



Pension Schemes Act 1993

1993 CHAPTER 48

PART XII

SUPPLEMENTARY PROVISIONS

Subordinate legislation etc.

182 Orders and regulations (general provisions).

(1) Any power under this Act to make regulations or orders (except a power of ^{F1}... the court to make orders) and the powers to make rules under sections 149(2) and 152(1) shall be exercisable by statutory instrument.

[^{F2}(1A) Subsection (1) does not apply to the power of the Scottish Ministers to make regulations under section 97B(11).]

(2) Except in so far as this Act otherwise provides, any power conferred by it to make an Order in Council, regulations or an order (except an order under section 153(8)) may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition,

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or

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- (iii) by a person approved by the Secretary of State; or
- (b) in accordance with guidance prepared [^{F11}and from time to time revised] by a prescribed body.

F12
...
F12
F12

Textual Amendments

- F4** Words in s. 183(1) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 79, **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F5** Words in s. 183(1) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 6 para. 15(a), **Sch. 7 Pt. IV**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F6** S. 183(2) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 79, **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F7** Word in s. 183(3) omitted (6.4.2012) by virtue of The Pensions Act 2008 (Abolition of Protected Rights) (Consequential Amendments) (No.2) Order 2011 (S.I. 2011/1730), arts. 1(2)(b), **5(23)**
- F8** Words in s. 183(3) substituted (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 12 para. 42**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4
- F9** Word in s. 183(3) inserted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 32**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6
- F10** Words in s. 183(3) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 45(b), **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F11** Words in s. 183(3)(b) inserted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 6 para. 15(b)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F12** Words in s. 183(3) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 45(c), **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Commencement Information

- I1** Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, **art. 2**

184 Consultation with Social Security Advisory Committee about regulations under s. 36(6).

- (1) Subject to section 173 of the ^{M1}Social Security Administration Act 1992 (cases where consultation not required), where the Secretary of State proposes to make regulations under section 36(6), he shall refer the proposals, in the form of draft regulations or otherwise, to the Social Security Advisory Committee (“the Committee”).
- (2) The Committee shall consider any proposals referred to it by the Secretary of State under subsection (1) and shall make to the Secretary of State a report containing such recommendations with respect to the subject-matter of the proposals as the Committee thinks appropriate.
- (3) If after receiving a report of the Committee the Secretary of State lays before Parliament regulations which comprise the whole or part of the subject-matter of the proposals referred to the Committee, he shall lay with the regulations a copy of the Committee’s report and a statement showing—
 - (a) the extent (if any) to which he has in framing the regulations given effect to the Committee’s recommendations; and
 - (b) in so far as effect has not been given to them, his reasons why not.

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Commencement Information

II Ss. 1-187 in force at 7.2.1994 by [S.I. 1994/86, art. 2](#)

Marginal Citations

M1 [1992 c. 5.](#)

185 Consultations about other regulations.

(1) [^{F13}Subject to subsection (2), before the Secretary of State makes”, and for the words from “refer the proposals” to the end there is substituted “consult such persons as he may consider appropriate] any regulations for the purposes of Parts I to VI, Chapter ^{F14}... III of Part VII, Part VIII, IX or X or section 153, 154, 155, 156, 160, 162, 163, 174 or 175 of this Act he shall refer the proposals, in the form of draft regulations or otherwise, to the Board.

(2) Subsection (1) does not apply to—

- (a) regulations prescribing actuarial tables; or
- (b) regulations made for the purpose only of consolidating other regulations revoked by them; or
- (c) regulations under section 36(6).
- [^{F15}(d) regulations in the case of which the Secretary of State considers consultation inexpedient because of urgency, or
- (e) regulations which—
 - (i) state that they are consequential upon a specified enactment, and
 - (ii) are made before the end of the period of six months beginning with the coming into force of that enactment,]

^{F16}(3)

^{F16}(4)

(5) In relation to any regulations required or authorised under this Act to be made by the Secretary of State in conjunction with the Treasury, any reference in [^{F17}subsection (1)] to the Secretary of State shall be construed as a reference to him and the Treasury acting jointly.

[^{F18}(5A) Subject to subsection (5C), before the Treasury (acting alone) make any regulations under section 95, 97A or 97C they shall consult such persons as they may consider appropriate.

(5B) Subject to subsection (5C), before the Scottish Ministers make any regulations under section 97B(11) they shall consult such persons as they may consider appropriate.

(5C) Subsections (5A) and (5B) do not apply to regulations in the case of which the Treasury or (as the case may be) the Scottish Ministers consider consultation inexpedient because of urgency or to regulations of the type described in subsection (2)(b) or (e).]

^{F19}(6)

(7) The power of the Secretary of State to make regulations under section 162 of this Act shall be exercisable only after consultation with [^{F20}the appropriate regulator][^{F21}or, if

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the matter concerns section 464 of the Income and Corporation Taxes Act 1988, the Commissioners of the Inland Revenue].

[^{F22}(7A) “The appropriate regulator” means—

- (a) where the group insurance business to which the regulations relate consists only of activities which are PRA-regulated activities, the Prudential Regulation Authority,
- (b) where the group insurance business to which the regulations relate consists partly of activities which are PRA-regulated activities and partly of other regulated activities, the Prudential Regulation Authority and the Financial Conduct Authority, or
- (c) in any other case, the Financial Conduct Authority.

(7B) In subsection (7A) “regulated activities” and “PRA-regulated activities” have the same meaning as in the Financial Services and Markets Act 2000.]

^{F23}(8)

^{F24}(9)

Textual Amendments

- F13** Words in s. 185(1) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 80(a)**; S.I. 1997/664, art. 2(3), Sch. Pt. II
- F14** Words in s. 185(1) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 46, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), Sch. Pt. II
- F15** S. 185(2)(d)(e) added (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 80(b)**; S.I. 1997/664, art. 2(3), Sch. Pt. II
- F16** S. 185(3)(4) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 80(c), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. II
- F17** Words in s. 185(5) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 80(d)**; S.I. 1997/664, art. 2(3), Sch. Pt. II
- F18** S. 185(5A)-(5C) inserted (3.3.2015 for specified purposes, 6.4.2015 in so far as not already in force) by Pension Schemes Act 2015 (c. 8), **ss. 70(2)**, 89(1)(b)(3)(b) (with ss. 70(5), 87)
- F19** S. 185(6) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 80(e), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. II
- F20** Words in s. 185(7) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 78(5)(a)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F21** Words in s. 185(7) substituted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **128**
- F22** S. 185(7A)(7B) inserted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 78(5)(b)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F23** S. 185(8) omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042), art. 1(2), **Sch. para. 15**
- F24** S. 185(9) omitted (6.4.2016) by virtue of Pensions Act 2014 (c. 19), s. 56(4), **Sch. 13 para. 45**

Commencement Information

- I1** Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, **art. 2**

186 Parliamentary control of orders and regulations.

- (1) Subject to subsections (2) and (3), a statutory instrument which contains (whether alone or with other provisions) any regulations or order made under this Act by the

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Secretary of State [^{F25}or the Treasury] shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Subsection (1) shall not apply to any order which under any provision of this Act is required to be laid before Parliament after being made or is subject to a requirement that a draft of the instrument shall be laid before and approved by a resolution of each House of Parliament or to any order made under section 193 or paragraph 1 of Schedule 9.

(3) Subject to subsection (4), a statutory instrument which contains (whether alone or with other provisions)—

- [^{F26}(a) regulations made under section 24B(5), or]
- [^{F27}(b) regulations made by virtue of section 49, or
- [^{F27}(c) an order under section 153(8), or
- [^{F27}(d) regulations made by virtue of subsection (1)(a) of section 165 applying such provisions as mentioned in subsection (2)(b) of that section, [^{F28}or
- [^{F27}(e) regulations made by virtue of section 168(2)] [^{F29}, or
- (f) regulations made under section 97A(11)] [^{F30}, or
- (g) regulations under section 99(2)(c), or
- (h) regulations under section 99A(2)(b),]

shall not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(4) Subsection (3) does not apply to such regulations as mentioned in paragraph [^{F31}(b) or (d)] of that subsection if—

- (a) they are made for the purpose only of consolidating regulations which they revoke, or
- (b) so far as they are made under powers conferred by the provisions mentioned in that paragraph, they only replace provisions of previous regulations with new provisions to the same effect.

(5) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of section 184(3) ^{F32}... shall be deemed to be satisfied as respects either House of Parliament if a copy of the report and the statement in question are laid before that House not later than the second day on which the House sits after the laying of the regulations.

[^{F33}(6) Regulations made by the Scottish Ministers under section 97B(11) are subject to the affirmative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).]

Textual Amendments

- F25** Words in s. 186(1) inserted (6.4.2015) by [Pension Schemes Act 2015 \(c. 8\)](#), **ss. 70(3)(a)**, 89(3)(b) (with s. 87)
- F26** [S. 186\(3\)\(a\)](#) inserted (E.W.S.) (1.3.2009 for specified purposes, 6.4.2009 in so far as not already in force) by [Pensions Act 2007 \(c. 22\)](#), **ss. 14(12)(a)**, 30(2)(a); S.I. 2009/406, art. 2(a)(b)
- F27** [S. 186\(3\)\(a\)-\(d\)](#) renumbered as s. 186(3)(b)-(e) (E.W.S.) (1.3.2009 for specified purposes, 6.4.2009 in so far as not already in force) by [Pensions Act 2007 \(c. 22\)](#), **ss. 14(12)(b)**, 30(2)(a); S.I. 2009/406, **art. 2(a)(b)**
- F28** [S. 186\(3\)\(d\)](#) and preceding word inserted (6.4.1996 for specified purposes, 1.6.1996 for specified purposes, 6.4.1997 in so far as not already in force) by [Pensions Act 1995 \(c. 26\)](#), **ss. 155(2)**, 180(1);

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S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**; S.I. 1996/1412, art. 2(2), **Sch. Pt. II**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**

- F29** S. 186(3)(f) and preceding word inserted (6.4.2015) by Pension Schemes Act 2015 (c. 8), **ss. 70(3)(b)**, 89(3)(b) (with s. 87)
- F30** S. 186(3)(g)(h) and preceding word inserted (11.2.2021 for specified purposes, 1.8.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), s. 131(1)(3)(a), **Sch. 3 para. 4**; S.I. 2022/721, regs. 1(2), 3(a)
- F31** Words in s. 186(4) substituted (E.W.S.) (1.3.2009 for specified purposes, 6.4.2009 in so far as not already in force) by Pensions Act 2007 (c. 22), **ss. 14(12)(c)**, 30(2)(a); S.I. 2009/406, art. 2(a)(b)
- F32** Words in s. 186(5) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 81, **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F33** S. 186(6) inserted (6.4.2015) by Pension Schemes Act 2015 (c. 8), **ss. 70(3)(c)**, 89(3)(b) (with s. 87)

Commencement Information

- I1** Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, **art. 2**

F34 **187 Northern Ireland Constitution Act 1973: “reserved matters”.**

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Textual Amendments

- F34** S. 187 repealed (2.12.1999) by Northern Ireland Act 1998 (c. 47), **ss. 100(2)**, 101(3), **Sch. 15** (with s. 95); S.I. 1999/3209, art. 2, Sch.

Commencement Information

- I1** Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, **art. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 46(1A)(1B) inserted by [2008 c. 30 s. 103\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 103(2)(4)(5) repealed (1.10.2014) without ever being in force by [2014 c. 19, Sch. 12 para. 96\(a\)](#); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- s. 46(1A) words substituted by [2011 c. 19 Sch. 3 para. 10](#)
- s. 71(1)(aa) substituted by [2015 c. 8 s. 39\(2\)\(a\)](#)
- s. 71(1A) inserted by [2015 c. 8 s. 39\(2\)\(b\)](#)
- s. 71(7)-(10) substituted for s. 71(7)-(11) by [2015 c. 8 s. 39\(4\)](#)
- s. 82A inserted by [2015 c. 8 Sch. 1 para. 2](#)
- s. 83(1A)-(1AC) substituted for s. 83(1A) by [2015 c. 8 Sch. 1 para. 3](#)
- s. 84-84F substituted for s. 84 by [2015 c. 8 Sch. 1 para. 4](#)
- s. 85A inserted by [2015 c. 8 Sch. 1 para. 5](#)
- s. 86A86B inserted by [2015 c. 8 Sch. 1 para. 6](#)
- s. 94(2A)(a)(viii) inserted by [2014 c. 19 Sch. 17 para. 20\(2\)\(a\)](#)
- s. 94(2A)(b)(vi) inserted by [2014 c. 19 Sch. 17 para. 20\(2\)\(b\)](#)
- s. 101AI(8)(a)(viii) inserted by [2014 c. 19 Sch. 17 para. 20\(3\)\(a\)](#)
- s. 101AI(8)(b)(vi) inserted by [2014 c. 19 Sch. 17 para. 20\(3\)\(b\)](#)
- s. 113(4)(4A) substituted for s. 113(4) by [2015 c. 8 s. 38\(5\)](#)
- s. 113(5) words substituted by [2015 c. 8 s. 38\(6\)](#)
- s. 113(10) words substituted by [2015 c. 8 Sch. 2 para. 3](#)
- s. 145(1A)-(1C) inserted by [2004 c. 35 Sch. 12 para. 23](#)
- s. 146(6A) inserted by [2004 c. 35 Sch. 12 para. 24\(b\)](#)
- s. 175A inserted by [2008 c. 30 Sch. 10 para. 1](#)
- s. 185(2)(ca) inserted by [2018 c. 10 s. 19\(5\)](#)
- s. 186(3)(ba) inserted by [2015 c. 8 Sch. 1 para. 7](#)
- s. 186(3)(za) inserted by [2008 c. 30 s. 103\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 103(2)(4)(5) repealed (1.10.2014) without ever being in force by [2014 c. 19, Sch. 12 para. 96\(a\)](#); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- Sch. 3 para. A1 and cross-heading inserted by [2015 c. 8 Sch. 1 para. 8](#)