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## DIRECTIONS

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# THE NATIONAL HEALTH SERVICE

## ENGLAND AND WALES

### The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Directions 2015

The Secretary of State, in exercise of the powers conferred by sections 7, 8, 272(7) and (8) and 273(1) of the National Health Service Act 2006(a), and section 4 of, and paragraph 8 of Schedule 2 to, the National Health Service (Consequential Provisions) Act 2006(b), gives the following Directions:

#### Citation, application, commencement and interpretation

1.—(1) These Directions may be cited as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Directions 2015, and apply to the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG).

(2) These Directions apply in relation to England and Wales and come into force on 1 April 2015.

(3) In these Directions—

“the 2013 Directions” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Directions 2013(c);

“the Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)(d);

“NHS Injury Benefits Scheme” means any scheme making provision for benefits for health staff in respect of injury or disease and established pursuant to section 10 of the Superannuation Act 1972(e), but excluding any scheme making provision for the early payment of a pension, allowance or gratuity in respect of ill-health(f); and

“NHS Pension Scheme” means any scheme making provision for pensions, allowances, gratuities or compensation for premature retirement for health staff and established pursuant to—

(a) section 10 or section 24 of the Superannuation Act 1972, but excluding the NHS Injury Benefits Scheme; or

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- (a) 2006 c.41. Section 7 was amended by section 12 of the Health and Social Care Act 2012 (c.7); section 8 was amended by paragraph 5 of Schedule 4 to that Act.
- (b) 2006 c.43. The powers of the Secretary of State under the provisions of the National Health Service Act 2006 (c.41) under which these Directions are given are exercisable only in relation to England by virtue of section 271(1) of that Act. However paragraph 8 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006 (c.43) specifically saves the effect of article 2 of the National Assembly of Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), so that for a function relating to a cross border Special Health Authority which cannot be exercised specifically for Wales, the Secretary of State or Welsh Ministers can exercise the function concurrently.
- (c) Signed on 28<sup>th</sup> March 2013.
- (d) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) is a Special Health Authority established by S.I. 2005/2414 as amended by S.I. 2006/632 and 2007/1201. It exercises functions in relation to England and Wales.
- (e) 1972 c.11.
- (f) See, for example, the provisions of Part E of the National Health Service Pension Scheme Regulations 1995 (S.I. 1995/300), Chapter 2 D of the National Health Service Pension Scheme Regulations 2008 and Chapter 5 of Part 5 of the National Health Service Pension Scheme Regulations 2015 (S.I. 2015/94).

(b) section 1(e) and section 3 of the Public Service Pensions Act 2013(a).

### **Functions of the Authority in relation to the NHS Injury Benefit Scheme and the NHS Pension Scheme**

2. The Authority must exercise the functions in relation to the NHS Injury Benefit Scheme and the NHS Pension Scheme specified in the Schedule to these Directions.

### **Revocation**

3.—(1) Direction 13 of the 2013 Directions is revoked in so far as it relates to the NHS Injury Benefits Scheme and the NHS Pension Scheme.

(2) Part 2 of Schedule 2 to the 2013 Directions is revoked.

Signed by authority of the Secretary of State for Health



A member of the Senior Civil Service  
Department of Health

Date 11/4/2015

## **SCHEDULE**

Direction 2

### **Functions of the Authority in relation to the NHS Injury Benefit Scheme and the NHS Pension Scheme**

1. Subject to paragraph 2, the Authority must exercise all functions in relation to the NHS Injury Benefits Scheme and the NHS Pension Scheme (“the Schemes”) conferred on the Secretary of State except the functions of—

- (a) making regulations relating to the Schemes;
- (b) giving directions or determinations relating to the Schemes;
- (c) publishing information in accordance with section 6 of the Public Service Pensions Act 2013(b); and
- (d) retaining records in accordance with regulation 3 of the Public Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations 2014(c) in so far as these are specified in regulation 6 of those Regulations.

2. Where the Secretary of State notifies the Authority that he intends to exercise a function in a particular case, the Authority must not exercise the function in that case.

3. In exercising the functions in paragraph 1 the Authority must seek such appropriate and timely actuarial and legal advice as it considers necessary in connection with—

- (a) the interpretation of the legislation and procedures relating to the administration of the Schemes;
- (b) the conduct of litigation (whether actual or threatened); and
- (c) the conduct of matters in connection with the Pensions Ombudsman(a).

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(a) 2013 c.25.

(b) 2013 c.25.

(c) S.I. 2014/3138. The Regulations are made under section 16 of the Public Service Pensions Act 2013 (c.25).

4. The Authority must notify the Secretary of State forthwith of any matter (including actual or threatened litigation), which may, in the Authority's opinion—

- (a) challenge or cast doubt upon the existing legislation, its interpretation or application; or
- (b) raise issues of financial or public policy,

in relation to the Schemes.

5. Where the Authority notifies the Secretary of State of a matter in accordance with paragraph 4, it must—

- (a) consult with the Secretary of State about the conduct of the matter; and
- (b) ensure that the Secretary of State is kept informed of developments in, and the progress of, the matter.

6. The Authority must provide advice to the Secretary of State in relation to all matters concerning the Schemes including in particular, actual or threatened litigation where issues of public policy or finance (including actuarial matters), may arise.

7. The Authority must provide advice and guidance to employers operating within the Schemes.

8. The Authority must provide advice and make recommendations to the Secretary of State about the exercise by the Secretary of State of the functions reserved to the Secretary of State under paragraphs 1(a), 1(b) and 2.

9. The Authority must promote awareness of the Schemes.

10. The Authority must provide information to other persons as is necessary in order for it to perform its functions.

11. The Authority must receive and retain information necessary in order for it to perform its functions.

12. The Authority must provide such information to the Pension Board(b) or Scheme Advisory Board(c), as the case may be, as they may from time to time request, on the condition that the Secretary of State consents to such provision.

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(a) See Part X of the Pension Schemes Act 1993 (c.48).

(b) See section 5 of the Public Service Pensions Act 2013 (c.25).

(c) See section 7 of the Public Service Pensions Act 2013 (c.25).

