paragraph 16—

- (a) in sub-paragraph (1) omit the words from " and, if " to the end ; and

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- (b) in sub-paragraph (2) for "issue of the certificate" substitute " giving of the direction under sub-paragraph (1) above ".

Rent (Scotland) Act 1971

- 82 In section 37(4) of the Rent (Scotland) Act 1971 for "the Local Government Superannuation (Scotland) Act 1937" substitute " regulations under section 7 of the Superannuation Act 1972 " and for " that Act" substitute " section 8 of that Act. "

National Savings Bank Act 1971

- 83 In section 24(1)(a) of the National Savings Bank Act 1971 for " Superannuation Acts " substitute " principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force ".

Pensions (Increase) Act 1971

- 84 In section 4(4) of the Pensions (Increase) Act 1971 for " 21 " substitute " 20A " and for " and 23 " substitute " to 23A ".

- 85 In section 5(1) of the said Act of 1971 after "9(7)" insert " or 7(A) ".

- 86 In section 8(1) of the said Act of 1971 at the end insert "and
(c) without prejudice to the generality of paragraph (b) above, any compensation payable in pursuance of the provisions of a scheme under section 1 of the Superannuation Act 1972 made by virtue of section 2(2) of that Act or of regulations made under section 24 thereof".

- 87 In section 9 of the said Act of 1971 after subsection (7) insert—

“(7A) Section 5(1) above shall not require a local authority to increase any gratuity granted by way of periodical payments or by way of an annuity in accordance with regulations made under section 7 of the Superannuation Act 1972 ; and the provisions of this section relating to lump sums shall not apply to any such gratuity.”

- 88 In section 13 of the said Act of 1971 for the words "the Superannuation Act 1965 ", in both places where they occur, substitute " the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 ".

- 89 In Schedule 2 to the said Act of 1971—

- (a) in paragraph 4, at the end insert " or under a scheme made under section 1 of the Superannuation Act 1972, being the principal civil service pension scheme within the meaning of section 2 of that Act ";

- (b) after paragraph 15 insert—

“15A A pension payable by a Secretary of State under regulations made under section 24 of the Superannuation Act 1972 (compensation for loss of employment, etc.) to or in respect of such a person as is referred to in paragraph 15 above”;

- (c) after paragraph 16 insert—

“16A A pension payable by a Secretary of State to or in respect of a person in relation to whom a scheme may be made under

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- the said section 26, being a pension payable under regulations made under section 24 of the Superannuation Act 1972”;
- (d) in paragraph 20, for " section 1 or section 7 of the Teachers Superannuation Act 1967" substitute " section 9 of the Superannuation Act 1972 ";
 - (e) after paragraph 20 insert—

“20A A pension payable to or in respect of a teacher under regulations made under section 24 of the Superannuation Act 1972 (compensation for loss of employment, etc.)”;
 - (f) omit paragraph 21 ;
 - (g) in paragraph 22(b) omit " 67 or " and " 66 or " ;
 - (h) after sub-paragraph (b) of paragraph 22 insert—

“(c) regulations made under section 10 of the Superannuation Act 1972”;
 - (i) after paragraph 23 insert—

“23A A pension payable to or in respect of a person in relation to whom regulations may be made under the said section 10, being a pension payable under regulations made under section 24 of the said Act of 1972 (compensation for loss of employment, etc.)”;
 - (j) in paragraph 25 for " Superannuation Acts 1965 and 1967 " substitute " principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 ";
 - (k) in paragraph 52, at end insert—

“or under regulations made under section 24 of the Superannuation Act 1972 (further provisions requiring payment of compensation for loss of employment, etc.).

This paragraph does not apply to a pension payable as mentioned in paragraph 15A above”;
 - (l) in paragraph 53 after " Act 1953 " insert " or section 7 of the Superannuation Act 1972 ";
 - (m) in paragraph 55, at end insert—

“or under regulations made under section 24 of the Superannuation Act 1972 (further provisions requiring payment of compensation for loss of employment, etc.)”;
 - (n) in paragraph 60, for the words from " section 40 " to the end substitute " regulations made under section 7 of the Superannuation Act 1972. "
 - (o) in paragraph 64 after " 8(1)(b) " insert " or (c) ".

90

In Schedule 3 to the said Act of 1971—

- (a) in paragraph 3 for " Superannuation Acts 1965 and 1967 " substitute " principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 ";
- (b) in paragraph 6(2)(b) after " (Scotland) Act 1937 " insert " or in accordance with regulations made under section 7 of the Superannuation Act 1972 ";
- and
- (c) in paragraph 6(2)(c) after " (Scotland) Act 1937 " insert " or for the purposes of regulations made under section 7 of the Superannuation Act 1972 ".

Tribunals and Inquiries Act 1971

- 91 In Schedule 1 to the Tribunals and Inquiries Act 1971—
- (a) in paragraph 23(c) for the words from " appeals " onwards substitute " such appeals as by virtue of the regulations lie to tribunals so appointed "; and
 - (b) in paragraph 43, after sub-paragraph (b) insert—
 - “(c) Tribunals appointed under regulations under section 1 of the [Police Pensions Act 1948 \(c. 24\)](#) to hear appeals relating to constables of a police force within the meaning of the [Police \(Scotland\) Act 1967 \(c. 77\)](#) and to the categories of officer mentioned in regulation 74(10) of the Police Pensions Regulations 1971, or in the corresponding regulation of any regulations amending or having effect in place of those regulations.”

Industrial Relations Act 1971

- 92 In section 150(4) of the Industrial Relations Act 1971 for " the Superannuation Act 1965 " substitute " a scheme made under section 1 of the Superannuation Act 1972 ".
- 93 In Schedule 3 to the said Act of 1971, at the end of paragraph 30 insert—
- “The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall, with the necessary adaptations, apply to such officers and servants as it applies to other persons employed in the civil service of the State.”

Civil Aviation Act 1971

- 94 In paragraph 1 of Schedule 9 to the Civil Aviation Act 1971—
- (a) in sub-paragraph (2) after " that Act " insert " or in accordance with a scheme made under section 1 of the Superannuation Act 1972 "; and
 - (b) in sub-paragraph (5) omit the words from " in an established " to " 1965 ".
- 95 In paragraph 3 of the said Schedule 9—
- (a) in sub-paragraph (2) after " that Act " insert " or in accordance with a scheme made under section 1 of the Superannuation Act 1972 "; and
 - (b) in sub-paragraph (7) omit the words from " in an established " to " 1965 ".
- 96 In Schedule 10 to the said Act of 1971, in paragraph 24(2) for " section 24(6) of this Act " substitute " section 56(6) of the Civil Aviation Act 1971 ".

SCHEDULE 7

Section 29.

SAVINGS AND TRANSITIONAL PROVISIONS

Provisions relating to civil servants, etc.

- 1 (1) The repeal of any enactment by this Act shall not affect any pension, allowance or gratuity granted before the commencement of this Act under the Superannuation Acts 1965 and 1967 or any pension, allowance or gratuity deemed by paragraph 1 of Schedule 10 to the Superannuation Act 1965 to have been granted under that Act,

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and subject to sub-paragraph (2) below, the pension, allowance or gratuity shall be deemed to have been granted under the principal civil service pension scheme within the meaning of section 2 of this Act.

- (2) Without prejudice to section 23 of this Act, sub-paragraph (1) above shall not apply in relation to a pension, allowance or gratuity granted under the said Acts of 1965 and 1967—
 - (a) to a person who, immediately before the pension, allowance or gratuity was granted to him, was a person listed in Schedule 5 to this Act; or
 - (b) by virtue of any provision of the Governors' Pensions Act 1957, to a Governor within the meaning of that Act.
 - (3) Any person who before the commencement of this Act duly elected under section 4(6) of the Superannuation (Miscellaneous Provisions) Act 1967 that the said Act of 1965 should apply to him as if his service as a Governor had been passed in the home civil service shall be deemed to have elected that the principal civil service pension scheme within the meaning of section 2 of this Act and for the time being in force should so apply to him.
- 2 (1) Any determination, decision, surrender, election or nomination made, certificate, direction, notice or approval given, contribution paid or other thing done under any provision of the Superannuation Acts 1965 and 1967 which is repealed by this Act shall not be affected by the repeal but shall have effect as if made, given or done under the corresponding provision of the principal civil service pension scheme within the meaning of section 2 of this Act.
- (2) Section 3 of this Act shall apply in relation to payments made before the commencement of this Act in accordance with a warrant under section 18 of the Superannuation Act 1965 or a warrant issued by virtue of section 6 of the Ministerial Salaries Consolidation Act 1965 as it applies in relation to payments made in accordance with a scheme made under the said section 1.
- (3) Section 4(1) of this Act shall apply in relation to any person to whom a payment was made under section 93 of the Superannuation Act 1965 as it applies in relation to any person to whom a payment is made under the said section 4(1).
- 3 Any reference in any Act or document to the Superannuation Act 1965, to the Superannuation Acts 1965 and 1967 or to any provision of the said Act of 1965, shall, except in so far as the context otherwise requires, be construed as, or as including, a reference to the principal civil service pension scheme within the meaning of section 2 of this Act or to the corresponding provision of that scheme, as the case may be.

Provisions relating to persons employed in local government service, etc.

- 4 The repeal of any enactment by this Act shall not affect any superannuation benefit—
- (a) granted under or by virtue of the Local Government Superannuation Acts 1937 to 1953 before the coming into operation of section 7 of this Act in England and Wales ; or
 - (b) granted under or by virtue of the Local Government Superannuation (Scotland) Acts 1937 to 1953 before the coming into operation of the said section 7 in Scotland ; or

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- (c) granted under any provision of the Local Government Superannuation Act 1937, or of the Local Government Superannuation (Scotland) Act 1937, which was repealed by the Local Government Superannuation Act 1953.
- 5 (1) Notwithstanding any repeal made by this Act—
- (a) the provisions of the enactments listed in the Table below, as amended, extended or applied by or under any other enactment, and
- (b) the provisions of any instrument (including a scheme) made under an enactment so listed, being provisions in force immediately before the commencement of this Act,
- shall, as from the said commencement, have effect, with the necessary adaptations and modifications, as provisions of regulations under section 7 or, in so far as they apply in relation to local Act schemes, section 8(2) of this Act, and may be revoked or amended accordingly.
- (2) Any reference in any enactment or document to any such enactment or instrument as is referred to in sub-paragraph (1) above or any provision thereof (including such a reference in any such enactment or instrument) shall, except in so far as the context otherwise requires, be construed as a reference to so much of regulations made under the said section 7 or, as the case may be, section 8(2) as by virtue of sub-paragraph (1) above consists of that enactment, instrument or provision.

TABLE

ENACTMENTS APPLYING TO ENGLAND AND WALES

1. The Local Government Superannuation Act 1937, except sections 17(2), 26(4), 32 and 34, the proviso to section 35, sections 37, 39 and 41 and Part II of Schedule 1.
2. Sections 3 to 9 of the Local Government Staffs (War Service) Act 1939, except the proviso to section 6(2).
3. Sections 6 and 7 of the Superannuation (Miscellaneous Provisions) Act 1948 and the definitions in section 17(1) of that Act of "contributory employee", "local Act scheme", "local Act contributor" and "local authority".
4. Section 72 of the Representation of the People Act 1948.
5. Paragraph 8(6) of Schedule 2 to the Justices of the Peace Act 1949.
6. The Local Government Superannuation Act 1953, except sections 12, 17(4), 26(1) and (3) and 28.
7. Section 77(3) of the London Government Act 1963.
8. Section 97(1) of the Water Resources Act 1963.
9. Paragraph 5(5) of Schedule 4 to the Police Act 1964.
10. Paragraph 2 of Schedule 1 to the Public Libraries and Museums Act 1964.
11. Paragraphs 13 and 14 of Schedule 10 to the Courts Act 1971.

ENACTMENTS APPLYING TO SCOTLAND

1. The Local Government Superannuation (Scotland) Act 1937, except sections 22(3), 28, 29, the proviso to section 30, sections 32 and 33, and Part II of Schedule 1.

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2. Sections 3 to 9 of the Local Government Staffs (War Service) Act 1939, except the proviso to section 6(2).
 3. Section 3 of the Association of County Councils (Scotland) Act 1946.
 4. Sections 6 and 7 of the Superannuation (Miscellaneous Provisions) Act 1948 and the definitions in section 17(1) of that Act of " contributory employee ", " local Act scheme ", " local Act contributor " and " local authority ".
 5. Section 14(2) and (3) of the Rivers (Prevention of Pollution) (Scotland) Act 1951.
 6. The Local Government Superannuation Act 1953, except sections 12, 17(4), 26(1) and (3) and 28.
-

Provisions relating to teachers

- 6
 - (1) Regulations made under any provision of the Teachers Superannuation Act 1967 and in force immediately before the coming into operation of section 9 of this Act in England and Wales shall be deemed to be regulations made under the said section 9 in its application to England and Wales.
 - (2) Any contribution paid, direction given, or other thing done, under section 3, 4 or 5 of the said Act of 1967 or Schedule 1 thereto shall not be affected by the repeal of those enactments but shall have effect as if paid, given or done under the corresponding provision of regulations made under the said section 9 in its application to England and Wales.
 - (3) Nothing in any regulations made under the said section 9 in its application to England and Wales shall affect the operation of any enactment repealed by the said Act of 1967 in relation to—
 - (a) any annual allowance which began to accrue before 1st April 1967 under the Teachers (Superannuation) Acts 1918 to 1956;
 - (b) any additional allowance or gratuity which became payable under those Acts before that date ; or
 - (c) any liability to pay contributions in respect of the person to or in respect of whom any such allowance or gratuity was granted;
 and nothing in any such regulations shall affect the operation of section 2(2) of the Teachers Superannuation Act 1965 (which, in relation to certain allowances, etc. preserved the effect of certain enactments and other provisions amended, repealed or revoked by that Act).
- 7
 - (1) Regulations made under any provision of the Teachers Superannuation (Scotland) Act 1968 and in force immediately before the coming into operation of section 9 of this Act in Scotland shall be deemed to be regulations made under the said section 9 in its application to Scotland.
 - (2) Any pension, allowance, gratuity or contribution payable, direction given or other thing done in respect of employment as a teacher in Scotland before the coming into operation of the said section 9 in Scotland shall thereafter be deemed to be payable or to be given or done under regulations made under that section in its application to Scotland.

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Provisions relating to persons engaged in health services, etc.

- 8 (1) Regulations made under section 67 of the National Health Service Act 1946 and in force immediately before the coming into operation of section 10 of this Act in England and Wales shall be deemed to be regulations made under the said section 10 in its application to England and Wales; and any direction given under section 9(1) of the National Health Service Act 1966 shall continue to have effect in relation to those regulations, notwithstanding the repeal by this Act of the said section 9(1).
- (2) Sub-paragraph (1) above shall have effect in Scotland with the substitution for the reference to section 67 of the National Health Service Act 1946 of a reference to section 66 of the National Health Service (Scotland) Act 1947 and for the reference to England and Wales of a reference to Scotland.
- 9 Regulations made under section 35 of the Health Services and Public Health Act 1968 and in force immediately before the commencement of this Act shall be deemed to be regulations made under section 24 of this Act.

Provisions relating to other persons

- 10 (1) The repeal of sections 2 and 3 of the Exchequer and Audit Departments Act 1950 by this Act shall not affect any pension granted under the said section 2, or any pension, allowance or gratuity granted by virtue of the said section 3, before the commencement of this Act, and accordingly any such pension, allowance or gratuity shall continue to be charged on and issued out of the Consolidated Fund.
- (2) Any election duly made under the said section 2 shall be deemed to have been so made under section 13 of this Act.
- 11 The repeal by this Act of section 665 of the Merchant Shipping Act 1894 shall not affect any allowance or compensation granted under that section before the commencement of this Act, and any allowance or compensation so granted shall be deemed to have been granted in accordance with arrangements made under section 1A of the Merchant Shipping (Mercantile Marine Fund) Act 1898, as inserted by section 17 of this Act.
- 12 The repeal of any enactment by this Act shall not affect any pension, allowance or gratuity granted under section 79(8) of the Land Drainage Act 1930, section 80(7) thereof or section 53 of the Thames Conservancy Act 1950 before the commencement of this Act, and any such pension, allowance or gratuity shall continue to be paid as if this Act had not been passed.
- 13 Notwithstanding the repeal by this Act of sub-paragraphs (i), (ii) and (iii) of section 6(2)(d) of the Commonwealth Telegraphs Act 1949, regulations made by virtue of those sub-paragraphs shall continue to have effect in so far as immediately before the commencement of this Act they apply to any persons, other than persons employed in the civil service of the State, and may be varied or revoked as if the said sub-paragraphs had not been repealed.

Provisions relating to certain rules

- 14 Nothing in this Act shall affect the operation of any rules made under any of the following enactments, namely, section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 and sections 38, 39A and 42(1) of the Superannuation Act 1965, and any such rules in force at the commencement of this Act, shall, unless

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and until revoked, but subject to any amendments made therein in exercise of the power to vary them, continue to have effect as if this Act had not been passed.

- 15 Notwithstanding the repeal by this Act of section 1 of the Superannuation (Miscellaneous Provisions) Act 1948, rules made under that section in relation to such a person as is referred to in subsection (1)(b) of that section and in force immediately before the commencement of this Act shall continue in force subject to the like power of variation or revocation as if the said section 1 had not been repealed.

SCHEDULE 8

Section 29.

REPEALS

Chapter	Short Title	Extent of Repeal
34 & 35 Vict. c. 36.	The Pensions Commutation Act 1871.	The whole Act, in so far as it applies to persons to whom section 1 of this Act applies.
42 & 43 Vict. c. 44.	The Lord Clerk Register (Scotland) Act 1879.	Section 9.
57 & 58 Vict. c. 60.	The Merchant Shipping Act 1894.	Section 665.
10 & 11 Geo. 5. c. 67.	The Government of Ireland Act 1920.	Section 56.
13 Geo. 5. Sess. 2. c. 2.	The Irish Free State (Consequential Provisions) Act 1922 (Session 2).	In Schedule 1, paragraph 7(1).
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act 1925.	In section 128A(1), the words " part-time or ".
15 & 16 Geo. 5. c. 73.	The National Library of Scotland Act 1925.	Section 14.
17 & 18 Geo. 5. c. 35.	The Sheriff Courts and Legal Officers (Scotland) Act 1927.	Section 7(4).
20 & 21 Geo. 5. c. 44.	The Land Drainage Act 1930.	Section 79(8). Section 80(7).
23 & 24 Geo. 5. c. 41.	The Administration of Justice (Scotland) Act 1933.	Section 29.
25 & 26 Geo. 5. c. 21.	The Northern Ireland Land Purchase (Winding Up) Act 1935.	In section 6(3), the words " whose whole time is devoted to the duties of his office,".
25 & 26 Geo. 5. c. 42.	The Government of India Act 1935.	Sections 281 and 282.

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Chapter	Short Title	Extent of Repeal
25 Geo. 5. & 1 Edw. 8. c. lxxviii.	The Lee Conservancy Catchment Board Act 1936.	Sections 7 and 8.
1 Edw. 8. & 1 Geo. 6. c. 68.	The Local Government Superannuation Act 1937.	The whole Act, so far as unrepealed.
1 Edw. 8. & 1 Geo. 6. c. 69.	The Local Government Superannuation (Scotland) Act 1937.	The whole Act, so far as unrepealed.
1 Edw. 8. & 1 Geo. 6. c. 70.	The Agriculture Act 1937.	Section 26.
1 & 2 Geo. 6. c. 13.	The Superannuation (Various Services) Act 1938.	Section 1. In the Schedule. Part II.
2 & 3 Geo. 6. c. 18.	The Local Government Superannuation Act 1939.	The whole Act, except section 3.
2 & 3 Geo. 6. c. 94.	The Local Government Staffs (War Service) Act 1939.	Sections 3 to 9. In section 15, in subsection (4) the words "except in paragraph (c) of subsection (1) of section nine", subsections (6) and (7) and in subsection (10) the words from " Subsection (4) " to "Act, and ".
3 & 4 Geo. 6. c. 13.	The Old Age and Widows' Pensions Act 1940.	The whole Act, so far as unrepealed.
6 & 7 Geo. 6. c. 32.	The Hydro-Electric Development (Scotland) Act 1943.	In Schedule 1, paragraph 15.
7 & 8 Geo. 6. c. 28.	The Agriculture (Miscellaneous Provisions) Act 1944.	In section 1(4), the words from " and Part II" to the end. In the Schedule, Part II.
7 & 8 Geo. 6. c. 29.	The Food and Drugs (Milk and Dairies) Act 1944.	Section 6.
9 & 10 Geo. 6. c. 77.	The Association of County Councils (Scotland) Act 1946.	Section 3.
9 & 10 Geo. 6. c. 81.	The National Health Service Act 1946.	Section 67. In section 75(1) and (2), the words " section sixty-seven or".
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act 1947.	Section 66. In section 73(1)(a) and (2), the words " section sixty-six or".

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Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 41.	The Fire Services Act 1947.	Section 8(7) and (8). Section 26(3). Section 36(12).
11 & 12 Geo. 6. c. 24.	The Police Pensions Act 1948.	In section 4(1), the words " granted under regulations made under this Act is granted, and every pension ".
11 & 12 Geo. 6. c. 33.	The Superannuation (Miscellaneous Provisions) Act 1948.	Section 1, except so much of subsection (5) as provides for the amendment of the Education (Scotland) (War Service Superannuation) Act 1939. Sections 6 and 7. In section 17(1), the words from " ' civil servant ' " to " police magistrates " and the definition of " War Agricultural Executive Committee ".
11 & 12 Geo. 6. c. 65.	The Representation of the People Act 1948.	In the Schedule, Part I. Section 72.
12 & 13 Geo. 6. c. 20.	The Cinematograph Film Production (Special Loans) Act 1949.	In the Schedule, in paragraph 6, the words " with the approval of the Board of Trade ".
12 & 13 Geo. 6. c. 39.	The Commonwealth Telegraphs Act 1949.	In section 6(2)(d), sub-paragraphs (i), (ii) and (iii).
12 & 13 Geo. 6. c.44.	The Superannuation Act 1949.	The whole Act, so far as unrepealed.
12 & 13 Geo. 6. c. 68.	The Representation of the People Act 1949.	In Schedule 8, so much of the Table in paragraph 5(1) as relates to section 72 of the Representation of the People Act 1948.
12, 13 & 14 Geo. 6.c. 93.	The National Health Service (Amendment) Act 1949.	In section 18(5), the words, from " and for" to the end.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	In Schedule 2, paragraph 8(5) and (6).
14 Geo. 6. c. 34.	The Housing (Scotland) Act 1950.	Section 179.

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Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 3.	The Exchequer and Audit Departments Act 1950.	Sections 2 to 4.
14 & 15 Geo. 6. c. 11.	The Administration of Justice (Pensions) Act 1950.	Section 23.
14 Geo. 6. c. xlix.	The Lee Conservancy Catchment Board Act 1950.	Section 19.
14 Geo. 6. c.1.	The Thames Conservancy Act 1950.	Section 53.
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	Section 41. In section 44, in subsection (1) the words from the beginning to " this Act ", where first occurring, and subsection (2).
14 & 15 Geo. 6. c. 66.	The Rivers (Prevention of Pollution) (Scotland) Act 1951.	Section 14.
1 & 2 Eliz. 2. c. 25.	The Local Government Superannuation Act 1953.	The whole Act, except section 25.
2 & 3 Eliz. 2. c. 38.	The Supreme Court Officers (Pensions) Act 1954.	In section 2, in subsection (7), the words from " and for " to the end and subsection (8). In section 4, in subsection (1) (b), the words from " and shall " to " such employment " and subsections (3) and (4). In section 5, in subsection (1), the words "the Superannuation Acts 1834 to 1950 or" and subsection (2).
3 & 4 Eliz. 2. c. 22.	The Pensions (India, Pakistan and Burma) Act 1955.	In Schedule 2, in Part III, paragraphs 3 and 4.
4 & 5 Eliz. 2. c. 11.	The Sudan (Special Payments) Act 1955.	The whole Act, so far as unrepealed.
4 & 5 Eliz. 2. c. 48.	The Sugar Act 1956.	In Schedule 2, in paragraph 7(2)(b), the words "with the approval of the Minister ".
4 & 5 Eliz. 2. c. 68.	The Restrictive Trade Practices Act 1956.	Section 35(1)(d).
5 & 6 Eliz. 2. c. 21.	The Cinematograph Films Act 1957.	In the Schedule, in paragraph 5(1)(b), the words " with

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Chapter	Short Title	Extent of Repeal
		the approval of the Board of Trade ".
5 & 6 Eliz. 2. c. 63.	The Appropriation Act 1957.	Sections 6 and 7.
6 & 7 Eliz. 2. c. 14.	The Overseas Service Act 1958.	In section 3(7), the words from " and so " onwards.
7 & 8 Eliz. 2. c. 23.	The Overseas Resources Development Act 1959.	In Schedule 1, in paragraph 6(b), the words " with the approval of the Secretary of State ".
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In Schedule 7, in Part I, the entry relating to the Local Government Superannuation Act 1953.
7 & 8 Eliz. 2. c. xxvi.	The Thames Conservancy Act 1959.	Section 33.
8 & 9 Eliz. 2. c. 58.	The Charities Act 1960.	In section 44(1)(a), the words from " and any" to " 1950 ".
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act 1960.	In Schedule 4, the entry relating to the Local Government Superannuation Act 1953.
8 & 9 Eliz. 2. c. 66.	The Professions Supplementary to Medicine Act 1960.	In Schedule 1, paragraph 20(3).
9 & 10 Eliz. 2. c. 49.	The Covent Garden Market Act 1961.	In Schedule 1, in paragraph 8(2)(b), the words " with the approval of the Minister ".
10 & 11 Eliz. 2. c. 30.	The Northern Ireland Act 1962.	In section 8(5), paragraph (c) and the word " and " immediately preceding it.
10 & 11 Eliz. 2. c. 46.	The Transport Act 1962.	In Schedule 10, in paragraph 8(1) the words from " (including " to " retirement)".
1963 c. 33.	The London Government Act 1963.	Section 77.
1963 c. 38.	The Water Resources Act 1963.	Section 96(1) and (2). Section 97(1) and (5).
1964 c. 16.	The Industrial Training Act 1964.	In Schedule 13, paragraph 1. In the Schedule, in paragraph 10, the words from " and, in " to the end.

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Chapter	Short Title	Extent of Repeal
1964 c. 21.	The Television Act 1964.	In Schedule 1, in paragraph 7(2), the words " with the approval of the Postmaster General".
1964 c. 40.	The Harbours Act 1964.	In Schedule 1, in paragraph 8(2)(b), the words "with the approval of the Minister ".
1964 c. 42.	The Administration of Justice Act 1964.	In Schedule 3, paragraph 16.
1964 c. 48.	The Police Act 1964.	Section 10(2). In Schedule 4, paragraph 5(4) and (5).
1964 c. 56.	The Housing Act 1964.	Section 1(5). In Schedule 1, in paragraph 2(9) the words from the beginning to " Corporation; but" and the words " in consequence of the admission agreement" and " in consequence of that agreement".
1964 c. 75.	The Public Libraries and Museums Act 1964.	In Schedule 1, paragraphs 1(4) and 2.
1965 c. 10.	The Superannuation (Amendment) Act 1965.	In section 5, the words " the Superannuation (Miscellaneous Provisions) Act 1948 ". In Schedule 2, paragraph 11.
1965 c. 16.	The Airports Authority Act 1965.	In Schedule 1, in paragraph 9(1), the words "with the approval of the Minister ".
1965 c. 17.	The Museum of London Act 1965.	In section 10, subsections (4) and (8).
1965 c. 58.	The Ministerial Salaries Consolidation Act 1965.	Section 6. Section 9(3).
1965 c. 59.	The New Towns Act 1965.	Section 48(1). In Schedule 9, in paragraph 2(4) the words from the beginning to " Commission; but" and in both places the words " in consequence of the agreement ".

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1965 c. 74.	The Superannuation Act 1965.	The whole Act, except sections 38, 39, 39A, 42(1), 95(1) and (2), 97(1) and (2)(a) and (c), 98, 104(1) and 106, Schedule 8 and paragraphs 10 and 11 of Schedule 10.
1966 c. 8.	The National Health Service Act 1966.	Section 9(1) to (3).
1967 c. 9.	The General Rate Act 1967.	In section 92(1), the words from " and every such panel " to " of 1937 ".
1967 c. 10.	The Forestry Act 1967.	In Schedule 1, in Part II, in paragraph 9(4) the words from " ' the civil " to " service ; and" and paragraph 11.
1967 c. 12.	The Teachers' Superannuation Act 1967.	The whole Act.
1967 c. 22.	The Agriculture Act 1967.	In Schedule 1, in paragraph 8(2)(b) of Part II, the words " with the approval of the Ministers ".
1967 c. 28.	The Superannuation (Miscellaneous Provisions) Act 1967.	Section 1. Section 2(2) and (3). In section 4(6), the words " in an established capacity". Section 6. In section 7(5), the words " or to section 67(1) thereof ", the word " respectively " and the words " and to section 66(1) thereof". Section 8. Section 11(2). Section 15(5). Section 16.
1967 c. 32.	The Development of Inventions Act 1967.	In the Schedule, in paragraph 6(b), the words " with the approval of the Minister ".
1967 c. 76.	The Road Traffic Regulation Act 1967.	Section 81(12)(b).

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1968 c. 12.	The Teachers Superannuation (Scotland) Act 1968.	The whole Act except section 13.
1968 c. 16.	The New Towns (Scotland) Act 1968.	Section 41(1).
1968 c. 23.	The Rent Act 1968.	In section 40(3), the words " the Local Government Superannuation Act 1937 and ".
1968 c. 46.	The Health Services and Public Health Act 1968.	Section 35.
1968 c. 69.	The Justices of the Peace Act 1968.	In Schedule 3, paragraph 10(2).
1968 c. 73.	The Transport Act 1968.	In Schedule 5, in Part II, paragraph 5. In Schedule 15, in paragraph 8(2)(b) the words " with the approval of the Minister ".
1968 c. xxxii.	The Port of London Act 1968.	In Schedule 11, paragraph (s).
1969 c. 35.	The Transport (London) Act 1969.	In section 4(5), the words from the beginning to " undertakers) and "
1969 c. 48.	The Post Office Act 1969.	In section 43(1), the words " with the approval of the Minister ". Section 45.
1969 c. 50.	The Trustee Savings Banks Act 1969.	In section 82, in subsection (3) the words from the beginning to " (2) above ", and subsection (5).
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In Schedule 15, so much of the Table in paragraph 11 as relates to the Forestry Act 1967.
1970 c. 11.	The Sea Fish Industry Act 1970.	In Schedule 1, in paragraph 15 the words " with the approval of the Minister for the Civil Service ".
1971 c. 23.	The Courts Act 1971.	In Schedule 9, the entry relating to the Police Pensions Act 1948. In Schedule 10, paragraphs 13 and 14 and in paragraph

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Chapter	Short Title	Extent of Repeal
1971 c. 56.	The Pensions (Increase) Act 1971.	16(1) the words from " and, if " to the end. Section 14. In section 15, subsections (1), (2) and (3), in subsection (4) paragraph (b) and the word " and " immediately preceding it, and subsection (6). In Schedule 2, paragraph 21, in paragraph 22(b) the words " 67 or " and " 66 or " and in paragraph 23(b) the words from " or section 35 " to the end.
1971 c. 75.	The Civil Aviation Act 1971.	In Schedule 9, in paragraphs 1(5) and 3(7), the words from " in an established " to " 1965 ".