



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]

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:—

1 Gratuities and allowances to civil servants and others injured abroad in civil disturbances etc.

(1) Subject to subsection (2) of this section, the Superannuation Act 1965 shall have effect as if in section 18(1) (which provides for the grant of gratuities or allowances where civil servants and others suffer injury or disease in certain circumstances) after paragraph (a) (which deals with injuries suffered in the actual discharge of duty where the injury is specifically attributable to the nature of the duty) there were inserted the following paragraph:—

“(aa) is injured while in an area outside the United Kingdom for the purposes of his employment, and the injury is directly attributable to the existence in or near that area of a state of war, revolution, or serious and widespread internal disturbance, or is the direct result of deliberate acts of the local population or of sporadic political disturbances, and is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or”.

(2) No warrant of the Treasury under the said section 18 shall permit the award of a gratuity or allowance by virtue of subsection (1) of this section—

(a) if the injury was suffered before 14th July 1949; or

- (b) except where, in the opinion of the Treasury, there are special circumstances which justify the making of the award, if the person injured was not recruited in the United Kingdom.

2 Minor corrections of Superannuation (Amendment) Act 1965 and Superannuation Act 1965.

- (1) Paragraph 26(3) of Schedule 2 to the Superannuation (Amendment) Act 1965 (which relates to the pensions of certain judicial officers) shall have effect, and be deemed always to have had effect, with the substitution for the words " that section " of the words " section 128 of the said Act of 1925 ".
- (2) Section 50(1)(c) of the Superannuation Act 1965 (which provides that a widow's or children's pension may be granted where the deceased had ceased to be a civil servant in such circumstances that, on attaining a particular age, he would or might have become eligible for a superannuation allowance by virtue of section 7(1) of that Act), and section 63(1)(c) of that Act (which makes similar provision in relation to a dependant's pension), shall have effect, and be deemed always to have had effect, with the insertion after the words " section 7(1) " of the words " 45(3) or 46(1) " (being provisions corresponding to section 7(1) relating to the diplomatic service).
- (3) Sections 25(3) and 26(2) of the Superannuation Act 1965 (which relate to the computation of service and reduction of retiring age in certain cases), and the definition of " retiring age " in section 99(1) of that Act, shall have effect, and be deemed always to have had effect, with the substitution for the words " sections 7 and 10 " of the words " sections 7, 10, 45(3) and 46(1)".

3 Effect of pension in respect of public office on remuneration in judicial or related office.

- (1) Where, in the case of any person who after the passing of this Act becomes the holder of an office to which this section applies, there is payable to that person any pension in respect of any other public office in the United Kingdom to which he had previously been appointed or elected, then, subject to subsection (2) of this section, the remuneration which would apart from this section be payable to that person as holder of the first-mentioned office shall be abated by the amount of that pension.
- (2) Where the Treasury are satisfied that the office to which this section applies held by any such person is held on a part-time basis only, the reference in subsection (1) of this section to the amount of the pension there referred to shall be construed as a reference to such amount as appears to the Treasury to bear to the full amount of that pension the same proportion as the remuneration payable to that person as the holder of that office bears to what that remuneration would have been if the office had been held on a full-time basis.
- (3) For the purpose of computing the pension payable to any such person in respect of the office to which this section applies held by him and any derivative benefit within the meaning of the Administration of Justice (Pensions) Act 1950 which depends upon his eligibility for such a pension, the amount of that person's annual remuneration as the holder of that office shall, notwithstanding that the remuneration is abated by reason of this section, be treated as the amount which would be payable apart from this section and not the amount as so abated.
- (4) This section applies to the following judicial and related offices, that is to say—

- (a) any office to which there is applicable for the time being, whether with or without modifications, any of the following enactments relating to pensions or retiring age as for the time being in force, namely—
 - (i) section 1 of the Police Magistrates (Superannuation) Act 1915;
 - (ii) section 127(1) or 128(1) of the Supreme Court of Judicature (Consolidation) Act 1925;
 - (iii) section 9 or 21 of the County Courts Act 1934;
 - (iv) section 33 of the Justices of the Peace Act 1949;
 - (v) section 22 of the Administration of Justice (Pensions) Act 1950;
 - (vi) section 34(1) of the Courts-Martial (Appeals) Act 1951;
 - (vii) section 1 of the Supreme Court Officers (Pensions) Act 1954;
 - (viii) section 4(5) of the Criminal Justice Administration Act 1956;
 - (ix) section 50 of the Hertfordshire County Council Act 1960;
 - (x) the Sheriffs' Pensions (Scotland) Act 1961 (including section 20 of the Sheriff Courts (Scotland) Act 1907 as saved by section 9 of the said Act of 1961);
 - (xi) section 5 of the Kent Quarter Sessions Act 1962;
 - (xii) section 81 of the Durham County Council Act 1963;
 - (xiii) section 79 of the National Insurance Act 1965;
 - (xiv) section 9 of this Act;
- (b) salaried chairman or salaried deputy chairman of any court of quarter sessions for the county palatine of Lancaster;
- (c) chairman of the Scottish Land Court;
- (d) chairman or deputy chairman of the Monopolies Commission;
- (e) member appointed under section 4(1) of the Restrictive Trade Practices Act 1956 of the Restrictive Practices Court;
- (f) president of the Industrial Court constituted under the Industrial Courts Act 1919;
- (g) president or other member of the Lands Tribunal or (in the event of the coming into force of section 1(1)(a) of the Lands Tribunal Act 1949) of the Lands Tribunal for Scotland.

4 Governors' pensions.

- (1) Subsection (3) of section 1 of the Governors' Pensions Act 1957 (which specifies the circumstances in which a Governor is eligible for a pension under that Act) shall have effect subject to the following amendment (being an amendment to remove any doubt arising from the provision made by subsection (2) of that section that references in that Act to a Governor include, except where the context otherwise requires, references to a person who has been a Governor), that is to say, for paragraphs (a) to (c) of the said subsection (3) there shall be substituted the following:—

- “(a) he retires from service as a Governor after attaining the age of fifty ; or
- (b) having retired from service as a Governor before attaining that age, he subsequently attains that age; or
- (c) while serving as a Governor, he has in the opinion of the Secretary of State become incapable of discharging the duties of his office by reason of some infirmity of mind or body which is likely to be permanent; or

- (d) while serving as a Governor, his office is abolished.”
- (2) For the purposes of the grant of a pension under the said Act of 1957 to a Governor who is eligible therefor by reason of the abolition of his office, his office shall be deemed not to have been abolished until the termination of any period of leave to which he had become entitled while in office and in respect of which he is paid a salary attributable to his service as a Governor by the government of the territory of which he was a Governor.
- (3) For the purposes of section 2(2) of the said Act of 1957 (which provides, in the case of a Governor who was previously employed in the oversea civil service, for calculating his pension by reference to the completed months of his service in the oversea civil service as well as of his service as a Governor), no account shall be taken of any period of service in the oversea civil service in respect of which he was in receipt of a pension during his service as a Governor.
- (4) In section 4 of the said Act of 1957 (which relates to a case where a person to whom a pension has been granted under that Act becomes entitled to any salary or emolument in respect of certain public employment) for the words from " the pension " onwards (which provide for the pension to be reduced by one-half of the amount of any such salary or emolument other than another pension) there shall be substituted the words " then, unless or except to the extent that the Secretary of State with the consent of the Treasury determines otherwise—
- (a) for any period for which that salary or emolument is not less than his salary at the end of the service in respect of which the pension was granted, the pension shall cease to be paid ;
- (b) for any period for which that salary or emolument is less than his salary at the end of that service but the amount of the pension exceeds the amount of the difference, the pension shall be reduced by the amount of the excess."
- (5) Where, in pursuance of rules under section 14 of the said Act of 1957 (which relates to the allocation of part of a pension under that Act to a spouse or dependant), a person has surrendered a part of a pension granted to him under that Act in return for the benefits of the rules, then, if for any period the amount of the pension payable apart from the surrender is, by virtue of section 4 of that Act, less than the amount of the part surrendered, the Treasury shall be entitled to recover from that person in respect of that period, whether by deduction from his salary or emolument in the employment by reason of which the pension is reduced under the said section 4 or otherwise, an amount equal to the part so surrendered or, as the case may be, to the difference between that part and so much of the pension as, apart from the surrender, is payable for that period.
- (6) Where a Governor who is, or subject to attaining the age of fifty will be, eligible for a pension under the said Act of 1957 becomes employed in the home civil service in an established capacity within twelve months or such longer period as the Treasury may in any particular case allow after ceasing to serve as a Governor, he may elect that, instead of his being granted a pension under the said Act of 1957, the Superannuation Act 1965 shall apply to him as if his service as a Governor had been passed in the home civil service.
- (7) An order by the Treasury under subsection (3) of section 3 or subsection (2) of section 9 of the said Act of 1957 specifying for the purposes of the said section 3 or 9 another sum to be substituted for that referred to in subsections (1) and (2) of the said section 3 or, as the case may be, in subsection (1) of the said section 9 in connection with the maximum amount of a Governor's pension or of the gratuity payable in respect

of a Governor's death, as the case may be, may be made so as to have effect from a date earlier than the date of the making of the order.

- (8) Any expression used in this section which is also used in the said Act of 1957 shall have the same meaning for the purposes of this section as it has for the purposes of that Act.

5 Palestine and Pakistan pensions.

- (1) There shall be paid out of moneys provided by Parliament in respect of services rendered by any person before 15th May 1948 in the employment of the government of the former mandated territory of Palestine—
- (a) any payment by way of a pension or other benefit to or in respect of that person which would have been payable in respect of those services by that government under the laws in force in that territory before that date and which does not fall, under any agreement for the time being in force between Her Majesty's Government in the United Kingdom and some other government, to be paid by that other government;
 - (b) such, if any, *ex gratia* payments to or in respect of that person as the Treasury may approve.
- (2) There may be made good out of moneys provided by Parliament any income tax for which relief has not otherwise been given which is deducted under the law of Pakistan from any pension which, under section 272 of the Government of India Act 1935, was to be exempt from taxation imposed by or under the laws there referred to.
- (3) Any payment under subsection (1) or (2) of this section after the passing of this Act shall be made by the Minister of Overseas Development.
- (4) Subsection (1) of this section shall be deemed to have come into force on 15th May 1948; and subsection (2) of this section shall be deemed to have come into force on 1st April 1956.

6 Modifications of superannuation provisions of National Health Service Acts.

- (1) The provisions of subsections (2) and (3) of this section shall have effect with respect to regulations under section 67(1) of the National Health Service Act 1946 (which relates to the provision of superannuation benefits).
- (2) Where on the death of any person any sum not exceeding £500 is due to or in respect of that person under the regulations, the Minister of Health (hereafter in this section referred to as "the Minister") may dispense with proof of the title of the personal representatives of that person and pay that sum to the person, or to or among any one or more of any persons, appearing to the Minister on such evidence as he deems satisfactory to be entitled by law to a beneficial interest therein, or in the case of the illegitimacy of the deceased person or his children to or among such persons as the Minister may think fit, and any person to whom such a payment is made, and not the Minister, shall thereafter be liable to account for any amount so paid; and this subsection 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 references to such higher amount as may be specified in the order.

- (3) Where under the regulations any question is referred to the Minister for determination, then, at any stage of the proceedings on that reference, the Minister 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 in those proceedings; 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.
- (4) Section 18(2) of the National Health Service (Amendment) Act 1949 (which provides that the terms and conditions on which officers of certain hospitals may be admitted to participate in the superannuation benefits provided under such regulations as are mentioned in subsection (1) of this section shall be designed to secure that the aggregate payments made by the governing body of the hospital and by the officers are equivalent to the sums paid out of moneys provided by Parliament in respect of the superannuation benefits provided for the officers) is hereby repealed.
- (5) The foregoing provisions of this section shall apply to Scotland with the substitution—
- (a) for the reference in subsection (1) to section 67(1) of the said Act of 1946 of a reference to section 66(1) of the National Health Service (Scotland) Act 1947; and
 - (b) for any reference in subsection (2) to the Minister of a reference to the Secretary of State,

and as if for subsection (3) there were substituted the following:—

“(3) Where under the regulations any question is referred to the Secretary of State for determination, then, at any stage of the proceedings on that reference, 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 in the proceedings; 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.”

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

- (1) The Minister of Health (hereafter in this section referred to as " the Minister") may direct that regulations made under section 67(1) of the National Health Service Act 1946 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 said Act of 1946 or otherwise, but not provided by a local health authority or other 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
 - (b) who is a member of a body constituted under the said Act of 1946, 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 the Superannuation Act 1965, if otherwise applicable, shall not apply, or shall cease to apply, to that person.

- (2) Where any person, within twelve months after leaving employment in which he was entitled to participate in superannuation benefits provided under the said section 67(1) (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 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 section 67(1) 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 Act of 1946 or to section 67(1) thereof of references respectively to the National Health Service (Scotland) Act 1947 and to section 66(1) thereof.
- (6) The following provisions are hereby repealed or revoked, namely—
 - (a) section 19 of the National Health Service (Amendment) Act 1949;
 - (b) regulation 60 of the National Health Service (Superannuation) Regulations 1961 ;
 - (c) regulation 57 of the 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.

8 Recovery in certain circumstances of payments by way of superannuation benefits under National Health Service Acts.

- (1) If regulations under section 67(1) of the National Health Service Act 1946 require the Minister of Health (hereafter in this section referred to as " the Minister ") to take into account, as against any sums otherwise payable under the regulations, the amount, or such amount, if any, as he considers reasonable, of any damages in respect of the injury, disease or death in consequence of which payments are made under the regulations,

being damages which he is satisfied have been or will be recovered by or on behalf of the recipient of those payments, and any of those payments are made before the right to or amount of such damages is finally determined, then if and when a right to and the amount of such damages is finally determined the Minister shall have the right to recover from the recipient an amount not exceeding—

- (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.
- (2) So far as any amount recoverable under this section represents a payment made by the Minister from which income tax has been deducted before the payment, the proper allowance shall be made in respect of the amount so deducted, and in this section the expression " 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.
- (3) 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 a right to and the amount of the damages is finally determined (whether in court proceedings or in arbitration proceedings or by agreement between the parties) or from the date on which that final determination first came to the knowledge of the Minister, whichever date is the later.
- (4) A certificate issued by the Minister and stating the date on which the final determination of a right to and of the amount of any damages first came to his knowledge shall be admissible in any proceedings as sufficient evidence of that date.
- (5) The provisions of this section are without prejudice to any right of the Minister under any such regulations as aforesaid to take damages into account by withholding or reducing any further sums otherwise payable to the recipient of payments under the regulations.
- (6) This section shall apply to Scotland with the substitution for references to the Minister of references to the Secretary of State and for the reference to section 67(1) of the said Act of 1946 of a reference to section 66(1) of the National Health Service (Scotland) Act 1947.

9 Pensions for whole-time presidents or chairmen of industrial tribunals.

- (1) The Minister of Labour may from time to time make to the Treasury, as respects any holder on a full-time basis of any of the following offices established by regulations under section 12 of the Industrial Training Act 1964 and remunerated, apart from any allowances, on an annual basis, namely—
- (a) President of the Industrial Tribunals (England and Wales);
 - (b) President of the Industrial Tribunals (Scotland);
 - (c) member of a panel of chairmen so established,
- a recommendation that the Treasury shall pay to that holder (hereafter in this section referred to as " the pensioner ") out of moneys provided by Parliament an annual sum by way of superannuation allowance calculated in accordance with subsection (3) of this section.

- (2) No such allowance shall be payable unless—
- (a) the pensioner is at the time of his retirement over the age of seventy-two or, where he retires after fifteen years service, over the age of sixty-five; or
 - (b) the Minister of Labour is satisfied by means of a medical certificate that at the time of the pensioner's retirement the pensioner is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (3) The said annual sum shall be a sum not exceeding such proportion of the pensioner's last annual remuneration (apart from any allowances) as in the following Table corresponds with the number of the pensioner's completed years of relevant service.

TABLE

<i>Years of service</i>	<i>Fraction of remuneration</i>
Less than 5	six-fortieths
5	ten-fortieths
6	eleven-fortieths
7	twelve-fortieths
8	thirteen-fortieths
9	fourteen-fortieths
10	fifteen-fortieths
11	sixteen-fortieths
12	seventeen-fortieths
13	eighteen-fortieths
14	nineteen-fortieths
15 or more	twenty-fortieths

- (4) In this section the expression " relevant service " means service on a full-time basis as holder of any of the offices referred to in subsection (1) of this section (including such service remunerated otherwise than on an annual basis) or service in any such other capacity under the Crown as may be prescribed by regulations made by the Treasury ; and regulations under this subsection shall be made by statutory instrument and—
- (a) may be made generally or subject to specified exceptions or in relation to specified cases or classes of case ;
 - (b) may provide that in calculating relevant service either the whole of a person's prescribed service of any description shall be taken into account or such part thereof only as may be determined by or under the regulations;
 - (c) may make different provision for different cases or classes of case; and
 - (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The decision of the Treasury shall be final on any question arising as to—
- (a) the amount of any superannuation allowance under subsection (1) of this section ; or

- (b) the reckoning of any service for the purpose of calculating such an allowance.
- (6) Sections 2 to 8 of the Administration of Justice (Pensions) Act 1950 (which provide for the payment of lump sums on retirement or death and of widows' and children's pensions in the case of persons eligible for pensions for service in any of the capacities listed in Schedule 1 to that Act) shall have effect as if—
- (a) the capacity of holder on a full-time basis of any of the offices referred to in subsection (1) of this section were listed in the said Schedule 1; and
 - (b) in relation to that capacity the expression "relevant service " in the said sections 2 to 8 had the meaning assigned by subsection (4) of this section; and
 - (c) in relation to such a holder of such an office, any reference in the said section 2 to his last annual salary were a reference to his last annual remuneration apart from any allowances.
- (7) Where the rate of the superannuation allowance payable to any person under subsection (1) of this section is or would be increased by virtue of regulations made under subsection (4) of this section in respect of relevant service in some capacity other than as holder of one of the offices referred to in subsection (1) of this section, and a pension payable to him wholly in respect of service in that other capacity would have been paid and borne otherwise than out of moneys provided by Parliament, any pension benefits paid to or in respect of him as having been the holder of such an office shall, to such extent as the Treasury may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in like manner as that in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.
- (8) In this section, the expression " pension " includes any superannuation or other retiring allowance or gratuity, and the expression " pensionable " shall be construed accordingly, and the expression " pension benefits " includes benefits payable to or in respect of the pensioner by virtue of subsection (6) of this section.

10 Children's pensions out of Members' Contributory Pension Fund.

—In section 10(2) of the Ministerial Salaries and Members' Pensions Act 1965 (which by paragraphs (a) and (b) thereof specifies the conditions which must be satisfied by a relevant child within the meaning of that section for a children's pension thereunder to be paid for his benefit) at the end there shall be added the words "or—

- (c) was at the time of the deceased's death wholly or mainly dependent on the deceased and was at that time and has at all times since been either—
 - (i) a person falling within paragraph (a) or (b) of this subsection; or
 - (ii) incapable, and likely to remain permanently incapable, by reason of bodily or mental infirmity of earning his own living, so, however, that a children's pension shall not be payable by virtue of this paragraph for the benefit of any person for any period during which that person is maintained out of moneys provided by Parliament in a hospital or similar institution so maintained."

11 Pensions of certain persons transferring to different employment.

- (1) For the purposes of section 2 of the Superannuation (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.
- (2) In subsection (2) of the said section 2 (which specifies the classes of employment for the purposes of that section) for paragraph (e) there shall be substituted the following:—
- “(e) employment in service of the following descriptions, namely—
- (i) reckonable service for the purposes of superannuation regulations under the Teachers' Superannuation Act 1965 or within the meaning of the Teachers' Superannuation Act 1967 ;
- (ii) service with respect to which regulations made by virtue of paragraph 7 of Schedule 1 to the said Act of 1965 or under section 10 or 11 of the said Act of 1967 have effect; and
- (ee) employment in service as defined in the Scottish Teachers Superannuation Scheme”.
- (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 Overseas 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.
- (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 received 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 received) 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 ".

- (7) Regulations under section 1 of the Police Pensions Act 1948 made by virtue of subsection (4) of that section (which relates to persons who transfer or have transferred from or to service in a police force to or from other service or employment) may, notwithstanding anything in section 3(1) of that Act, be framed so as to apply in relation to persons who have ceased to be members of a police force before the date on which those regulations come into force or both before that date and before the passing of that Act; but regulations made by virtue of this subsection—
- (a) may authorise, but shall not require, such payments as are mentioned in the said subsection (4); and
 - (b) shall not affect any pension within the meaning of section 8(1) of that Act payable to or in respect of any person as a person who ceased to be a member of a police force before the said date.
- (8) Where—
- (a) on 1st January 1967 a person was serving in one of the capacities specified in section 10(1) of the Police 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.

12 Police and firemen serving overseas—transfer of pensions functions.

- (1) The provisions of this section shall have effect with a view to the transfer from the Secretary of State to the Minister of Overseas Development of certain functions with respect to pensions to or in respect of persons who are or have been—
- (a) serving in a body in relation to which regulations made under section 1 (2) of the Police (Overseas Service) Act 1945 have been made ; or
 - (b) officers to whom the Overseas Service Act 1958 applies in respect of whose service as such officers the provisions of section 5 of that Act have effect; or
 - (c) employed in pursuance of arrangements made by the Secretary of State in connection with the training and organisation of fire-fighting forces in territories outside the United Kingdom.
- (2) The following references to the Secretary of State shall be construed as references to either the Secretary of State or the Minister aforesaid, namely—
- (a) in the Fire Services Act 1947, the references in section 26(2)(d) and (e);
 - (b) in the Police Pensions Act 1948—
 - (i) the second reference in section 5(4);
 - (ii) the reference in the definition of "police authority " in section 8(1);
 - (c) in the Pensions (Increase) Act 1952, the reference in paragraph 4 of Part I of Schedule 1;
 - (d) in the Pensions (Increase) Act 1956, the references in paragraphs 6 and 7 of Part I of Schedule 1;

- (e) in the Overseas Service Act 1958, the reference in Schedule 2;
 - (f) in the Pensions (Increase) Act 1959, the references in paragraphs 7 and 8 of Part I of the Schedule ;
 - (g) in the Pensions (Increase) Act 1965, the references in paragraphs 7 and 8 of Schedule 1.
- (3) Any functions of the Secretary of State under the Police Pensions Act 1921 exercisable by virtue of any of the following instruments, namely—
- (a) the Police (Overseas Service) (Germany) Regulations 1947;
 - (b) the Police (Overseas Service) (Austria) Regulations 1947;
 - (c) the Police (Overseas Service) (Greece) Regulations 1948,
- are hereby transferred to the Minister aforesaid.
- (4) Where a statutory instrument containing a scheme under section 26 of the Fire Services Act 1947 or regulations under section 1 of the Police Pensions Act 1948 is made before the expiration of the period of twelve months beginning with the date of the passing of this Act and contains a statement that the scheme is, or, as the case may be, that the regulations are, made solely in connection with a transfer of functions in accordance with this section, then, notwithstanding anything in any other Act, the scheme or regulations may make provision with respect to a pension to or in respect of any person notwithstanding that the person in question ceased to be in the relevant service or employment, or died, before the date of the coming into operation of the scheme or regulations.

13 Pensions of police cadets.

- (1) Regulations made by the Secretary of State under section 35 of the 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.
- (2) Nothing in subsection (1) of this section shall affect the operation of the National Insurance Acts 1965 and 1966 or the National Insurance (Industrial Injuries) Acts 1965 and 1966, but regulations made by virtue of that subsection 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 those Acts.
- (3) This section shall apply to Scotland with the substitution for the references in subsection (1) thereof to sections 35 and 17 of the Police Act 1964 of references to sections 11A and 10A respectively of the Police (Scotland) Act 1956 as amended by Schedule 7 to the said Act of 1964.

14 Pensions for medical commissioners of Mental Welfare Commission for Scotland.

In section 2 of the Mental Health (Scotland) Act 1960 (establishment and constitution of Mental Welfare Commission), after subsection (7) there shall be inserted the following subsection:—

“(7A) In the case of any such medical commissioner as he may so determine, the Secretary of State, with the approval of the Treasury, may make provision for or pay to or in respect of him such pension, allowance or gratuity as may be so determined.”

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 sub-paragraph (ii) of this paragraph during any period of his service to which Regulation 2(1) of the Superannuation (Inner London Magistrates' Courts) Regulations 1965 applies;
- (b) the expression " civil service provisions " means the following as for the time being in force, namely, the Superannuation Act 1965, sections 1 and 2(2) and (3) of this Act, and any other 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 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—
- (a) subject to any exceptions 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.
- (5) For the purpose of enabling the Secretary of State to make by regulations with respect to pensions or other benefits under this section any provision which the Treasury have power under the civil service provisions to make by rules or regulations with respect to pensions or other benefits to or in respect of persons in the civil service of the State in cases where no such provision so made by the Treasury already applies by virtue of this section with respect to pensions or other benefits under this section, the Secretary of State may, with the consent of the Treasury, by regulations provide for the provisions conferring that power on the Treasury to have effect subject to such adaptations as may be specified in the regulations, being adaptations appearing to the Secretary of State and the Treasury to be necessary or expedient in order to confer with respect to pensions or other benefits under this section corresponding powers on the Secretary of State.
- (6) Any power to make an order or regulations under this section shall be exercisable by statutory instrument; and any such regulations shall be subject to annulment in pursuance of a resolution of either House of 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 Metropolitan Police Staff (Superannuation) Act 1875;
 - (b) the Metropolitan Police Staff Superannuation Act 1885 ;
 - (c) in the Police Act 1909, section 4 ;
 - (d) in the Metropolitan Police (Staff Superannuation and Police Fund) Act 1931, sections 1 to 3 ;

- (e) in the 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 Superannuation (Miscellaneous Provisions) Act 1948, subsections (2)(b) and (3)(ii) and, in subsection (4), paragraph (c), the words " into the Metropolitan Police Fund ", and the word " (c) " in the last place where it occurs;
 - (g) the Superannuation (Transfers between Metropolitan Police Staffs and Local Government) Rules 1959;
 - (h) the National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations 1961 ;
 - (i) the National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) Regulations 1963 ;
 - (j) in the Administration of Justice Act 1964, section 24;
 - (k) the National Insurance (Modification of the Metropolitan Police Staffs Superannuation Provisions) (Amendment) Regulations 1966;
 - (l) the Superannuation (Transfers between Police and Metropolitan Police Staffs) Rules 1966.
- (9) Notwithstanding the repeal by subsection (8)(f) of this section of section 24 of the Administration of Justice Act 1964, the Superannuation (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.

16 Teachers' superannuation accounts.

- (1) As respects any accounting period within the meaning of Schedule 1 to the Teachers' Superannuation Act 1967 or Schedule 6 to the Education (Scotland) Act 1962 beginning on or after 1st April 1961—
 - (a) paragraph 3(1)(d) of the said Schedule 1 and paragraph 2(3) of the said Schedule 6 (which relate to the sum representing interest which is to be treated as having been paid into the revenue of the teachers' superannuation account

under the Act in question for each accounting period) shall each have effect with the substitution for the words from " at the rate " onwards of the words " at such rate as may be determined in accordance with regulations made by the Secretary of State with the consent of the Treasury on the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period, and a further sum representing interest at such rate as may be determined as aforesaid on any balance of revenue (other than that further sum) over expenditure during the accounting period in question, and any such regulations may make different provision for different balances and different accounting periods and may provide as respects any balance to which the regulations relate—

- (i) for the determination of the rate of interest on that balance on the basis of a notional investment of that balance, or of any part or parts thereof, made after consultation with the Government Actuary; and
 - (ii) for different rates of interest, or different methods of determining the rates of interest, for different parts of that balance ;"
- (b) paragraph 4 of Schedule 1 to the said Act of 1967 is hereby repealed.
- (2) Section 144(2) and (3) of the said Act of 1962 shall not apply to any regulations made under that Act by virtue of the foregoing subsection, but before making any such regulations the Secretary of State shall consult with representatives of education authorities and of teachers appearing to him to be likely to be affected by them.

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 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 Governors' Pensions Act 1957 and section 4 of this Act may be cited together as the Governors' Pensions Acts 1957 and 1967.
- (4) Sections 6 to 8 of this Act—
 - (a) so far as they apply 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) so far as they apply 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.