



Public Service Pensions Act 2013

2013 CHAPTER 25

General

37 General interpretation

In this Act—

“the affirmative procedure” and “the affirmative Commons procedure” have the meanings given in section 38;

“armed forces” has the meaning given in Schedule 1;

“body” includes an unincorporated body or organisation of persons (for example, a committee or board of trustees);

“career average revalued earnings scheme” has the meaning given in section 8(4);

“civil servants” has the meaning given in Schedule 1;

“compensation benefits” means benefits by way of compensation for loss of office or employment;

“connected”, in relation to a scheme under section 1 and another statutory pension scheme, or a new public body pension scheme and another statutory pension scheme, has the meaning given by section 4(6);

“defined benefits scheme”: a pension scheme is a “defined benefits scheme” if or to the extent that the benefits that may be provided under the scheme are not money purchase benefits (within the meaning of the Pension Schemes Act 1993) or injury and compensation benefits;

“defined contributions scheme”: a pension scheme is a “defined contributions scheme” if or to the extent that the benefits that may be provided under the scheme are money purchase benefits (within the meaning of the Pension Schemes Act 1993);

“deferred pension age” has the meaning given in section 10(5);

“devolved”: a body or office is “devolved” if or to the extent that provision about pensions payable to or in respect of members or staff of the body, or a holder of the office—

- (a) would be within the legislative competence of the Northern Ireland Assembly were that provision contained in an Act of the Assembly, or

- (b) is not a reserved matter within the meaning of the Scotland Act 1998;
“earnings” includes any remuneration or profit derived from an employment;
“employer”, in relation to a pension scheme, means—
- (a) any employer of persons to whom the scheme relates,
 - (b) the person responsible for the remuneration of an office-holder to whom the scheme relates, or
 - (c) such other persons (in addition to, or instead of, any person falling within paragraph (a) or (b)) as scheme regulations or (in the case of a public body pension scheme) the rules of the scheme may provide;
- “existing scheme” has the meaning given in section 18(2);
“final salary”, in relation to a person to or in respect of whom a pension under a pension scheme is payable, means the person's pensionable earnings, or highest, average or representative pensionable earnings, in a specified period ending at, or defined by reference to, the time when the person's pensionable service in relation to that scheme terminates;
- “final salary scheme”: a pension scheme is a “final salary scheme” if entitlement to the pension payable to or in respect of a person which is based on the pensionable service of that person is or may be determined to any extent by reference to the person's final salary;
- “fire and rescue workers” has the meaning given in Schedule 1;
- “injury benefits” means benefits by way of compensation for incapacity or death as a result of injury or illness;
- “injury or compensation scheme”: a pension scheme is an “injury or compensation scheme” if it provides only for injury or compensation benefits (or both);
- “judiciary” has the meaning given in Schedule 1;
- “health service workers” has the meaning given in Schedule 1;
- “legislation” means primary or secondary legislation;
- “local authority” means—
- (a) a local authority in England and Wales within the meaning of Part 1 of the Local Government and Housing Act 1989, or
 - (b) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- “local government workers” has the meaning given in Schedule 1;
- “members of a police force” has the meaning given in Schedule 1;
- “the negative procedure” and “the negative Commons procedure” have the meanings given in section 38;
- “normal pension age” has the meaning given in section 10(5);
- “pension board” has the meaning given by section 5(8);
- “pension scheme” means a scheme for the payment of pensions or other benefits to or in respect of persons with service of a particular description;
- “pensionable earnings”, in relation to a pension scheme and a member of it, means earnings by reference to which a pension or other benefits under the scheme are calculated;
- “pensionable service”, in relation to a pension scheme, means service which qualifies a person to a pension or other benefits under that scheme;
- “primary legislation” means an Act, Act of the Scottish Parliament, Act or Measure of the National Assembly for Wales or Northern Ireland legislation;

“public authority” means—

- (a) a Minister of the Crown (as defined by section 8 of the Ministers of the Crown Act 1975),
- (b) a statutory body or the holder of a statutory office, or
- (c) a person exercising a statutory function;

“public body pension scheme” and “new public body pension scheme” have the meanings given in section 30(5);

“responsible authority”, in relation to a scheme under section 1, has the meaning given by section 2(2);

“scheme” includes arrangements of any description;

“scheme advisory board” has the meaning given by section 7(6);

“scheme manager”, in relation to a scheme under section 1, has the meaning given in section 4(2);

“scheme regulations” has the meaning given in section 1(4);

“secondary legislation” means an instrument made under primary legislation;

“staff”, in relation to a body, includes any employee or officer of the body;

“state pension age” has the meaning given in section 10(5);

“statutory body” and “statutory office” mean a body or office established under any legislation;

“statutory function” means a function conferred by any legislation;

“statutory pension scheme” means—

- (a) a pension scheme which is established by or under any legislation, and
- (b) a public body pension scheme which is not so established;

“teachers” has the meaning given in Schedule 1;

“Treasury directions” means directions given by the Treasury;

“Treasury order” means an order made by the Treasury;

“Treasury regulations” means regulations made by the Treasury.

38 Regulations, orders and directions

(1) For the purposes of this Act any power of the Secretary of State, the Minister for the Civil Service, the Treasury, the Lord Chancellor or the Welsh Ministers to make regulations or an order is exercisable by statutory instrument.

(2) In this Act, the “affirmative procedure” means—

- (a) in the case of regulations or an order of the Secretary of State, the Minister for the Civil Service or the Lord Chancellor, that the regulations or order may not be made unless a draft of the instrument containing them or it has been laid before, and approved by resolution of, each House of Parliament;
- (b) in the case of regulations of the Welsh Ministers, that the regulations may not be made unless a draft of the instrument containing them has been laid before, and approved by resolution of, the National Assembly for Wales.

(3) In this Act, the “negative procedure” means—

- (a) in the case of regulations or an order of the Secretary of State, the Minister for the Civil Service, the Lord Chancellor or the Treasury, that the instrument containing them or it is subject to annulment in pursuance of a resolution of either House of Parliament;

Status: This is the original version (as it was originally enacted).

- (b) in the case of regulations or an order of the Welsh Ministers, that the instrument containing them or it is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) In this Act, the “affirmative Commons procedure”, in relation to a Treasury order, means that the order may not be made unless a draft of the instrument containing it has been laid before, and approved by resolution of, the House of Commons.
- (5) In this Act, the “negative Commons procedure”, in relation to Treasury regulations or a Treasury order, means that the instrument containing them or it is subject to annulment in pursuance of a resolution of the House of Commons.
- (6) For regulations and orders of the Scottish Ministers, see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)).
- (7) Treasury directions under this Act may be varied or revoked.