



Superannuation Act 1972

1972 CHAPTER 11

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 [^{F1}(in this section referred to as “health staff”)] 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 ^{F2}... 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.

[^{F3}(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).]

(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.

[^{F4}(2A) Where regulations under this section make provision with respect to money purchase benefits, they may also—

- (a) include provision enabling a person to elect for such money purchase benefits as are to be provided to or in respect of him under the regulations to be purchased from any authorised provider whom he may specify; and
- (b) notwithstanding subsection (1) above, provide that the making of such an election shall have the effect, in such cases as may be specified in the

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regulations, of discharging any liability of the Secretary of State to pay those benefits to or in respect of that person;

but no regulations under this section shall be so framed as to have the effect that any money purchase benefits to be provided under them may only be provided in a manner which discharges that liability of the Secretary of State.]

- (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.

[^{F5}(3A) Notwithstanding anything in the ^{M1}Pensions (Increase) Act 1971, regulations under this section may provide that the cost of 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 defrayed—

- (a) by contributions from employers of health staff or from such other persons or classes of person (apart from health staff) as the Secretary of State may consider appropriate and may specify in the regulations; or
- (b) by contributions from such of those employers or other persons as may be so specified;

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) 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.

^{X1}(5) In section 7(2) of the ^{M2}Superannuation (Miscellaneous Provisions) Act 1967 (which, in the case where any person within twelve months after leaving employment by virtue of which he was entitled to participate in superannuation benefits provided under the ^{M3}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”.

[^{F6}(6) In this section—

[^{F7}“authorised provider” has the meaning given in section 1;]

“money purchase benefits” has the meaning given by [^{F8}section 181(1) of the Pension Schemes Act 1993].]

Editorial Information

- X1** The text of ss. 10(5), 14, 16(2), 17(1), 27(2), 28, 29, Sch. 6 paras. 1-3, 5, 9, 10, 12, 16-21, 24-27, 29-33, 39-41, 43, 46, 48, 51, 56-58, 60-67, 70, 72-74, 77, 78, 80-93, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Textual Amendments

- F1** Words inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\), s. 4\(2\)](#)

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- F2** Words repealed by (S.) National Health Service (Scotland) Act 1972 (c. 58), **Sch. 7 Pt. II** and (E.W.) National Health Service Reorganisation Act 1973 (c. 32), s. 57, **Sch. 5**
- F3** S. 10(1A) inserted (1.4.2014) by Public Service Pensions Act 2013 (c. 25), s. 41(2), **Sch. 8 para. 10** (with **Sch. 11** para. 8); S.I. 2014/839, art. 4(2)(d)
- F4** S. 10(2A) inserted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 8(5)
- F5** S. 10(3A) inserted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 4(2)
- F6** S. 10(6) added by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 8(6)
- F7** s. 10(6): definition of “authorised provider” substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 108**
- F8** Words in definition of “money purchase benefits” in s. 10(6) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 7** (with s. 6(8)); S. I. 1994/86, **art. 2**

Modifications etc. (not altering text)

- C1** S. 10 extended (1.1.1993) by S.I. 1992/3218, reg. 82(1), **Sch. 10 para. 5**
S. 10 extended (1.1.1996) by S.I. 1995/3275, reg. 57, **Sch. 10 Pt. I para. 1**
- C2** Ss. 7-10, 11(2), 12, 15(5), 16, 24: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

Marginal Citations

- M1** 1971 c. 56
- M2** 1967 c. 28.
- M3** 1946 c. 81.

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