

# Superannuation (Miscellaneous Provisions) Act 1967

# **1967 CHAPTER 28**

An Act to amend the law relating to pensions and other similar payments to or in respect of persons who have been in certain employment, and for connected purposes. [10th May 1967]

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(	1)
	Minor corrections of Superannuation (Amendment) Act 1965 and Superannuation Act 1965.
F1	Ss. 1, 2(2)(3), 6, 8, 11(2), 15(5), 16 repealed by Superannuation Act 1972 (c. 11), s. 23(1), Schs. 5, 8

Status: Point in time view as at 01/02/1991. Changes to legislation: There are currently no known outstanding effects for the

Superannuation (Miscellaneous Provisions) Act 1967. (See end of Document for details)

#### **Textual Amendments**

S. 3 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 37), ss. 84(a), 125(7), Sch. 20 (subject to a saving for s. 3(3) in s. 125(6), Sch. 19 para. 10(1) of the 1990 Act)

F5 4, 5.

#### **Textual Amendments**

Ss. 4, 5 repealed by Overseas Pensions Act 1973 (c. 21), Sch. 2

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#### **Textual Amendments**

Ss. 1, 2(2)(3), 6, 8, 11(2), 15(5), 16 repealed by Superannuation Act 1972 (c. 11), s. 23(1), Schs. 5, 8

#### 7 **Extension of superannuation provisions of National Health Service Acts.**

- (1) [F7The Secretary of State] (hereafter in this section referred to as "the Minister") may direct that regulations made under [F8 section 10 of the MI Superannuation Act 1972] shall, subject to such modifications as may be provided in the direction, apply to any person specified in the direction—
  - (a) who is—
    - (i) wholly or mainly engaged in health services, whether provided under the  $[^{F_{9M2}}$ National Health Service Act 1977] or otherwise, but not provided by a . . .  $^{F10}$  local authority; or
    - (ii) an officer of a government department serving on the medical or nursing staff of that department or at or for the purposes of a hospital maintained by that department,

and who, if he were in the employment of an employing authority within the meaning of those regulations, would be an officer within the meaning of those regulations; or

- who is a member of a body constituted under the said [F9Act of 1977],
- or to any class so specified of such persons, as if the person, or any person of the class, so specified were, within the meaning of the said regulations, an officer in the employment of an employing authority, and in that event the regulations shall apply accordingly and [F8 any scheme under section 1 of the said Act of 1972], if otherwise applicable, shall not apply, or shall cease to apply, to that person.
- (2) Where any person [F11while continuing in or], within twelve months after leaving employment in which he was entitled to participate in superannuation benefits provided under the said [F12 section 10] (any period spent by that person on an approved course of study or training within the meaning of regulations made under that section being left out of account), enters such other employment as may be approved by the Minister for the purposes of this subsection, the Minister may direct that regulations so made shall, subject to such modifications as may be provided in the direction, apply

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to that person as if, while in that other employment, he were, within the meaning of those regulations, an officer in the employment of an employing authority, and in that event those regulations shall apply accordingly.

- (3) A direction under subsection (1) or (2) of this section may be expressed to take effect as from the date of a person's entry into employment notwithstanding that the direction, or the approval of that employment for the purposes of the said subsection (2), was not given until after that date.
- (4) A direction given, or deemed under subsection (6) of this section to have been given, under subsection (1) or (2) of this section shall not be varied or revoked by a subsequent direction so as to exclude from the benefits provided under the said [F12 section 10] any person previously entitled thereto unless—
  - (a) the Minister is satisfied that other suitable superannuation arrangements are available for that person; and
  - (b) that person consents to his being so excluded;

and where the subsequent direction results in such an exclusion of any such person, it may contain provision for the payment of a transfer value in respect of that person.

- (5) The foregoing provisions of this section shall apply to Scotland with the substitution for references to the Minister of references to the Secretary of State and for references to the said [F12Act of 1977] . . . F13 of references . . . F13 to the National Health Service (Scotland) [F14M3Act 1978] . . . F13
- (6) The following provisions are hereby repealed or revoked, namely—
  - (a) section 19 of the M4National Health Service (Amendment) Act 1949;
  - (b) regulation 60 of the M5National Health Service (Superannuation) Regulations 1961;
  - (c) regulation 57 of the <sup>M6</sup>National Health Service (Superannuation)(Scotland) Regulations 1961;

but any direction or approval given, or having effect as if given, under any of those provisions and in force immediately before the commencement of this section shall be deemed to have been given under and for the purposes of the corresponding provision of this section.

#### **Textual Amendments**

- F7 Words substituted (for words "the Minister of Health") by virtue of S.I. 1968/1699, arts. 2, 5(4)(a)
- F8 Words substituted by Superannuation Act 1972 (c. 11), Sch. 6 para. 66(a)
- F9 Words substituted by National Health Service Act 1977 (c. 49), Sch. 15 para. 40
- F10 Words repealed by National Health Service Reorganisation Act 1973 (c. 32), Sch. 5
- F11 Words inserted by Superannuation Act 1972 (c. 11), s. 10(5)
- F12 Words substituted by Superannuation Act 1972 (c. 11), Sch. 6 para. 66(b)
- F13 Words repealed by Superannuation Act 1972 (c. 11), Sch. 8
- F14 Words substituted by National Health Service (Scotland) Act 1978 (c. 29), Sch. 16 para. 24

#### **Modifications etc. (not altering text)**

C1 S. 7: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7)

# **Marginal Citations**

- **M1** 1972 c. 11.
- **M2** 1977 c. 49.

Changes to legislation: There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act 1967. (See end of Document for details)

M3	1978 c. 29.	
M4	1949 c. 93.	
M5	S.I. 1961/1441.	
M6	S.I. 1961/1398.	
8	F15	
Textu	nal Amendments	
F15	Ss. 1, 2(2)(3), 6, 8, 11(2), 15(5), 16 repealed by Superannuation Act 1972 (c. 11), s. 23(1), Schs. 5, 8	
9	F16	
Textu F16	nal Amendments S. 9 repealed by Employment Protection (Consolidation) Act 1978 (c. 44), Sch. 17	
10	F17	
Textu F17	ral Amendments S. 10 repealed by Parliamentary and other Pensions Act 1972 (c. 48), Sch. 4	

# 11 Pensions of certain persons transferring to different employment.

(1) For the purposes of section 2 of the M7Superannuation (Miscellaneous Provisions) Act 1948 (under which rules may be made with respect to the pension payable to or in respect of a person who has been employed in an employment of one of the classes specified in subsection (2) of that section and becomes employed in a different employment), employment in the descriptions of service as teachers referred to in paragraph (e) of that subsection shall be treated as employments of different classes instead of as employment of the same class, and the enactments specified in subsections (2) to (5) of this section shall accordingly have effect subject to the amendments so specified.

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- (3) In subsection (3) of the said section 2 (which specifies the appropriate Minister for the purposes of any class of employment specified in subsection (2) of that section), as amended by Schedule 1 to the M8Overseas Service Act 1958, for paragraphs (v) and (vi) there shall be substituted the following:—
  - "(v) in relation to a class specified in paragraph (e), (ee) or (f) of the said subsection (2), the Secretary of State acting with the consent of the Treasury";

and so much of the said Schedule as amends the said subsection (3) is hereby repealed.

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- (4) In subsection (4) of the said section 2, for paragraph (b) there shall be substituted the following:—
  - "(b) where either of the employments is such an employment as is mentioned in paragraph (a), (e), (ee) or (f) of subsection (2) of this section, payments out of moneys provided by Parliament";

and paragraph (d) of the said subsection (4) and so much of Schedule 1 to the said Act of 1958 as amends that subsection are hereby repealed.

- (5) In section 17(1) of the said Act of 1948, for the definition of Scottish Teachers Superannuation Scheme there shall be substituted the following definition— "Scottish Teachers Superannuation Scheme" means the Teachers Superannuation Scheme and the Teachers (Superannuation) Regulations as those expressions are defined in section 145(47) and (48) of the Education (Scotland) Act 1962."
- (6) In section 2(4)(a) of the said Act of 1948 (which, in the case of a person changing his employment who has recieved any payment in respect of his pension rights upon ceasing to be employed in his former employment, enables rules to require payments by that person equal to all or any of the amounts so recieved) at the end there shall be inserted the words "with or without interest on those amounts for the whole or any part of the period since he received them".

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- (8) Where—
  - (a) on 1st January 1967 a person was serving in one of the capacities specified in section 10(1) of the M9Police Pensions Act 1921; and
  - (b) before that date that person had served in one or more other of those capacities, then, in lieu of the provision with respect to any pension payable to that person made by paragraph (b) of the proviso to the said section 10(1), there shall be deemed as from that date to have been payable by or to such police authority, or to the Treasury, or out of moneys provided by Parliament, as the case may require, such transfer value or values as the Treasury may direct, regard being had to the period of service and the pay received by that person in each respectively of those capacities.

# **Textual Amendments**

F18 Ss. 1, 2(2)(3), 6, 8, 11(2), 15(5), 16 repealed by Superannuation Act 1972 (c. 11), s. 23(1), Schs. 5, 8

**F19** S. 11(7) repealed by Police Pensions Act 1976 (c. 35), **Sch. 3** 

#### **Modifications etc. (not altering text)**

The text of Ss. 11(3)(4)(5)(6)(7), 15(8)(a)–(l) 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.

# **Marginal Citations**

M7 1948 c. 33.

**M8** 1958 c. 14

**M9** 1921 c. 31.

12 .....<sup>F20</sup>

Changes to legislation: There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act 1967. (See end of Document for details)

# Textual Amendments F20 S. 12 repealed by S.I. 1970/1682, Sch. 2

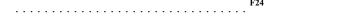
# 13 Pensions of police cadets.

- (1) Regulations made by the Secretary of State under section 35 of the M10 Police Act 1964 (which relates to regulations for police cadets) may include provision—
  - (a) for the application to police cadets appointed under section 17 of that Act, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of members of police forces; and
  - (b) for any regulations made by virtue of paragraph (a) of this subsection to have effect in relation to any police cadet to the exclusion of any other provision for pension, allowance or gratuity in respect of his service as a police cadet contained in or in force under any other enactment and, for the purpose of a return of any contributions made by the cadet under that other provision, for the cadet to be deemed to have ceased his employment upon the regulations coming into effect in relation to him.
  - [F21(2)] Regulations under subsection (1) of this section may provide for the reduction or withholding of awards under the regulations in cases where awards are provided for in respect of the same matters under any of the enactments relating to . . . F22 social security].
- (3) This section shall apply to Scotland with the substitution for the references in subsection (1) thereof to sections 35 and 17 of the MII Police Act 1964 of references to [F23 sections 27 and 28 respectively of the MI2 Police (Scotland) Act 1967].

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Textual Amendments
F21 S. 13(2) substituted by Social Security Act 1973 (c. 38), Sch. 27 para. 72
F22 Words repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I
F23 Words substituted by Police (Scotland) Act 1967 (c. 77), Sch. 4

Marginal Citations
M10 1964 c. 48.
M11 1964 c. 48.
M12 1967 c. 77.
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14 Pensions for medical commissioners of Mental Welfare Commission for Scotland.



# **Textual Amendments**

**F24** S. 14 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127(2), **Sch. 5** 

Changes to legislation: There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act 1967. (See end of Document for details)

# 15 Superannuation of metropolitan civil staffs.

- (1) In this section—
  - (a) the expression "member of the metropolitan civil staffs" means a person—
    - (i) who is employed under the Commissioner of Police for the Metropolis or the Receiver for the Metropolitan Police District (hereafter in this section referred to as "the Receiver") and is not a constable and whose salary is paid out of the Metropolitan Police Fund; or
    - (ii) who is serving as a justices' clerk for the inner London area or other officer employed by the committee of magistrates for that area,

but does not include any person such as is mentioned in [F25 regulation B2(1)(l) of the M13 Local Government Superannuation Regulations 1974;]

- (b) the expression "civil service provisions" means the following as for the time being in force, namely, [F26] the principal civil service pension scheme within the meaning of section 2 of the M14 Superannuation Act 1972 and any] enactment or instrument, being an enactment or instrument relating to pensions or other benefits to or in respect of persons who are or have been in the civil service of the State, whether that enactment or instrument was passed or made before or after the passing of this Act, other than an enactment or instrument relating to transfers between that service and service as a member of the metropolitan civil staffs;
- (c) the expression "the appointed day" means such day as the Secretary of State may by order appoint.
- (2) As from the appointed day the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931 shall cease to have effect but—
  - (a) the Secretary of State shall continue to have power to grant, to or in respect of persons who on that day are, or thereafter become, members of the metropolitan civil staffs, pensions or other benefits payable by the Receiver out of the Metropolitan Police Fund; and
  - (b) subject to any regulations for the time being in force under subsection (3) of this section, the civil service provisions shall have effect for the purposes of the grant by the Secretary of State out of the said Fund of pensions or other benefits under this section to or in respect of members of the metropolitan civil staffs, for the purposes of transfers (whether before, on or after the appointed day) between service as such a member and other service (not being service in the civil service of the State), or for any connected purpose, as they have effect for the purposes of the grant by the Treasury out of moneys provided by Parliament or out of the Consolidated Fund of pensions or other benefits to or in respect of persons in the civil service of the State, for the purposes of transfers between that service and any other service (not being service as a member of the metropolitan civil staffs), or for any corresponding connected purpose, as the case may be, and as if employment as a member of the metropolitan civil staffs were employment in a public department.
- (3) The Secretary of State may [F27with the consent of the Minister for the Civil Service] by regulations provide that any of the civil service provisions shall have effect for the purposes of pensions or other benefits under this section, or of transfers between service as a member of the metropolitan civil staffs and other service, or for any connected purpose, as the case may be—

Changes to legislation: There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act 1967. (See end of Document for details)

- (a) subject to any exceptions [F28 additions] or modifications specified in the regulations; and
- (b) subject to any adaptations so specified, being adaptations appearing to the Secretary of State to be necessary or expedient to ensure that those provisions have effect as mentioned in subsection (2)(b) of this section,

and any such adaptations may be either general adaptations applicable to all the civil service provisions, whether or not passed or made at the date of the making of the regulations, or particular adaptations of particular provisions.

- (4) Regulations under subsection (3) of this section may be made so as to have effect as from any date not earlier than the date of the coming into force of the civil service provision in question, notwithstanding that the regulations are made after that date.
- - [F30(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].
- (7) Nothing in this section shall affect any pension or other benefit granted under the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931 before the appointed day, and accordingly any such pension or other benefit shall continue to be paid by the Receiver out of the Metropolitan Police Fund.
- (8) As from the appointed day the following provisions are hereby repealed or revoked, namely—
  - (a) the M15Metropolitan Police Staff (Superannuation) Act 1875;
  - (b) the M16 Metropolitan Staff Superannuation Act 1885;
  - (c) in the M17Police Act 1909, section 4;
  - (d) in the M18 Metropolitan Police (Staff Superannuation and Police Fund) Act 1931, sections 1 to 3;
  - (e) in the M19 Superannuation (Various Services) Act 1938, in Part I of the Schedule, the entry relating to the Metropolitan Police Staff (Superannuation) Acts 1875 to 1931;
  - (f) in section 2 of the M20 Superannuation (Miscellaneous Provisions) Act 1948, subsections (2)(b) and (3)(ii) and, in subsection (4), paragraph (c), the words "into the Metrpolitan Police Fund", and the word "(c)" in the last place where it occurs;
  - (g) the M21 Superannuation (Transfers between Metrpolitan Police Staffs and Local Government) Rules 1959;
  - (h) the M22 National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations 1961;
  - (i) the M23 National Insurance (Modification of the Metropolitan Polce Staffs Superannuation Provisions) Regulations 1963;
  - (j) in the M24 Administration of Justice Act 1964, section 24;
  - (k) the Metropolitan Police Staffs Superannuation Provisions) (Amendment) Regulations 1966;
  - (l) the M26 Superannuation (Transfers between Police and Metropolitan Polce Staffs) Rules 1966.

Changes to legislation: There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act 1967. (See end of Document for details)

- (9) Notwithstanding the repeal by subsection (8)(j) of this section of section 24 of the Administration of Justice Act 1964, the M27Superannuation (Inner London Magistrates' Courts) Regulations 1965 shall continue in force subject to the like power of variation or revocation as if the said section 24 had not been repealed, except that as from the appointed day—
  - (a) the following provisions thereof are hereby revoked, namely—
    - (i) in regulation 1(1), the words from the beginning to "shall apply" and the word "and" where it appears after the word "magistrates";
    - (ii) in regulation 1(2), paragraph (b), paragraph (c) from "and the" onwards, and paragraph (d);
    - (iii) regulation 3;
  - (b) in regulation 2(2), the reference to regulation 1 shall be construed as a reference to subsection (2) of this section;
  - (c) regulation 2(2) from "and he" onwards is hereby revoked; but where any person gives such a notice as is mentioned in regulation 2(2), the civil service provisions with respect to transfers between that service and local government service, as they apply by virtue of subsection (2)(b) of this section to transfers between service as a member of the metropolitan civil staffs and local government service, shall have effect as if he had ceased to be employed in local government service and had become such a member with effect from the day of the giving of the notice and as if that notice had been any notice required by those provisions.

#### **Textual Amendments**

- **F25** Words substituted by S.I. 1974/520, **Sch. 18 para. 6**
- F26 Words substituted by Superannuation Act 1972 (c. 11), s. 14(2)
- F27 Words inserted by Superannuation Act 1972 (c. 11), s. 14(3)
- F28 Word inserted by Superannuation Act 1972 (c. 11), s. 14(3)
- F29 Ss. 1, 2(2)(3), 6, 8, 11(2), 15(5), 16 repealed by Superannuation Act 1972 (c. 11), s. 23(1), Schs. 5, 8
- **F30** S. 15(6) substituted by Superannuation Act 1972 (c. 11), s. 14(5)

#### Modifications etc. (not altering text)

- C3 S. 15: power to repeal or amend conferred (*prosp.*) by 1994 c. 29, s. 82(7)(11)(b) (which said s. 82 was repealed (19.6.1997) without having come into force, by 1997 c. 25, s. 73(3), Sch. 6 Pt. I)
- C4 The text of Ss. 11(3)(4)(5)(6)(7), 15(8)(a)-(l) 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.

#### **Marginal Citations**

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M13 S.I. 1974/520.
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**M14** 1972 c. 11.

M15 1875 c. 28.

M16 1885 c. 68.

**M17** 1909 c. 40.

**M18** 1931 c. 12

M19 1938 c. 13.

M20 1948 c. 33.

**M21** S.I. 1959/1243.

M22 S.I. 1961/439.

M23 S.I. 1963/1610.

Changes to legislation: There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act 1967. (See end of Document for details)

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M24 1964 c. 42.

M25 S.I. 1966/1120.

M26 S.I. 1966/1589.

M27 S.I. 1965/537.
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16 .....<sup>F3</sup>

#### **Textual Amendments**

F31 Ss. 1, 2(2)(3), 6, 8, 11(2), 15(5), 16 repealed by Superannuation Act 1972 (c. 11), s. 23(1), Schs. 5, 8

# 17 Expenses.

There shall be paid out of moneys provided by Parliament or out of the Consolidated Fund, as the case may be, any increase attributable to the provisions of this Act in the sums so payable under any other Act.

#### 18 Citation and construction of references.

- (1) This Act may be cited as the Superannuation (Miscellaneous Provisions) Act 1967.
- (2) The M28 Superannuation Act 1965 and sections 1 and 2(2) and (3) of this Act may be cited together as the Superannuation Acts 1965 and 1967.
- (3) The M29 Governors' Pensions Act 1957 and section 4 of this Act may be cited together as the Governors' Pensions Acts 1957 and 1967.
- (4) [F32 Section 7] of this Act—
  - (a) [F32 so far as it applies] to England and Wales, may be cited together with the National Health Service Acts 1946 to 1966 as the National Health Service Acts 1946 to 1967;
  - (b) [F32so far as it applies] to Scotland, may be cited together with the National Health Service (Scotland) Acts 1947 to 1966 as the National Health Service (Scotland) Acts 1947 to 1967.
- (5) Save where the context otherwise requires, any reference in this Act to any enactment or instrument shall be construed as a reference to that enactment or instrument as amended, extended or applied by or under any other enactment or instrument, including any enactment contained in this Act.

## **Textual Amendments**

F32 Words substituted by Superannuation Act 1972 (c. 11), Sch. 6 para. 67

#### **Marginal Citations**

M28 1965 c. 74.

M29 1957 c. 62.

## **Status:**

Point in time view as at 01/02/1991.

# **Changes to legislation:**

There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act 1967.