
STATUTORY INSTRUMENTS

1977 No. 1921

PENSIONS

**The Occupational Pension Schemes (Certification of
Employments—National Health Service) Regulations 1977**

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| <i>Made</i> | - - - - | <i>21st November 1977</i> |
| <i>Laid before Parliament</i> | | <i>1st December 1977</i> <i>22nd December</i> |
| <i>Coming into Operation</i> | | <i>1977</i> |

The Secretary of State for Social Services, after considering the report of the Occupational Pensions Board on the preliminary draft of these regulations submitted to them, and after consultation with such bodies concerned with employments of the class to which these regulations apply as appeared to him fairly to represent the interest of the employers and earners in those employments, in exercise of the powers conferred upon him by section 52 of, and paragraph 8 of Schedule 2 to, the Social Security Pensions Act 1975 and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational Pension Schemes (Certification of Employments—National Health Service) Regulations 1977, and shall come into operation on 22nd December 1977.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security Pensions Act 1975;

“the Certification Regulations” means the Occupational Pension Schemes (Certification of Employments) Regulations 1975 (1);

“election” means an election with a view to the issue, variation or surrender under Part III of the Act of a contracting-out certificate;

“the Notification Regulations” means the Contracted-out Employment (Notifications, Premium Payment and Miscellaneous Provisions) Regulations 1976(2);

“the specified class of employments” has the meaning assigned to it in regulation 2 of these regulations;

and other expressions have the same meanings as in the Act.

(1) (1975 III, p. 7163).

(2) (1976 I, p. 411).

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(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Employments to which the regulations apply

2. In these regulations the expression “the specified class of employments” means employments in which an earner's service qualifies him, under section 10 of the Superannuation Act 1972, for the benefits provided for by the National Health Service (Superannuation) Regulations 1961⁽³⁾, as amended ⁽⁴⁾

Elections etc, to be made by the Secretary of State

3.—(1) In relation to the specified class of employments—

- (a) the Secretary of State hereby directs that every election shall be made and revoked by him instead of by the employer;
- (b) those things which are required or authorised to be done by or to an employer by or under the provisions referred to in paragraph (2) below shall be done instead by or to the Secretary of State.

(2) The provisions referred to in paragraph (1) above are—

- (a) the provisions of sections 31, 42, 43 and 44 of the Act;
- (b) the provisions of the Certification Regulations;
- (c) the provisions of the Notification Regulations.

Employments to be treated for certain purposes as employments under a single employer

4. The specified class of employments shall be treated as employments under a single employer different from the employer in any other employment for the purposes of—

- (a) section 42(1) of the Act (which relates to the payment of a contributions equivalent premium on termination of contracted-out employment) as read with section 43(2) of the Act;
- (b) any regulations made under paragraph 3 of Schedule 2 to the Act (which enables regulations to be made for requiring an employer to give notice to the Secretary of State when an earner's employment becomes or ceases to be contracted-out employment and when an earner's employment in contracted-out employment begins or ends);
- (c) any regulations made under paragraph 5(1) of Schedule 2 to the Act (which enables regulations to be made to modify Part III of the Act in its application to a person who is employed at the same time in two or more employments).

⁽³⁾ (1961 II, p. 2824).

⁽⁴⁾ S.I. 1975/1292 (1975 II, p. 4362).

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21st November 1977

David Ennals
Secretary of State for Social Services

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EXPLANATORY NOTE

These Regulations provide that in respect of employees in the National Health Service who qualify for benefits under the National Health Service (Superannuation) Regulations 1961 to 1975, the Secretary of State instead of the employer shall make or revoke any election with a view to the issue, variation or surrender of a certificate that employment is contracted-out employment under the Social Security Pensions Act 1975.

The Regulations provide also that those things relating to the issue, variation or surrender of such a certificate, which apart from these Regulations would fall to be done by or to the employer, are to be done by or to the Secretary of State.

For certain specified purposes the employments mentioned in these Regulations are deemed to be employments under a single employer.

The report of the Occupational Pensions Board on the preliminary draft of these Regulations dated 18th October 1977, is contained in House of Commons Paper No. 55 (Session 1977/78) published by Her Majesty's Stationery Office.