



# European Parliament (Pay and Pensions) Act 1979

## 1979 CHAPTER 50

### 4 Pensions.

- (1) The [<sup>F1</sup>IPSA may make a scheme containing] provision with respect to the pensions which, subject to the fulfilment of such requirements and conditions as may be prescribed [<sup>F2</sup>in the scheme], are to be or may be paid by the Treasury to or in respect of persons who have ceased to be Representatives.
  - (2) Any such provision shall include provision for the appointment of persons as managers to perform such functions in connection with the administration of provisions contained in [<sup>F3</sup>a scheme] under this section as may be conferred on them by any such [<sup>F4</sup>scheme], and may include provision for the removal of managers so appointed.
  - (3) Without prejudice to the generality of subsection (1), [<sup>F5</sup>a scheme] under this section may
    - (a) make provision as to the periods of service as a Representative which are to be taken into account for pension purposes;
    - (b) provide for deductions to be made by the Treasury from Representatives' salaries at a prescribed rate by way of contributions towards the cost of providing the pensions payable by virtue of this section;
    - (c) provide for transfer values to be paid or received by the Treasury;
    - (d) make the opinion, satisfaction or approval of the managers appointed in pursuance of subsection (2) material for the purposes of any provision of the [<sup>F6</sup>scheme];
    - (e) make different provision with respect to different classes of persons and different circumstances;
    - (f) include transitional and other supplemental provisions;
    - (g) be made so as to have effect from a date before the making of the [<sup>F7</sup>scheme].
- [<sup>F8</sup>(3A) [<sup>F9</sup>A scheme] under this section shall not make provision for any period of service as a Representative on or after 14 July 2009 to be taken into account for pension purposes, except in relation to a Representative who is an opted-out Representative.]

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*Changes to legislation: There are currently no known outstanding effects for the European Parliament (Pay and Pensions) Act 1979, Section 4. (See end of Document for details)*

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[<sup>F10</sup>(3B) Where a scheme under this section provides for the normal or deferred pension age of a person under the scheme to be the same as the person's state pension age, the scheme may make provision for a change in the person's normal or deferred pension age in consequence of such provision to apply in relation to relevant accrued benefits (as well as other benefits).

(3C) In subsection (3B)—

- (a) “normal pension age”, in relation to a person and a scheme, means the earliest age at which a person with service as a Representative is entitled to receive benefits (without actuarial adjustment) on ceasing service as a Representative (and disregarding any special provision as to early payment of benefits on the grounds of ill-health or otherwise);
- (b) “deferred pension age”, in relation to a person and a scheme, means the earliest age at which a person with service as a Representative is entitled to receive benefits under the scheme (without actuarial adjustment) after ceasing service as a Representative at a time before normal pension age (and disregarding any special provision as to early payment of benefits on the grounds of ill-health or otherwise);
- (c) “state pension age”, in relation to a person, means the person's pensionable age as specified from time to time in Part 1 of Schedule 4 to the Pensions Act 1995;
- (d) “relevant accrued benefits”, in relation to a scheme, means benefits accrued after the coming into force of provision under subsection (3B) which may be paid to or in respect of the person under the scheme and to which the normal or deferred pension age is relevant.

(3D) A scheme under this section may provide for any statutory provision relating to any matter connected with the pensions payable to or in respect of Members to have effect with respect to or in connection with Representatives, with such additions, omissions, amendments or other modifications as may be specified in the scheme.

In this subsection “statutory provision” means any provision contained in an Act or in any instrument made under an Act (including an Act or instrument passed or made after the coming into force of this subsection).]

[<sup>F11</sup>(4) Before making a scheme under this section the IPSA must consult—

- (a) the Treasury,
- (b) the Minister for the Civil Service,
- (c) persons it considers to represent those likely to be affected by the scheme,
- (d) the Government Actuary, and
- (e) any other person it considers appropriate.

(4A) The IPSA must send to the Speaker of the House of Commons for laying before both Houses of Parliament—

- (a) any scheme made by it under this section, and
- (b) a statement of the reasons for making the scheme.

(4B) When the scheme and the statement of reasons have been laid, the IPSA must publish them in a way it considers appropriate.]

[<sup>F12</sup>(5) The IPSA must from time to time prepare a report on the operation of any provisions in force under this section, and send it to the Speaker of the House of Commons for laying before both Houses of Parliament.]

*Changes to legislation:* There are currently no known outstanding effects for the European Parliament (Pay and Pensions) Act 1979, Section 4. (See end of Document for details)

- (6) As regards such reports—
- (a) the first shall be so laid not more than five years after the coming into force of the first order made under this section;
  - (b) each subsequent report shall be so laid not more than five years after the date by which the previous report was so laid; and
  - (c) each report shall cover the period since the previous report or, in the case of the first report, since the coming into force of the first order under this section.
- (7) In Schedule 2 to the <sup>M1</sup>Pensions (Increase) Act 1971 (which specifies the pensions referred to in that Act as “official pensions”), after paragraph 3A there shall be inserted—

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3B A pension payable under an order made under section 4 of the European Assembly (Pay and Pensions) Act 1979.”.

[<sup>F13</sup>(8) A scheme made by the IPSA under this section may amend or revoke any previous scheme made by the IPSA under this section.]

**Textual Amendments**

- F1** Words in s. 4(1) substituted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(2\)\(a\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F2** Words in s. 4(1) substituted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(2\)\(b\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F3** Words in s. 4(2) substituted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(3\)\(a\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F4** Word in s. 4(2) substituted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(3\)\(b\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F5** Words in s. 4(3) substituted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(4\)\(a\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F6** Word in s. 4(3)(d) substituted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(4\)\(b\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F7** Word in s. 4(3)(g) substituted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(4\)\(b\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F8** S. 4(3A) inserted (14.7.2009) by [The European Parliament \(Pay and Pensions\) Regulations 2009 \(S.I. 2009/1485\)](#), [reg. 2\(6\)](#)
- F9** Words in s. 4(3A) substituted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(5\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F10** S. 4(3B)-(3D) inserted (1.11.2013) by [Public Service Pensions Act 2013 \(c. 25\)](#), [ss. 35](#), 41(2) (with [Sch. 11 para. 8](#)); S.I. 2013/2818, art. 2(1)(d)
- F11** S. 4(4)-(4B) substituted for s. 4(4) (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(6\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F12** S. 4(5) substituted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(7\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)
- F13** S. 4(8) inserted (1.11.2013) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 38\(8\)](#); S.I. 2013/2826, art. 2(b)(ii) (with art. 3)

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**Changes to legislation:** *There are currently no known outstanding effects for the European Parliament (Pay and Pensions) Act 1979, Section 4. (See end of Document for details)*

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

**C1** The text of s. 4(7) 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** [1971 c. 56.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the European Parliament (Pay and Pensions) Act 1979, Section 4.