
STATUTORY INSTRUMENTS

2013 No. 1564

PUBLIC SERVICE PENSIONS

**The Superannuation (Specification of
Employments and Offices) Regulations 2013**

<i>Made</i>	- - - -	<i>26th June 2013</i>
<i>Laid before Parliament</i>		<i>27th June 2013</i>
<i>Coming into force</i>	- -	<i>18th July 2013</i>

The Minister for the Civil Service makes the following Regulations in exercise of the power conferred by section 1A(4) and (7) of the Superannuation Act 1972⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Superannuation (Specification of Employments and Offices) Regulations 2013 and come into force on 18th July 2013.

Interpretation

2. In these Regulations “the Act” means the Superannuation Act 1972.

Description of employments and offices

- 3.—(1) An employment or office is prescribed for the purposes of section 1A(4)(a) of the Act if—
- (a) the employment or office is not of a kind mentioned in section 1(4) of the Act; and
 - (b) the individual appointed to that employment or office was, immediately before the appointment, a member or eligible to be a member of a scheme under section 1 of the Act by virtue of section 1(4).
- (2) An employment or office is prescribed for the purposes of section 1A(4)(a) of the Act if—
- (a) at any time before 21st June 2006 the employment or office ceased to be of a kind mentioned in section 1(4) of the Act;
 - (b) at the time that the employment or office ceased to be of a kind mentioned in section 1(4), persons serving in that employment or office ceased to be members or to be eligible to be members of a scheme under section 1 of the Act; and

(1) 1972 c.11. Section 1A was inserted by the Public Service Pensions Act 2013 (c.25), Schedule 9 paragraph 3. These provisions came into force on the day on which the Public Service Pensions Act 2013 was passed (section 41(1)(a) of that Act).

- (c) persons in that employment or office continued for any period after the time that it ceased to be of a kind mentioned in section 1(4) to be treated by the Minister for the Civil Service as if they were members of a scheme under section 1 of the Act for the purposes of functions exercisable by him under that section.

Information to be included in the list

4.—(1) The list produced for the purposes of section 1(4A) of the Act must contain the following

- (a) a description of the employment or office by reference to—
 - (i) the job title of, or nature of the service carried out in, that employment or office; and
 - (ii) the date on which persons must be in service in that employment or office;
 - (b) the date from which the employment or office is specified for the purposes of section 1(4A) of the Act; and
 - (c) the name of the body with which persons in that employment or office are contracted or to be contracted to provide those services after the date referred to in sub-paragraph (b).
- (2) In paragraph (1)(c), “body” includes any firm, organisation or body of persons corporate or unincorporate.

26th June 2013

Francis Maude
for the Minister for the Civil Service

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 1 of the Superannuation Act 1972 (c.11) (“the Act”) permits the Minister for the Civil Service to make schemes which make provision for pensions and other benefits in respect of persons to whom section 1 applies. Section 1(4) of the Act provides that section 1 applies to civil servants and persons serving in employment or in an office listed in Schedule 1 to the Act. Section 1(4A) of the Act, inserted by section 29 of and Schedule 9 to the Public Service Pensions Act 2013, provides that section 1 also applies to persons serving in employment or in an office specified in a list produced for the purposes of section 1(4A). The employment or office must be one to which subsection (2), (3) or (4) of section 1A of the Act applies.

Subsection (4) of section 1A applies to employments or offices which are of a description prescribed by regulations under section 1A(4)(a) of the Act, where the Minister has determined that it is appropriate for the employment or office to be specified.

Regulation 3(1) prescribes, for the purposes of section 1A(4)(a), employments or offices where the individual appointed to that employment or office was a member, or eligible to be a member, of a scheme under section 1 of the Act by virtue of section 1(4) prior to the appointment. Regulation 3(2) prescribes, for the purposes of section 1A(4)(a), employments or offices which ceased to be of a kind mentioned in section 1(4) of the Act before 21st June 2006 where persons serving in the employment or office continued after the employment or office ceased to be of a kind mentioned in section 1(4) to be treated by the Minister for the Civil Service as if they were members of a scheme under section 1. 21st June 2006 is the date of the Judgment of the House of Lords in *North Wales Training and Enterprise Council Ltd (t/aCeltec) v Astley and others* ([2006] UKHL 29). In this case the House of Lords held that the employment contracts of the claimants had transferred to the Training and Enterprise Councils for a period during which it was thought they were still in employment in the civil service. Section 1A(5) of the Act provides that the Minister may specify such offices and employments for the purposes of section 1(4A) with retrospective effect.

Regulation 4 prescribes information which must be included in the list produced for the purposes of section 1(4A).

An Impact Assessment has not been prepared for this instrument as no impact on the costs of business or the voluntary sector is foreseen.