

**EXPLANATORY MEMORANDUM TO  
THE SUPERANNUATION (ADMISSION TO SCHEDULE 1 OF THE  
SUPERANNUATION ACT 1972) ORDER 2008  
2008 No.1891**

1. 1.1 This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Description**

2.1 This instrument adds employments to Schedule 1 of the Superannuation Act 1972 (“the Act”), enabling people serving in those employments to be members of the schemes made under section 1 of the Act. The Principal Civil Service Pension Scheme, the Civil Service Additional Voluntary Contribution Scheme, the Civil Service Compensation Scheme, the Civil Service Injury Benefits Scheme, the Partnership Pension Account Death Benefit Scheme, the Partnership Pension Account Ill Health Benefit Scheme and the Unregistered Death Benefits Scheme are schemes that have been made under section 1 of the Act and are collectively referred to below as “the Civil Service Pension arrangements”.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative background**

4.1 Section 1 of the Act gives to the Minister for the Civil Service powers to make, maintain and administer schemes to provide pensions, allowances or gratuities to Civil Servants and other persons whose employments or offices are listed in Schedule 1 of the Act. The Act further permits the Minister to add employments or offices to Schedule 1, conditional on the employment or office being paid out of moneys provided by Parliament, the Consolidated

Fund, or the Scottish Consolidated Fund.

4.2 This Instrument adds and removes a number of employments to Schedule 1; these are listed in Annex A of this memorandum. Details of each of the employments or offices being added to this Order are in Annex B.

## **5. Territorial extent and application**

5.1 This instrument applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

6.1 The Minister for the Civil Service has made the following statement regarding Human Rights:

6.2 The Superannuation (Admission to Schedule 1 of the Superannuation Act 1972) Order 2008 amends Schedule 1 of the Superannuation Act 1972. In my view, the provisions of this instrument are compatible with the Convention rights.

## **7. Policy background**

7.1 The bodies added to Schedule 1 by this instrument wish to join the Civil Service Pension arrangements rather than run their own. . Membership of the Civil Service Pension arrangements avoids the administration and associated costs of setting up separate schemes, and makes available the economies of scale provided by the arrangements. In all cases the bodies will be required to make contributions to the Civil Service Pension arrangements at a level set to meet the full costs of the accruing superannuation liability associated with their staff. Civil Service Pensions Division, Cabinet Office, ensures that admitted employments or offices are within the public sector and have suitable controls over pay to protect the Cabinet Office Civil Superannuation Vote, from which pensions are paid.

7.2 There has been no public interest in these changes and they are not politically sensitive.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The outcome of this legislation is to effect a saving in administration to public sector bodies by enabling them to join existing pension arrangements and benefit from the support provided by the Scheme Managers, Civil Service Pensions Division, Cabinet Office.

## **9. Contact**

Ken Pike (Head of Employer Branch) at the Civil Service Pensions Division, Cabinet Office, can answer any queries regarding the instrument. Tel: 01256846570 or e-mail: [kenneth.pike@cabinet-office.x.gsi.gov.uk](mailto:kenneth.pike@cabinet-office.x.gsi.gov.uk)

***Employments and offices to be added to Schedule 1 to the Superannuation Act 1972***

***Employments***

Scottish Commission for Human Rights

Employment by the Police Complaints Commissioner for Scotland

Employment by the Scottish Road Works Commissioner

Local Better Regulation Office

***Offices***

Scottish Road Works Commissioner

***Amendments:***

Other Bodies

From Employment by the Trustees of the Independent Living (Extension) Fund and the Independent Living (1993) Fund to Employment by the Trustees of the Independent Living Fund 2006

The Independent Living Fund 2006 came into force on 3 July 2007 by reason of the Welfare Reform Act 2007. The Independent Living Fund (2006) Order provides that the new 2006 Fund operates in place of the two old Funds from 1 October 2007. The staff of the old Fund became employees of the new Fund on 1 October 2007.

***And the removal of:***

*Other Bodies*

## Joint Nature Conservation Committee

This Order removes the Joint Nature Conservation Committee from Schedule 1. We understand that this body has not employed any staff since it was added to Schedule 1 in April 2005 and it is unlikely to in the foreseeable future. The JNCC Support Co., also added in April 2005, provides support for the Joint Nature Conservation Committee and will remain on the list in Schedule 1.

## The Pensions Compensation Board

The Pensions Act 2004 dissolved the Pensions Compensation Board. However, it appears that the Act did not remove the corresponding entry from Schedule 1. Therefore we are removing it under this Order.

## *Other Offices*

### Chairman of the Criminal Injuries Compensation Board

The Chairman of the Criminal Injuries Compensation Board was added to Schedule 1 in 1996 under Statutory Instrument 1996 No. 608. The Criminal Injuries Compensation Board ceased to exist after 31 March 2000 but it appears that the office of the Chairman was not removed from Schedule 1. Therefore we are removing it under this Order.

**Brief explanation of each of the employments or offices being added to this Order**

The Scottish Commission for Human Rights was established by the Scottish Commission for Human Rights Act 2006. It will be independent but accountable to the Scottish Parliament. It's main duty is to promote human rights and, in particular, to encourage best practice in relation to human rights. The Act provides that the Commission may, with the consent and approval of the Scottish Parliamentary Corporate Body as to numbers, appoint and set terms and conditions of its staff.

The Police, Public Order and Criminal Justice (Scotland) Act 2006 established the office of the Police Complaints Commissioner for Scotland. The Act allows the Commissioner to appoint staff.

The Office of the Scottish Road Works Commissioner was created by the Transport (Scotland) Act 2005 to improve the planning, co-ordination and quality of road works throughout Scotland. The Act enables the Commissioner, with the consent of the Scottish Ministers, to set the terms and conditions to appoint staff.

The Local Better Regulation Office has been set up to support local authority regulation in trading standards and environmental health. It will work in partnership with local authorities and national regulators. It is currently a Company Limited by Guarantee but it is the intention to change its status to an NDPB.