

**The Superannuation (Miscellaneous Provisions) Act 1967: Section 7(2)**  
**[name of Council] (Superannuation) Direction 2014**

The Secretary of State, in exercise of the powers conferred by section 7(2) and (3) of the Superannuation (Miscellaneous Provisions) Act 1967<sup>a</sup>, directs as follows:

**Citation and definitions**

1. This Direction may be cited as the [name of Council] (Superannuation) Direction 2014 and shall come into force on [*insert date*].
  
2. In this Direction—

“the 1995 Regulations” means the National Health Service Pension Scheme Regulations 1995 (which set out the provisions relating to the 1995 Section of the Scheme) and any regulations, instrument or enactment amending or re-enacting, in whole or in part, those Regulations;

“the 2008 Regulations” means the National Health Service Pension Scheme Regulations 2008 (which set out the provisions relating to the 2008 Section of the Scheme and apply where an employee became a member of the Scheme for the first time on or after 1 April 2008 or where an employee exercises a choice to join the 2008 Section in accordance with Chapter 2K of those 2008 Regulations) and any regulations, instrument or enactment amending or re-enacting, in whole or in part, those Regulations;

“the employer” means [name of Council];

“the Pension Regulations” means—

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<sup>a</sup> 1967 c.28 as amended by sections 10(5) and 29(1) of, and paragraph 66 of Schedule 6 to, the Superannuation Act 1972.

- (a) the 1995 Regulations where this Direction affords a person to whom it applies membership of 1995 Section of the Scheme set out in those Regulations;
- (b) the 2008 Regulations where this Direction affords a person to whom it applies membership of 2008 Section of the Scheme set out in those Regulations;

“the Scheme” means the NHS Pension Scheme as set out in the 1995 Regulations and the 2008 Regulations;

and other expressions used in this Direction have the same meaning as in the Pension Regulations.

### **Application of Regulations**

3. This Direction shall apply to a person who—
  - (a) is employed by the employer in a post described in the Schedule to this Direction; and
  - (b) within the period of 12 months preceding the commencement of employment with the employer in that post, was in an employment in which he was entitled to participate in superannuation benefits provided under the Pension Regulations.
  
4. The Pension Regulations (as modified by this Direction) shall—
  - (a) apply to a person mentioned in direction 3 whilst he continues to meet the requirements of sub-paragraph (a) of that direction as if he were, within the meaning of those Regulations, an officer in the employment of an employing authority; and
  - (b) take effect in relation to that person from the later of—
    - (i) the date of coming into force of this Direction;

- (ii) the date on which that person entered into employment in that post with the employer.

### **Modification of the Pension Regulations**

- 5. The Pension Regulations shall be modified as set out below.

#### *Modification of the 1995 Regulations*

##### *Part U*

Regulation U3 (accounts and actuarial reports) shall apply as if after paragraph (5) there were added—

“(5A) The employer referred to in a direction made under section 7 of the Superannuation (Miscellaneous Provisions) Act 1967 must keep a record, in a manner approved by the Secretary of State, of the date on which a person to whom such a direction applies ceases to satisfy the terms of that direction and, upon such an occurrence, must notify the Secretary of State immediately of that fact.”.

#### *Modification of the 2008 Regulations*

##### *Regulation 2.J*

Regulation 2.J.14 (employing authority and certain member record keeping and contribution estimates) shall apply as if after paragraph (8) there were added—

“(8A) The employer referred to in a direction made under section 7 of the Superannuation (Miscellaneous Provisions) Act 1967 must, in respect of each financial year, keep a record, in a manner approved by the Secretary of State, of the date on which a person to whom such a direction applies ceases to satisfy the terms of that direction and, upon such an occurrence, must notify the Secretary of State in writing immediately of that fact.”.

### **Ending of this Direction**

6. This Direction shall cease to apply to a person to whom it otherwise applies on the date on which that person ceases to be in employment with the employer in one of the posts described in the Schedule to this Direction.

Signed by authority of the Secretary of State for Health

NHS Pensions and Employment Services  
Department of Health

Date of this Direction        /        /2014

## SCHEDULE

The description of posts referred to in direction 3(a) is:

1. any person—
  - (a) whose role with the employer involves them wholly or mainly undertaking public health practice or activity; and
  - (b) who is qualified or experienced in public health practice or activity and registered on the one or more of the professional registers maintained by—

the General Medical Council<sup>(a)</sup>,  
the General Dental Council<sup>(b)</sup>,  
the Nursing and Midwifery Council<sup>(c)</sup>,  
the Health and Care Professions Council<sup>(d)</sup>,  
the UK Public Health Register Board<sup>(e)</sup>.
  
2. any person—
  - (a) whose role with the employer involves them wholly or mainly undertaking public health practice or activity;
  - (b) whose previous employment for the purposes of direction 3(b) entitled them to participate in superannuation benefits provided under the 1995 Regulations;
  - (c) who is entitled to join or remain in the Scheme under the Pension Regulations; and
  - (d) who on 1 April 2012 was within thirteen years and five months, or less, of age 60 (or age 55 in the case of Special Class Officers).

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<sup>(a)</sup> See the Medical Act 1983 (c. 54).

<sup>(b)</sup> See the Dentists Act 1984 (c. 24).

<sup>(c)</sup> See the Nursing and Midwifery Order 2001 (S.I. 2002/253).

<sup>(d)</sup> See the Health and Social Work Professions Order 2001 (S.I. 2001/254).

<sup>(e)</sup> See <http://www.publichealthregister.org.uk>.

## Application of Regulations

1. Direction 1 states the name of the Direction and that it comes into force on *[insert date]*.
2. Direction 2 sets out the definitions of various phrases used throughout the Direction. These include the meanings of:
  - the 1995 Regulations;
  - the 2008 Regulations;
  - the employer;
  - the Pension Regulations; and
  - the Scheme.

It also provides that other expressions have the same meaning as in the NHS Pension Regulations 1995 and the NHS Pension Regulations 2008.

3. Direction 3 states that in order to benefit from the Direction, a person must be employed by the employer in one of the roles listed in the Schedule to the Direction (satisfying all the of the criteria in either 1 or 2 of this Schedule), and must have been employed within the period of 12 months preceding the commencement of that employment, in an employment in which he was entitled to participate in superannuation benefits provided under the Pension Regulations.
4. Direction 4 states that, provided direction 3 is satisfied, membership of the NHS Pension Scheme will apply to an employee as if he were, within the meaning of the Pension Regulations, an officer in the employment of an employing authority. It also provides that the Direction applies to a person from the later of the date of commencement of the Direction or the date that person entered into employment in one of the roles listed in the Schedule to the Direction.
5. Direction 5 modifies the NHS Pension Scheme Regulations 1995 and 2008. This means that the modifications have effect as if they appeared in the 1995 or 2008 Regulations as the case may be.
6. Regulation U3 of the NHS Pension Scheme Regulations 1995 is modified by the addition of paragraph (5A) which requires the employer to keep a record to show when employees subject to the Direction no longer qualify for membership of the Scheme and then inform NHS Pensions immediately.
7. Regulation 2.J.14 of the NHS Pension Scheme Regulations 2008 is modified by the addition of a new paragraph (8A). This means that the employer must keep a record to show when employees subject to the Direction no longer qualify for membership of the Scheme and then inform NHS Pensions immediately.

8. Direction 6 provides that the Direction ceases to apply when the person ceases to be employed in one of the roles listed in the Schedule.