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STATUTORY INSTRUMENTS

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**2023 No. 1361**

**PUBLIC SERVICE PENSIONS**

**The Superannuation (Admission to Schedule 1  
to the Superannuation Act 1972) Order 2023**

*Made* - - - - *12th December 2023*  
*Laid before Parliament* *14th December 2023*  
*Coming into force* - - *8th January 2024*

The Minister for the Civil Service<sup>(1)</sup>, in exercise of the powers conferred by section 1(5) and (8)(a) of the Superannuation Act 1972<sup>(2)</sup>, makes the following Order:

**Citation, commencement, and interpretation**

1.—(1) This Order may be cited as the Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2023.

(2) This Order comes into force on 8th January 2024 but has effect from the dates specified in this Order.

(3) In this Order, “the Act” means the Superannuation Act 1972.

**Employments**

2.—(1) Schedule 1 to the Act (kinds of employment etc referred to in Section 1) is amended as follows.

(2) In the list of “Other Bodies”—

(a) with effect from 1st October 2021, insert “Employment by NHS England”<sup>(3)</sup>; and

(b) with effect from 25th March 1972, insert:

(i) “Employment by the Parliamentary Commissioner for Administration”<sup>(4)</sup>; and

(ii) “Employment by the Health Services Commissioner for England”<sup>(5)</sup>.

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(1) See article 2(1)(c) of S.I. 1981/1670 and article 3 of, and paragraph 6 of the Schedule to S.I. 1995/269.

(2) 1972 c. 11. The power to make retrospective provision is contained in section 1(8)(a).

(3) See National Health Service Act 2006 (c. 41), section 1H. NHS England was previously called the National Health Services Commissioning Board. It was renamed NHS England from 9th May 2022, see the Health Care Act 2022 (c. 31), section 1 and paragraph 1 of Schedule 1; S.I. 2022/515, regulation 2(a).

(4) See the Parliamentary Commissioner Act 1967 (c. 13), section 1.

(5) See the Health Services Commissioners Act 1993 (c. 46), section 1.

(3) In the list of “Museums and Galleries”, with effect from 1st April 2022, insert “Employment by the Royal Air Force Museum”(6).

### Offices

3.—(1) Schedule 1 to the Act (kinds of employment etc referred to in Section 1) is amended as follows.

(2) In the list of “Offices” with effect from 1st February 1976, insert the entry “The Certification Officer”(7).

### Scottish employments

4.—(1) Schedule 1 to the Act (kinds of employment etc referred to in Section 1) is amended as follows.

(2) In the list of “Royal Commissions and other Commissions”—

(a) with effect from 1st July 2013, insert “Employment by the Commissioner for Ethical Standards in Public Life in Scotland”(8); and

(b) with effect from 1st April 2021, insert “Employment by the Scottish Biometrics Commissioner”(9).

(3) In the list of “Other Bodies”—

(a) with effect from 1st October 2021, insert “Employment by Redress Scotland”(10); and

(b) with effect from 15th November 2021, insert “Employment by the Scottish Rail Holdings Limited”(11).

### Scottish offices

5.—(1) Schedule 1 to the Act (kinds of employment etc referred to in Section 1) is amended as follows.

(2) In the list of “Offices”—

(a) with effect from 1st July 2013, insert “The Commissioner for Ethical Standards in Public Life in Scotland”;

(b) with effect from 1st April 2021, insert “The Commissioner of the Scottish Biometrics Commission”; and

(c) with effect from 20th June 2022, insert “The Chair of the Scottish Commission for Human Rights”.

### Removal

6.—(1) Schedule 1 to the Act (kinds of employment etc referred to in Section 1) is amended as follows.

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(6) On 1 April 2022, the Royal Air Force Museum was transferred from an unincorporated charity to a new Royal Charter body. Prior to this date, section 1 of the Act applied to the Museum pursuant to the National Heritage Act 1983 (c. 47), section 31, and S.I. 1984/422.

(7) See the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), section 254.

(8) See the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (asp 11), section 1, as amended by S.S.I. 2013/197, article 3(1).

(9) See the Scottish Biometrics Commissioner Act 2020 (asp 8), section 1.

(10) See the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (asp 15), section 3.

(11) A Non-Departmental Public Body controlled by Scottish Ministers, in their capacity as “Franchising Authority”, and set up to oversee the governance of train operating companies under the Railways Act 1993, (c. 43), section 30.

(2) With effect from 1st July 2013, omit “Employment by the Commission for Ethical Standards in Public Life in Scotland” from the list of “Royal Commissions and other Commissions”.

12th December 2023

*Alex Burghart*  
Parliamentary Secretary  
Cabinet Office

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends Schedule 1 to the Superannuation Act 1972 (“the Act”). Section 1 of the Act permits the Minister for the Civil Service to make schemes which make provision for pension and other benefits in respect of civil servants and persons serving in an office or employment listed in Schedule 1 to the Act. The Principal Civil Service Pension Scheme, the Civil Service Additional Voluntary Contribution Scheme, the Civil Service Compensation Scheme and the Civil Service Injury Benefit Scheme are some of the schemes that have been made under section 1 of the Act.

The addition of an employment or office to Schedule 1 to the Act makes a person serving in that employment or holding that office eligible to become a member of schemes under section 1 of the Act, subject to the rules of those schemes.

Article 2 of this Order provides that, from the specified dates, section 1 of the Act applies to certain employments remunerated out of the Consolidated Fund. These are employment by the NHS England, the Royal Air Force Museum, the Parliamentary Commissioner, and the Health Service Commissioner for England. Pension schemes and other benefits applicable under section 1 of the Act apply to the office of the Parliamentary Commissioner as result of section 2(3) and Schedule 1 of the Parliamentary Commissioner Act 1967 and to the Health Service Commissioner for England as result of section 1 and paragraph 7, Schedule 1 of the Health Service Commissioners Act 1993.

Article 3 of this Order provides that, from the specified dates, section 1 of the Act applies to the office of the Certification Officer. It is not known why this office was not admitted to Schedule 1 to the Act at the time the office was established. However, all post holders since 1 February 1976 have been given access to Pension schemes and other benefits applicable under section 1 of the Act.

Article 4 of this Order provides that, from the dates specified, section 1 of the Act applies to certain employments remunerated out of the Scottish Consolidated Fund. These are employment by the Commissioner for Ethical Standards in Public Life in Scotland, the Scottish Biometrics Commissioner, Redress Scotland, and Scottish Rail Holdings Limited.

Article 5 of this Order provides that, from the dates specified, section 1 of the Act applies to certain offices remunerated out of the Scottish Consolidated Fund. These offices are the Commissioner for Ethical Standards in Public Life in Scotland, the Scottish Biometrics Commissioner, and the Chair of the Scottish Commission for Human Rights.

Article 6 of this Order removes employment by the Commission for Ethical Standards in Public Life in Scotland from Schedule 1 to the Act. This entry is removed because the Commission for Ethical Standards in Public Life in Scotland has been dissolved pursuant to the Commissioner for the Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013. Schedule 3 to that Order transferred staff from the Commission for Ethical Standards in Public Life in Scotland to the staff of the Commissioner for Ethical Standards in Public Life in Scotland. Employment by the Commissioner for Ethical Standards in Public Life in Scotland has been added to Schedule 1 by article 4 of this Order.

The changes to Schedule 1 to the Act made by this Order have effect from dates that are before the date this Order is made. This is authorised by section 1(8)(a) of the Act.

An impact assessment has not been produced for this instrument as no impact upon the costs of business or the voluntary sector is foreseen.

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