



# Superannuation Act 1972

## 1972 CHAPTER 11

### *Provisions relating to superannuation of various other persons*

#### [<sup>F1</sup>13 **The Comptroller and Auditor General.**

- (1) A person who first holds office on or after the appointed day as the Comptroller and Auditor General (in this section referred to as “the Comptroller”) shall be entitled, if he was a member of a judicial pension scheme immediately before he first holds that office, to elect between—
  - (a) the scheme of pensions and other benefits under that judicial pension scheme (his “former scheme”);
  - (b) (if different from his former scheme) the scheme of pensions and other benefits constituted by Part I of the 1993 Act (“the 1993 scheme”); and
  - (c) the scheme of pensions and other benefits applicable under section 1 of this Act to the civil service of the State (“the civil service scheme”);and, if he is not entitled to make an election under this subsection, or if he is so entitled but fails to make such an election, he shall be treated as if he had been so entitled and had elected for the civil service scheme.
- (2) If a person who held the office of Comptroller before the appointed day has made an election under the former enactments for the old judicial scheme, he shall be entitled to make an election under this subsection between—
  - (a) the old judicial scheme; and
  - (b) the 1993 scheme;and, if he fails to make an election under this subsection, he shall be taken to have elected for the old judicial scheme.
- (3) If a person who held the office of Comptroller before the appointed day—
  - (a) has made an election under the former enactments for the civil service scheme, or
  - (b) has failed to make an election under those enactments (so that he is taken to have elected for the civil service scheme),

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he shall be treated as if he had been entitled to make an election under this section and had elected for the civil service scheme.

- (4) Where a person elects under this section for his former scheme, that scheme shall, subject to regulations under this section, apply as if his service as Comptroller were service which was subject, in his case, to that scheme.
- (5) A person who elects under subsection (1)(b) or (2)(b) above for the 1993 scheme, shall be entitled, when he ceases to hold office as Comptroller, to a pension under Part I of the 1993 Act at the appropriate annual rate (within the meaning of that Act) if he has held that office for at least 5 years and either—
- (a) he has attained the age of 65; or
  - (b) he is disabled by permanent infirmity for the performance of the duties of the office;

and, subject to the following provisions of, and regulations under, this section, the provisions of Part I of that Act (other than sections 1(1) to (4) and 2) and of sections 19, 20 and 23 of, and Schedule 2 to, that Act (which provide for benefits in respect of earnings in excess of pension-capped salary, appeals and transfer of accrued rights) shall apply in relation to him and his service in the office of Comptroller as they apply in relation to a person to whom Part I of that Act applies.

- (6) Subject to regulations under this section, in the application of provisions of the 1993 Act by virtue of subsection (5) above, a person who elects for the 1993 scheme shall be treated—
- (a) as if the office of Comptroller were a qualifying judicial office (within the meaning of that Act) by virtue of inclusion among the offices specified in Part I of Schedule 1 to that Act;
  - (b) as if his election under this section were an election such as is mentioned in paragraph (d) of section 1(1) of that Act (so that, in particular, section 12 of that Act, which provides for the transfer of accrued rights into the scheme, applies);
  - (c) as if his pension by virtue of this section were a pension under section 2 of that Act (and, accordingly, a judicial pension, within the meaning of that Act); and
  - (d) for the purpose of determining, in the event of his death, the rate of any surviving spouse's or children's pension payable under sections 5 to 8 of that Act in respect of his service as Comptroller, as if references in those sections to the annual rate of the deceased's judicial pension were references—
    - (i) where a pension had commenced to be paid to him by virtue of subsection (5) above, to the appropriate annual rate of that pension; or
    - (ii) where no such pension had commenced to be paid to him, to the rate that would have been the appropriate annual rate of the pension payable to him by virtue of subsection (5)(b) above, had he not died, but been disabled by permanent infirmity for the performance of the duties of his office on and after the date of death;

and, in the application of that Act to the Comptroller (whether by virtue of subsection (1)(a) or (b) or (2)(b) above) the references to the appropriate Minister in sections 13 (election for personal pension), 19 (benefits in respect of earnings in excess of pension-capped salary) and 20 (appeals) of, and Schedule 2 (transfer of accrued rights) to, that Act shall be taken as references to the Treasury and the power conferred by paragraph 2 of that Schedule to make regulations shall be exercisable by the Treasury.

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- (7) Where a person elects under this section for the civil service scheme, the principal civil service pension scheme within the meaning of section 2 of this Act and for the time being in force shall, subject to regulations under this section, apply as if his service as Comptroller were service in employment in the civil service of the State.
- (8) Where a person elects under this section for the old judicial scheme, that scheme and the former enactments shall, subject to regulations under this section, continue to have effect in relation to him and his service in the office of Comptroller.
- (9) Any power to make an election under this section shall be exercisable within such time and in such manner as may be prescribed in regulations under this section.
- (10) The Treasury may make regulations for purposes supplementary to the other provisions of this section.
- (11) Any such regulations may, without prejudice to section 38 or 39A of the Superannuation Act 1965 (employment in more than one public office), make special provision with respect to the pensions and other benefits payable to or in respect of a person to whom—
  - (a) his former scheme,
  - (b) the 1993 scheme,
  - (c) the civil service scheme, or
  - (d) the old judicial scheme,applies, or has applied, in respect of any service other than service as Comptroller.
- (12) The provision that may be made by virtue of subsection (11) above includes provision—
  - (a) for aggregating—
    - (i) other service falling within his former scheme, the 1993 scheme or the old judicial scheme with service as Comptroller, or
    - (ii) service as Comptroller with such other service,for the purpose of determining qualification for, or entitlement to, or the amount of, benefit under the scheme in question;
  - (b) for increasing the amount of the benefit payable under any of the schemes mentioned in paragraph (a)(i) above, in the case of a person to whom that scheme applied in respect of an office held by him before appointment as Comptroller, up to the amount that would have been payable under that scheme if he had retired from that office on the ground of permanent infirmity immediately before his appointment.
- (13) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (14) Any pension or other benefit granted by virtue of this section shall be charged on, and issued out of, the Consolidated Fund.
- (15) In this section—
  - “the 1981 Act” means the Judicial Pensions Act 1981;
  - “the 1993 Act” means the Judicial Pensions and Retirement Act 1993;
  - “the appointed day” means the day on which Part I of Schedule 4 to the 1993 Act comes into force;

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“the former enactments” means section 13 of this Act, as it had effect from time to time before the appointed day;

“judicial pension scheme” means any public service pension scheme, as defined in—

- (a) [<sup>F2</sup>section 1 of the Pension Schemes Act 1993]]
- (b) [<sup>F3</sup>section 176(1) of the Pensions Schemes (Northern Ireland) Act 1993]

under which pensions and other benefits are payable in respect of service in one or more qualifying judicial offices, within the meaning of the 1993 Act, but does not include the civil service scheme;

“the old judicial scheme” means the statutory scheme of pensions and other benefits applicable under or by virtue of the 1981 Act to the judicial offices listed in section 1 of that Act.

#### Textual Amendments

- F1** S. 13 substituted (31.3.1995) by 1993 c. 8, s. 25, **Sch. 4 Pt. 1 para.1**; S.I. 1995/631, **art. 2**
- F2** Words in definition of “judicial pension scheme” in s. 13(15) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para.8** (with s. 6(8)); S.I. 1994/86, **art. 2**
- F3** Words in definition of “judicial pension scheme” in s. 13(15) substituted (N.I.) (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para.13**; S.R. 1994/17, **art. 2**

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

- C1** S. 13: functions transferred (1.4.1995) by S.I. 1995/269, **art. 3**, **Sch. para. 7**

## 14 Metropolitan civil staffs.

- <sup>X1</sup>(1) Section 15 of the <sup>M1</sup>Superannuation (Miscellaneous Provisions) Act 1967 (which applies the legislation governing the superannuation of civil servants to certain persons employed under the Commissioner of Police for the Metropolis, justices’ clerks for the inner London area and other persons employed by the committee of magistrates for that area) shall be amended as follows.
- <sup>X1</sup>(2) In subsection (1)(b) (definition of “civil service provisions”) for the words from “the Superannuation Act” to “any other” there shall be substituted the words “ the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and any ”.
- <sup>X1</sup>(3) In subsection (3) (which empowers the Secretary of State by regulations to provide that any of the civil service provisions shall have effect for the purposes of pensions or other benefits under the section and certain other purposes subject to exceptions, modifications and adaptations specified in the regulations)—
  - (a) after the word “may”, where first occurring, there shall be inserted the words “ with the consent of the Minister for the Civil Service ” ; and
  - (b) in paragraph (a), after the word “exceptions” there shall be inserted the word “ additions ”.
- <sup>X1</sup>(4) Subsection (5) (which authorises the Secretary of State in certain circumstances to confer on himself power to make rules or regulations in relation to members of the metropolitan civil staffs where the Minister has power to make similar rules or regulations in relation to civil servants) shall be omitted.

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<sup>X1</sup>(5) For subsection (6) (which provides that regulations under the section shall be subject to annulment in pursuance of a resolution of either House of Parliament) there shall be substituted the following subsection:—

“(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.”

#### Editorial Information

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

#### Marginal Citations

**M1** 1967 c. 28.

## 15 Members of police forces, special constables and police cadets.

<sup>F4</sup>(1) .....

(5) Section 12 (except subsections (3) and (6)) of this Act shall apply in relation to—

- <sup>F5</sup>(a) .....
- (b) regulations relating to pensions under [<sup>F6</sup>section 51 or 52 of the Police Act 1996] (special constables and police cadets);
- (c) regulations under section 26(2)(k) of the <sup>M2</sup>Police (Scotland) Act 1967 (regulations with respect to the application to special constables of provisions relating to the pensions payable to or in respect of regular constables); or
- (d) regulations relating to pensions under section 27 of the said Act of 1967 (police cadets),

as it applies in relation to regulations under section 7, 8(2), 9 or 10 of this Act.

#### Textual Amendments

**F4** S. 15(1)–(4) repealed by Police Pensions Act 1976 (c. 35), Sch. 3

**F5** S. 15(5)(a) repealed by Police Pensions Act 1976 (c. 35), Sch. 3

**F6** Words in s. 15(5)(b) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), Sch. 7 Pt. II para. 19

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

**C2** Ss. 7-10, 11(2), 12, 15(5), 16, 24: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1 (with art. 7); S.I. 1998/3178, art. 3

#### Marginal Citations

**M2** 1967 c. 77.

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## 16 Members of fire brigades.

- (1) Without prejudice to the generality of section 26 of the <sup>M3</sup>Fire Services Act 1947 (power to make order bringing the Firemen's Pension Scheme into operation), any Scheme under that section may include provision for the payment by a fire authority or the Secretary of State of transfer values as respects persons who transfer or have transferred from employment in respect of which awards may be made under the Scheme to such other employment as may be specified in the Scheme.
- <sup>X2</sup>(2) Subsection (3) of the said section 26 (circumstances in which a pension may be provided under the Scheme) shall cease to have effect.
- (3) Section 12 (except subsections (3) and (6)) of this Act shall, with the necessary modifications, apply in relation to an order under the said section 26 as it applies in relation to regulations under section 7, 8(2), 9 or 10 of this Act.

### Editorial Information

**X2** The text of ss. 10(5), 14, 16(2), 17(1), 27(2), 28, 29, Sch. 6 paras. 1-3, 5, 9, 10, 12, 16-21, 24-27, 29-33, 39-41, 43, 46, 48, 51, 56-58, 60-67, 70, 72-74, 77, 78, 80-93, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

### Modifications etc. (not altering text)

**C3** Ss. 7-10, 11(2), 12, 15(5), 16, 24: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1 (with art. 7); S.I. 1998/3178, art. 3

### Marginal Citations

**M3** 1947 c. 41.

## <sup>F7</sup>17 Persons employed by general lighthouse authorities, etc.

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### Textual Amendments

**F7** S. 17 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1))

## 18 Employees of law societies.

<sup>F8</sup>(1) .....

<sup>F9</sup>(2) .....

### Textual Amendments

**F8** S. 18(1) repealed by Legal Aid Act 1974 (c. 4), Sch. 5 Pt. I

**F9** S. 18(2) (which applied to Scotland only) repealed (S.) by Legal Aid (Scotland) Act 1986 (c. 47, SIF 77:2), s. 45, Sch. 5

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**F10** 19 .....

**Textual Amendments**

**F10** S. 19 repealed by Statute Law (Repeals) Act 1989 (c. 43), s.1(1), Sch. 1 Pt. VII

**20 Officers and servants of certain river authorities.**

- (1) This section applies to the following persons, namely—
  - (a) every officer and servant of the Conservators of the River Thames (“the Conservators”) to whom but for any repeal made by this Act section 79(8) of the <sup>M4</sup>Land Drainage Act 1930 or section 53(2) of the <sup>M5</sup>Thames Conservancy Act 1950 would have applied; and
  - (b) every officer and servant of the Lee Conservancy Board or of the Lee Conservancy Catchment Board (“the Catchment Board”) to whom but for any such repeal section 80(7) of the said Act of 1930 would have applied.
- (2) There shall be paid by the Conservators to or in respect of the persons to whom this section applies by virtue of subsection (1)(a) above, and there shall be paid by the Catchment Board to or in respect of the persons to whom this section applies by virtue of subsection (1)(b) above, the same pensions, allowances or gratuities as can be paid to or in respect of persons employed in the civil service of the State, and the principal civil service pension scheme within the meaning of section 2 of this Act and for the time being in force shall apply accordingly in relation to those persons with the necessary adaptations.
- (3) The Conservators and the Catchment Board shall have all such powers as may be necessary to enable them to comply with subsection (2) above, including power to pay and receive transfer values and to make payments towards the provision of such pensions, allowances and gratuities as are referred to in that subsection.
- (4) The Catchment Board shall be deemed always to have had power to pay pensions, allowances or gratuities in respect of persons to whom section 80(7) of the <sup>M6</sup>Land Drainage Act 1930 at any time applied.

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

**C4** S. 20(2) modified by S.I. 1989/1161, reg. 6(2)(a)

**C5** S. 20(3) modified by S.I. 1989/1161, reg. 6(2)(b)

**Marginal Citations**

**M4** 1930 c. 44.

**M5** 1950 c. 1.

**M6** 1930 c. 44.

**F11** 21 .....

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### Textual Amendments

- F11** Ss. 21, 30(3), Sch. 6 paras. 68, 96 repealed by [British Airways Board Act 1977 \(c. 13, SIF 9\)](#), s. 24(1), [Sch. 2](#)

## 22 Pension schemes of various statutory bodies: removal of requirement to obtain Ministerial approval for certain determinations, etc.

- (1) Any body specified in column 1 of Schedule 4 to this Act may make any determination relating to, or connected with, the provision of pensions, gratuities or other like benefits to or in respect of persons employed by it which it has power to make under the enactment specified in relation to that body in column 2 of that Schedule without obtaining the approval or agreement of any Minister of the Crown or government department whose approval of, or agreement to, that determination is required by virtue of that enactment or by virtue of that enactment and any order made in pursuance of section 1 or 2 of the Ministers of the <sup>M7</sup>Crown (Transfer of Functions) Act 1946 or section 4 of the Ministers of the <sup>M8</sup>Crown Act 1964.
- [<sup>F12</sup>(2) The Council for Professions Supplementary to Medicine may approve any determination relating to pensions made under paragraph 20(2) of Schedule 1 to the <sup>M9</sup>Professions Supplementary to Medicine Act 1960 by a board established under that Act without obtaining the agreement of the Minister.]
- (3) Any pension scheme in force immediately before the commencement of this Act, being a scheme which was referred to in or established under section 12(4) of the <sup>M10</sup>Port of London (Consolidation) Act 1920 (provision of pensions, etc.), and any rules made in pursuance of such a scheme may be amended without the approval of the Secretary of State.
- (4) So much of any provision contained in a document forming part of any scheme for the provision of pensions, gratuities or other like benefits to or in respect of persons employed by industrial training boards established under section 1 of the <sup>M11</sup>Industrial Training Act 1964 as prohibits any alteration being made in that document, or any other document forming part of such a scheme, without the approval of the Secretary of State shall cease to have effect.
- <sup>F13</sup>(5) .....

### Textual Amendments

- F12** S. 22(2) omitted (the omission coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [S.I. 2002/254](#), arts. 1(2)(3), 48, [Sch. 4](#), para.2(a)
- F13** S. 22(5) repealed by [National Film Finance Corporation Act 1981 \(c. 15, SIF 45A\)](#), s. 10, [Sch. 3 Pt. I](#)

### Marginal Citations

- M7** 1946 c. 31.  
**M8** 1964 c. 98.  
**M9** 1960 c. 66.  
**M10** 1920 c. clxxiii.  
**M11** 1964 c. 16.



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- 23** <sup>F14</sup>(1) .....
- <sup>F15</sup>(2) .....

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**Textual Amendments**

- F14** S. 23(1) repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36, **Sch. 4**
- F15** S. 23(2) repealed by [Overseas Pensions Act 1973 \(c. 21\)](#), **Sch. 2**

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