
STATUTORY INSTRUMENTS

1993 No. 3253

PARLIAMENT

**The Parliamentary Pensions (Consolidation
and Amendment) Regulations 1993**

Made - - - - 24th December 1993
Laid before Parliament 31st December 1993
Coming into force - - 21st January 1994

The Leader of the House of Commons, in exercise of the powers conferred on him by section 2(1), (3) and (4) of the Parliamentary and other Pensions Act 1987 (1), with the consent of the Treasury, and after consultation with the Trustees of the Parliamentary Contributory Pension Fund and with such persons as appeared to him to represent persons likely to be affected by the Regulations, hereby makes the following Regulations:

PART A

Preliminary

Title and commencement

A1. These Regulations may be cited as the Parliamentary Pensions (Consolidation and Amendment) Regulations 1993 and shall come into force on 21st January 1994.

Interpretation

A2.—(1) In these Regulations—

“the 1965 Act” means the Ministerial Salaries and Members' Pensions Act 1965 (2);

“the 1972 Act” means the Parliamentary and other Pensions Act 1972 (3);

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- (1) 1987 c. 45; section 2(3) was amended by the Ministerial and other Pensions and Salaries Act 1991 (c. 5), section 2.
- (2) 1965 c. 11; the whole of this Act was repealed with savings by the Parliamentary and other Pensions Act 1972 (c. 48), section 36(1)(b) and Schedule 4. The repeal does not affect the operation of any of the provisions of Part II of the Act or of Schedule 2 or Schedule 3 to the Act, in relation to the deduction of contributions from Members of the House of Commons before 1st January 1972, and to any refund of contributions to or to any pension payable to or in respect of a person who last served as a Member of the House of Commons before 1st January 1972.
- (3) 1972 c. 48 Part 1 of this Act (sections 1-25), and sections 30, 33 and 35 were repealed, with savings, by the Parliamentary and other Pensions Act 1987 (c. 45). Those enactments (other than sections 1(1) to (4) and (7), 5, 23 and 24(4)) have continued to have effect as if they were contained in regulations made in accordance with section 2 of the 1987 Act.

- “the Pensions Act 1975” means the Social Security Pensions Act 1975 (4);
- “the 1987 Act” means the Parliamentary and other Pensions Act 1987;
- “the Taxes Act 1988” means the Income and Corporation Taxes Act 1988 (5);
- “actual period of reckonable service as a participating Member”, “actual period of reckonable service as a participating office holder” and “actual period of reckonable service as a participant” have the meanings assigned to them by regulation E1;
- “added year” means a period of reckonable service as a participating Member purchased under regulation Q1 and Schedule 6 including a part of a year expressed in days and any future added year;
- “aggregate period of reckonable service as a participating Member”, “aggregate period of reckonable service as a participating office holder” and “aggregate period of reckonable service as a participant” have the meanings assigned to them by regulation E2;
- “basic or prospective pension or pensions” has the meaning assigned to it by regulation K6;
- “the Consolidated Fund” means the Consolidated Fund of the United Kingdom;
- “contracted-out scheme” means an occupational pension scheme which is for the time being specified in a contracting-out certificate issued by the Occupational Pensions Board under regulations made in accordance with section 31 of the Pensions Act 1975;
- “contribution”, (except in the expression “contributions equivalent premium”), means any amount deducted from salary or deemed to have been paid under section 5 of the 1965 Act, under section 3 or section 4 of the 1972 Act or under regulation D1 or regulation D2 and any reference to the payment of a contribution shall be construed accordingly;
- “contributions equivalent premium” has the same meaning as in section 42(1) of the Pensions Act 1975 (6);
- “deferred pensioner” means a person who—
- (a) having been but having ceased to be a participant; and
 - (b) having accrued rights to a pension from the Fund,
- is not, or was not at his death, yet entitled to receive a pension from the Fund.
- “effective resolution” means a resolution of the House of Commons relating to the remuneration of Members which is not framed as an expression of opinion and where there are at any time two or more such resolutions in force they shall be read together;
- “fraction of a year” means part of a year of reckonable service expressed as the proportion borne by the number of days in that part to three hundred and sixty-five; and
- “fraction of an added year” shall be construed accordingly;
- “guaranteed minimum pension” has the same meaning as in section 35 and section 36(3) of the Pensions Act 1975 (7);

(4) 1975 c. 60.

(5) 1988 c. 1.

(6) Section 42(1) was amended by the Social Security Act 1985 (c. 53), Schedule 5, paragraph 25(1) and by the Social Security Act 1986 (c. 50), Schedule 2, paragraph 6(1), and Schedule 10 paragraph 21.

(7) Section 35(2) was amended by the Social Security Act 1986 (c. 50), Schedule 8 paragraph 8. Section 35(2A) was inserted by the Social Security Act 1989 (c. 24), Schedule 6 paragraph 5. Section 35(3) was substituted by the Social Security Act 1986 (c. 50), section 9(1). Section 35(4) was amended by the Social Security Act 1979 (c. 18), Schedule 3 paragraph 13. Section 35(5) was amended by the Social Security Act 1979 (c. 18), Schedule 3 paragraph 18(a), by the Social Security Act 1988 (c. 7), Schedule 2, paragraphs 1(2) and (3), and by the Social Security (Consequential Provisions) Act 1992 (c. 6), Schedule 2 paragraph 27(2). Section 35(6) was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), section 3(2). Section 35(6A) and (6B) were inserted by the Social Security Act 1986 (c. 50), section 9(2). Section 35(7) was amended by the Social Security Act 1979 (c. 18), Schedule 3 paragraph 18(b), by the Social Security Act 1985 (c. 53), Schedule 3, paragraphs 2(1) and (2) and 7 and by the Social Security (Consequential Provisions) Act 1992 (c. 6), Schedule 2, paragraph

“interest” (where the reference is to the payment of any sum with interest) means compound interest at the rate of three per cent per annum in respect of any period falling before 2nd August 1978 and at the rate of four per cent per annum in respect of any later period, and, in either case, the interest shall be calculated with annual rests;

“a Member’s ordinary salary” means the amount determined under an effective resolution which is for the time being in force and—

- (a) if the resolution provides for salary to be paid to Members at different rates according to whether or not they are holders of particular offices, or are in receipt of salaries or pensions as the holders or former holders of particular offices, a Member’s yearly salary at the higher or highest rate; and
- (b) in any other case, a Member’s yearly salary at the rate specified in or determined under the resolution;

“the multiple” means

- (a) subject to paragraph (b) below, in respect of a pension under regulation F1 of a person who is or has been a participating Member, the relevant terminal salary under regulation F2(2); or
- (b) in respect of a pension under regulation F1 of a person who holds or has held the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons—
 - (i) the amount of his salary as a Member of the House of Commons during his final year of reckonable service; or
 - (ii) if at the relevant date his reckonable service as a participating Member since the date of his appointment or election to that office is less than a year, the amount calculated using the formula

$$\frac{A \times 365}{B}$$

where:

A is the amount of his salary as a Member of the House of Commons since the date of his appointment or election; and

B is the number of days of his reckonable service as a participating Member since the date of that appointment or election; and

- (c) in respect of a pension under regulation F3 of a person who is or has been a participating office holder, the relevant terminal salary under regulation F4(4) multiplied by the average of all the contribution factors under regulation F4(2) calculated in relation to him for his aggregate period of reckonable service as a participating office holder;

“normal retirement date” means the date on which a participant reaches the age of sixty-five;

“office holder” has the meaning assigned to it by regulation C3(3);

“opted-out Member” has the meaning assigned to it by regulation C4(4);

“opted-out office holder” has the meaning assigned to it by regulation C5(4);

“overseas fund or scheme” means a fund or scheme which is established outside the United Kingdom and wholly or primarily administered outside the United Kingdom;

“participant” means a person making contributions to the Fund; and may be either a participating Member or a participating office holder or both a participating Member and a participating office holder;

“participating Member” means a person making contributions to the Fund deducted from his salary as a Member of the House of Commons (or who is excused from making such contributions because his aggregate period of reckonable service exceeds that which would give rise to the maximum pension allowed in respect of him under the principal scheme);

“participating office holder” means a person making contributions to the Fund deducted from his salary as an office holder;

“pension” does not include an allowance or gratuity;

“pensioner” means a person entitled to receive a pension from the Fund; and may be either a pensioner Member or a pensioner office holder or both a pensioner Member and a pensioner office holder;

“pensioner Member” means a person entitled to receive a pension from the Fund (including an early retirement pension or an ill health pension) in respect of his service as a Member of the House of Commons;

“pensioner office holder” means a person entitled to receive a pension from the Fund (including an early retirement pension or an ill health pension) in respect of his service as an office holder;

“period of tenure of a qualifying office” has the meaning assigned to it by regulation C3(2);

“permitted maximum” for any tax year means the figure specified for that tax year in an order made under section 590C of the Taxes Act 1988⁽⁸⁾;

“the principal scheme” means the scheme from time to time in force;

“qualifying office” has the meaning assigned to it by regulation C3(3);

“relevant child” has the meaning assigned to it by regulation K3(5);

“relevant date” means the relevant date for the determination under any provision of these Regulations of the pension of a person;

“tax year” means a year beginning on the 6th April in any year and ending on the following 5th April.

“transfer premium” has the same meaning as in section 44A of the Pension Act 1975⁽⁹⁾.

(2) In these Regulations, except where the context otherwise requires—

- (a) a reference to a numbered regulation or Schedule is a reference to the regulation of, or the Schedule to, these Regulations so numbered; and
- (b) a reference in a regulation or Schedule to a numbered paragraph is a reference to the paragraph of that regulation or Schedule so numbered.

PART B

Trustees and Administration

Trustees and Administration

B1.—(1) The provisions of Schedule 1 to these Regulations shall have effect with respect to the number, qualification and proceedings of Trustees of the Fund, the distribution of functions between the Custodian Trustee and the Managing Trustees, the administration of the Fund and the management and application of the assets of the Fund.

⁽⁸⁾ Section 590C was inserted into the Taxes Act 1988 by the Finance Act 1989 (c. 26), Schedule 6, paragraphs 4 and 18(2).

⁽⁹⁾ Section 44A was inserted into the Pensions Act 1975 by the Social Security Act 1985 (c. 53), Schedule 1, paragraph 1. Section 44A(1)(a) was amended by the Social Security Act 1986 (c. 50), Schedule 2, paragraph 6(1). Section 44A(1)(b) and section 44A(4) were amended by the Social Security Act 1986 (c. 50), Schedule 11. Section 44A(1)(c) was substituted by the Social Security Act 1989 (c. 24), Schedule 6, paragraph 11.

(2) All pensions and other sums payable under these Regulations by the Trustees, including contributions equivalent premiums and transfer premiums payable in respect of former participants, shall be paid out of the Fund, and all sums received by the Trustees under these Regulations shall be paid into the Fund.

PART C

Membership

Membership for Members of the House of Commons

C1. Any person serving as a Member of the House of Commons shall be a participating Member in the principal scheme except the following—

- (a) any person who holds or who has held the office of Prime Minister and First Lord of the Treasury who has not exercised an option under regulation C2; and
- (b) the Speaker of the House of Commons if he has not exercised an option under regulation C2; and
- (c) any Member of that House who has exercised an option under regulation C4 not to be a participant in the principal scheme.

Membership for Prime Ministers and Speakers

C2.—(1) Any person who on or after 28th February 1991 holds or has held the office of—

- (a) Prime Minister and First Lord of the Treasury; or
- (b) the Speaker of the House of Commons

may exercise an option in writing to become a participating Member in the principal scheme.

(2) Subject to paragraphs (3) and (4) below, the effective date of the option is whatever date the Trustees shall determine to be the earliest practicable date after that on which they receive written notice of the exercise of the option.

(3) If in respect of a person entitled to exercise an option under paragraph (1) above the Trustees receive the written notice not more than three months after the date of the appointment or election of that person to that office, the effective date of the option is the date of that appointment or election; and he shall pay to the Trustees within twenty-eight days of his exercise of the option, or within such longer period as the Trustees may in their discretion determine, the sum certified by the Trustees as being the amount which would have been deducted from his salary under regulation D1 between the effective date of the option and the first date thereafter when a deduction from his salary under regulation D1 is made.

(4) If in respect of the person who on 28th February 1991 held the office of Prime Minister and First Lord of the Treasury, the Trustees receive the written notice not more than three months after the date when these Regulations come into force, the effective date of the option is 1st April 1993; and he shall pay to the Trustees within twenty-eight days of his exercise of the option, or within such longer period as the Trustees may in their discretion determine, the sum certified by the Trustees as being the amount which would have been deducted from his salary under the principal scheme between 1st April 1993 and the first date thereafter when a deduction from his salary under regulation D1 is made.

Membership for Office Holders

C3.—(1) An office holder who—

- (a) has not at any time held the office of Prime Minister and First Lord of the Treasury; and
- (b) has not exercised an option under regulation C5; and
- (c) is either
 - (i) a participating Member; or
 - (ii) not a Member of the House of Commons

shall be a participating office holder in the principal scheme in respect of any period of tenure of a qualifying office.

(2) In these Regulations “period of tenure of a qualifying office” means any continuous period beginning on or after 1st April 1972 for which a person is—

- (a) the holder of one and the same qualifying office, or
- (b) the holder successively of two or more qualifying offices in respect of which the same salary is payable.

(3) In these Regulations “qualifying office” means any of the following offices—

- (a) the offices specified in Parts I to IV of Schedule 1 to the Ministerial and other Salaries Act 1975 (10), except the office of Prime Minister and First Lord of the Treasury;
- (b) the offices specified in Part I of Schedule 2 to that Act; and
- (c) the offices of Chairman of Ways and Means, Deputy Chairman of Ways and Means, Chairman of Committees of the House of Lords and Deputy Chairman of Committees of the House of Lords

and “office holder” means the holder of a qualifying office.

Right to opt out for Members of the House of Commons

C4.—(1) A participating Member who does not fall within subparagraphs (a) or (b) of regulation C1 may exercise an option in writing under this regulation not to be a participant in the principal scheme.

(2) Subject to paragraph (3) below, the effective opt-out date in respect of a Member is whatever date the Trustees shall determine to be the earliest practicable date after that on which they receive from him written notice of the exercise of the option.

(3) If the Trustees receive the written notice not more than three months after the date of a General Election or by-election at which the person was elected for the first time to membership of the House of Commons, the effective opt-out date is the date of that election and any contributions deducted from him since that election under regulation D1 and, if he is an office holder, under regulation D2, shall be repaid to him.

(4) A Member of the House of Commons who has exercised his right under paragraph (1) above to opt out of the principal scheme is referred to in these Regulations as “an opted-out Member”.

Right to opt out for office holders.

C5.—(1) An office holder who is a participating Member or who is not a Member of the House of Commons may exercise an option in writing under this regulation not to be a participating office holder in the principal scheme.

(2) Subject to paragraph (3) below, the effective opt-out date in respect of an office holder is whatever date the Trustees shall determine to be the earliest practicable date after that on which they receive from him written notice of the exercise of the option.

(10) 1975 c. 27.

(3) If the Trustees receive the written notice not more than twelve months after the date of commencement of a period of tenure of a qualifying office, the effective opt-out date is the date on which that period of tenure commenced and any contributions deducted from an office holder under regulation D2 in respect of that period of tenure shall be repaid to him.

(4) An office holder who has exercised an option under paragraph (1) above not to be a participating office holder or who has exercised the option under regulation C4(1) is referred to in these Regulations as an opted-out office holder.

Right to opt in for Members of the House of Commons

C6. An opted-out Member may apply to rejoin the principal scheme as a participating Member as from the date of any General Election or by-election at which he was elected to membership of the House of Commons (“the effective opt-in date”) by giving notice in writing to the Trustees within a period of three months beginning with the effective opt-in date provided that—

- (a) he pays to the Trustees within twenty-eight days of their acceptance of his application, or within such longer period as the Trustees may in their discretion determine, the sum certified by the Trustees as being the amount which would have been deducted from his salary under regulation D1 between the effective opt-in date and the first date thereafter when a deduction from his salary under regulation D1 is made; and
- (b) at the effective opt-in date, at least three months had elapsed since he was last elected to membership of the House of Commons.

Right to opt in for office holders

C7. An opted-out office holder who is either—

- (a) a participating Member; or
- (b) not a Member of the House of Commons,

may apply to rejoin the principal scheme as a participating office holder as from the date of commencement of a new period of tenure of a qualifying office (“the effective opt-in date”) by giving notice in writing to the Trustees within a period of twelve months beginning with the effective opt-in date provided that he pays to the Trustees within twenty-eight days of their acceptance of his application, or within such longer period as the Trustees may in their discretion determine, the sum certified by the Trustees as being the amount which would have been deducted from his salary under regulation D2 between the effective opt-in date and the first date thereafter when a deduction from his salary under regulation D2 is made.

PART D

Contributions

Contributions by participating Members

D1.—(1) Subject to paragraph (4) below and to regulation D3, there shall be deducted from each payment in respect of salary made to a participating Member the appropriate percentage of that payment; and all sums so deducted shall be paid into the Fund.

(2) In this regulation, “salary”

- (a) in the case of a participating Member who is or has been Prime Minister and First Lord of the Treasury or Speaker of the House of Commons means his salary as a Member of the House of Commons pursuant to an effective resolution; and

(b) in the case of any other participating Member, means a Member's ordinary salary.

(3) For the purposes of paragraph (1) above the appropriate percentage, in relation to a payment of salary made in respect of a period beginning on or after 1st April 1992, is 6 per cent.

(4) Where a person's aggregate period of reckonable service as a participating Member exceeds that which would give rise to the maximum pension allowed in respect of that person as a participating Member under regulation F5 or F6, no deduction shall be made under this regulation from payments in respect of salary made to him.

(5) If any salary from which a deduction is required to be made under this regulation is not drawn, there shall be set aside, out of moneys available for the payment, a sum equal to the relevant deduction, and any sum so set aside shall be paid into the Fund.

Contributions by participating office holders

D2.—(1) Subject to Regulation D3, there shall be deducted from each payment in respect of salary made to a participating office holder, the appropriate percentage of that payment; and all sums so deducted shall be paid into the Fund.

(2) In this regulation "salary" means—

(a) in relation to a participating office holder who is also a participating Member, the difference between—

(i) the aggregate of the annual amount payable to him as an office holder in respect of his tenure of that office and of the annual salary, which, pursuant to an effective resolution is or was payable to him as a Member holding that office; and

(ii) a Member's ordinary salary; or

(b) in relation to a participating office holder who is not a Member of the House of Commons, the annual salary payable to him as an office holder in respect of his tenure of that office.

(3) For the purpose of paragraph (1) above, the appropriate percentage, in relation to a payment of salary made in a period or part of a period beginning on or after 1st April 1992, is 6 per cent.

(4) If any salary from which a deduction is required to be made under this regulation is not drawn, there shall be set aside, out of moneys available for the payment, a sum equal to the relevant deduction, and any sum so set aside shall be paid into the Fund.

Earnings Cap

D3. Where in respect of any person who became a participant in the principal scheme on or after 1st June 1989, his annual salary—

(a) as a Member of the House of Commons; or

(b) as an office holder; or

(c) as both (a) and (b) cumulatively

exceeds the permitted maximum, the contributions deducted from that annual salary shall be limited to the appropriate percentage (as defined in regulations D1 and D2) of that permitted maximum and where sub-paragraph (c) applies his contributions under regulation D2 shall be reduced before his contributions under regulation D1.

PART E

Reckonable Service

Actual Reckonable Service

E1.—(1) Subject to paragraphs (2) and (3) below and to regulations N1 (refunds), and P1, P2 and P3 (transfers out) for the purpose of these Regulations in respect of any person who has been a Member of the House of Commons after 19th July 1983—

- (a) any period before 16th October 1964 during which he was a Member of the House of Commons; and
- (b) any period beginning on or after 16th October 1964 during which he—
 - (i) was or is a Member of the House of Commons; and
 - (ii) has made contributions to the Fund,

is a period of reckonable service as a participating Member; and in these Regulations “actual period of reckonable service as a participating Member”, in relation to a person, means the period, falling within either of the preceding sub-paragraphs, during which he is or was a participating Member or (if more than one) the aggregate of such periods.

(2) Subject to regulations N1 (refunds) and P1, P2 and P3 (transfers out) in respect of any person who holds or has held the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons who not more than three months after the date of his appointment to that office has exercised an option under regulation C2, any period beginning on or after 28th February 1991 during which he

- (a) was or is a Member of the House of Commons; and
- (b) has made contributions to the principal scheme under section 3 of the 1972 Act, or under regulation D1, or under regulation C2(4),

is a period of reckonable service as a participating Member; and in these Regulations “actual period of reckonable service as a participating Member” in relation to a person who holds or has held the aforesaid offices means the period referred to in this paragraph during which he is or was a participating Member or (if more than one) the aggregate of such periods.

(3) Subject to regulation N1 (refunds) and P1, P2 and P3 (transfers out) in respect of any person who holds or has held the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons who more than three months after the date of his appointment to that office has exercised an option under regulation C2, any period beginning on the effective date of the option during which he

- (a) was or is a Member of the House of Commons; and
- (b) has made contributions to the principal scheme under regulation D1,

is a period of reckonable service as a participating Member; and in these Regulations “actual period of reckonable service as a participating Member” in relation to a person who holds or has held the aforesaid offices means the period referred to in this paragraph during which he is or was a participating Member or (if more than one) the aggregate of such periods.

(4) In respect of a person who has been a participating office holder on or after 20th July 1983, and subject to regulations F8(3) (payment to office holder after normal retirement), N1 (refunds), P1, P2 and P3 (transfers out), any period during which a person is a participating office holder is a period of reckonable service as a participating office holder; and in these Regulations “actual period of reckonable service as a participating office holder”, in respect of a person, means his period (or, if more than one, the aggregate of his periods) of reckonable service as a participating office holder.

(5) Subject to regulation N1 (refunds) and P1, P2 and P3 (transfers out) in respect of any person who holds or has held the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons who not more than three months after the date of his appointment to that office has exercised an option under regulation C2, any period or periods beginning on a date on or after 28th February 1991 and ending on or before the date of his appointment or election to that office during which he was a participating officer holder is a period of reckonable service as a participating office holder; and in these Regulations “actual period of reckonable service as a participating office holder” in relation to a person who holds or has held the aforesaid offices means the period referred to in this paragraph during which he was a participating office holder or (if more than one) the aggregate of such periods.

(6) In these Regulations “actual period of reckonable service as a participant”, in respect of a person, means the total of whichever of the following apply to him, namely—

- (a) his actual period of reckonable service as a participating Member; or
- (b) his actual period of reckonable service as a participating office holder; or
- (c) if (a) and (b) both apply, his actual period of reckonable service as a participating Member together with such part, if any, of his actual period of reckonable service as an office holder when he was not also a participating Member.

Aggregate Reckonable Service

E2.—(1) In respect of a person, his aggregate period of reckonable service as a participating Member is his actual period of reckonable service as a participating Member together with any increases in reckonable service attributable to sums received by way of transfer value or to the purchase of added years.

(2) In respect of a person, his aggregate period of reckonable service as a participating office holder is his actual period of reckonable service as a participating office holder together with any increase in reckonable service attributable to sums received by way of transfer value.

(3) In respect of a person, his aggregate period of reckonable service as a participant is his actual period of reckonable service as a participant together with any increases in reckonable service attributable to sums received by way of transfer value or to the purchase of added years.

PART F

Pension Entitlement

Entitlement of pensioner Members

F1.—(1) Subject to the provisions of these Regulations, a person who on or after 31st July 1984 has ceased to be a participating Member and who has reckonable service as a participating Member under Part E or under section 6 of the 1972 Act shall be entitled to receive a pension under this regulation as from the time when the following conditions are or were fulfilled in respect of him—

- (a) he is or was neither a Member of the House of Commons nor a candidate for election to it;
- (b) he is not or was not an office holder; and
- (c) he has or had attained the age of sixty-five years.

Amount payable to pensioner Members

F2.—(1) Subject to regulations F5, F6 and F7, G1 (Commutation), H1 (Early retirement) and J1 and J3 (Ill health pensions) and to paragraph (5) below, the annual amount of the pension payable

to a person under regulation F1 shall be a sum equal to the aggregate of the amounts produced, in relation to each year or fraction of a year comprised in his aggregate period of reckonable service as a participating Member, by multiplying the relevant terminal salary by the appropriate fraction.

(2) In this regulation “the relevant terminal salary”—

- (a) in relation to a person who has been a participating Member for a period of twelve months or more, or for two or more periods amounting in the aggregate to more than twelve months, means the amount of a Member’s ordinary salary for the last twelve months (whether continuous or discontinuous) during which that person was a participating Member; and
- (b) in relation to a person who has been a participating Member, but whose actual period of service as a participating Member was less than twelve months, means an amount calculated by taking the aggregate amount of a Member’s ordinary salary for the period (whether continuous or discontinuous) for which he was a participating Member and multiplying it by the appropriate figure;

and in sub-paragraph (b) of this paragraph “the appropriate figure” in relation to a person, means the figure (whether being a whole number or not) by which the number of days comprised in his period of service as a Member of the House of Commons must be multiplied in order to be equal to a year.

(3) In paragraph (1) of this regulation “the appropriate fraction”, in relation to a year or part of a year comprised in a person’s aggregate period of reckonable service as a participating Member, means—

- (a) in the case of a year ending before 20th July 1983, one-sixtieth, or, if the period before that date includes a part of a year, a proportionate fraction of one-sixtieth; and
- (b) in the case of a year beginning on or after 20th July 1983, one-fiftieth, or, if the period on or after that date includes a part of a year, a proportionate fraction of one-fiftieth.

(4) For the purposes of paragraph (4) of this regulation, where a year or part of a year comprised in a person’s aggregate period of reckonable service as a participating Member began before, but ended on or after, 20th July 1983—

- (a) so much of that year or part of a year as ended with 19th July 1983 shall be treated as a part of a year in relation to which sub-paragraph (a) of that paragraph applies; and
- (b) the remainder of that year or part of a year shall be treated as part of a year in relation to which sub-paragraph (b) of that paragraph applies.

(5) The annual amount of the pension payable under regulation F1 to a person who has been Prime Minister and First Lord of the Treasury or Speaker of the House of Commons shall be calculated in accordance with the provisions of regulation F4, but where regulation F4 applies in relation to such a pension—

- (a) every reference to a “participating office holder” shall be construed as a reference to a “participating Member”; and
- (b) the reference to regulation D2 in paragraph (2)(a) of that regulation shall be construed as a reference to regulation D1.

Entitlement of pensioner office holders

F3.—(1) Subject to the provisions of these Regulations, a person who on or after 20th July 1983 has ceased to be a participating office holder and who has reckonable service as a participating office holder under Part E or under section 6 of the 1972 Act shall be entitled to receive a pension under this regulation as from the time when the conditions specified in paragraphs (a), (b) and (c) of regulation F1(1) are fulfilled in respect of him.

(2) The same person may be entitled to a pension under regulation F1 and to a pension under this regulation; and the amounts of the two pensions shall be cumulative.

Amount payable to pensioner office holders

F4.—(1) Subject to regulations F5, F6 and F7, to G1 (Commutation) and to H1 (Early Retirement), the provisions of this regulation shall have effect for the purpose of calculating the annual amount of a pension payable to a person under regulation F3.

(2) For each year of which the whole or any part was comprised in the person's aggregate period of reckonable service as a participating office holder the following amounts shall be calculated—

- (a) an amount equal to the sums deducted under regulation D2 or section 4 of the 1972 Act in respect of that year from the person's salary (within the meaning of that regulation or section), and
- (b) an amount equal to the aggregate amount which fell to be deducted under regulation D1 or section 3(2) of the 1972 Act from a participating Member's ordinary salary in respect of that year,

and for each such year there shall be calculated the amount (referred to in these Regulations, in relation to any such year, as "the contribution factor" for that year) which is equal to the amount calculated under sub-paragraph (a) divided by the amount calculated under sub-paragraph (b) of this paragraph.

(3) For each such year as is mentioned in paragraph (2) of this regulation a contribution credit shall be calculated by multiplying the appropriate fraction of the relevant terminal salary by the amount of the contribution factor for that year; and, subject to regulation G1 the annual amount of the pension payable to the person under regulation F3 shall be an amount equal to the aggregate of the contribution credits calculated under this paragraph.

(4) In this regulation "the relevant terminal salary"—

- (a) if the person's actual period of reckonable service as a participating office holder was twelve months or more, means the amount of a Member's ordinary salary for the last twelve months (whether continuous or discontinuous) comprised in that actual period of reckonable service; and
- (b) if the person's actual period of reckonable service as a participating office holder was less than twelve months, means an amount calculated by taking the amount of a Member's ordinary salary for the period (whether continuous or discontinuous) which constituted that actual period of reckonable service and multiplying it by the appropriate figure;

and in sub-paragraph (b) of this paragraph "the appropriate figure" means the figure (whether being a whole number or not) by which the number of days comprised in the person's actual period of reckonable service as a participating office holder must be multiplied in order to be equal to twelve months.

(5) In paragraph (3) of this regulation "the appropriate fraction" means—

- (a) in relation to the year beginning with 1st April 1984 and subsequent years, one-fiftieth;
- (b) in relation to the year beginning with 1st April 1982 and previous years, one-sixtieth; and
- (c) in relation to the year beginning with 1st April 1983—
 - (i) in the case of a person who held a qualifying office at some time in the period beginning with 1st April 1983 and ending with 19th July 1983 but did not hold such an office at any time in the period beginning with 20th July and ending with 31st March 1984, one-sixtieth;

- (ii) in the case of a person who did not hold such an office at any time in the first of those periods but did hold such an office at some time in the second of those periods, one fiftieth; and
- (iii) in the case of a person who held such an office at some time in each of those periods, nineteen-thousandths.

(6) In paragraphs (2), (3) and (5) of this regulation “year” (except in the expression “sixty-five years”) means a period of twelve months beginning with 1st April.

Permitted maximum pensions: pensioners who joined before 1st June 1989

The annual amount of the pension payable under regulation F1 or regulation F3 to a person who became a participant before 1st June 1989 shall not exceed whichever is the less of—

- (a) the amount equal to two-thirds of the multiple; or
- (b) such maximum pension as is calculated in respect of that person in accordance with the provisions of Schedule 2,

except to the extent that it is calculated by reference to so much (if any) of that person’s actual period of reckonable service as a participant as fell after he attained the age of sixty-five years.

Permitted maximum pensions: pensioners who joined after 1st June 1989

F6.—(1) The annual amount of the pension payable under regulation F1 or regulation F3 to a person who became a participant on or after 1st June 1989 shall not exceed whichever is the less of—

- (a) the amount equal to two-thirds of the multiple; or
- (b) such maximum pension as is calculated in respect of that person in accordance with the provisions of Schedule 2; or
- (c) the amount equal to two-thirds of the permitted maximum.

(2) In the case of a person who became a participant on or after 1st June 1989 and who is entitled to a pension both under regulation F1 and under regulations F3, the amount of the two pensions together shall not exceed two-thirds of the permitted maximum and, if they do, the pension payable under regulation F3 shall be reduced before the pension payable under regulation F1.

Guaranteed minimum pensions

Notwithstanding any provision of these Regulations to the contrary, any person entitled to receive a pension under regulation F1 or regulation F3 (including an early retirement pension or an ill-health pension by virtue of Part H or Part J)—

- (a) shall be entitled to receive, subject to the provisions of regulation F8(3), from the age of sixty-five years in the case of a man and from the age of sixty years in the case of a woman, a pension payable for the remainder of his or her life, at a rate equivalent to a weekly rate of not less than the guaranteed minimum pension, unless his or her rights thereto are extinguished by payment of a contributions equivalent premium under section 42 of the Pensions Act 1975 **(11)**; and
- (b) if the payment of the guaranteed minimum pension of that person is postponed in the circumstances to which section 33(3) of the Pensions Act 1975 applies, the guaranteed

(11) Section 42 was amended by the Social Security Act 1985 (c. 53), Schedule 5, paragraph 25(1) and by the Social Security Act 1986 (c. 50), Schedule 2, paragraph 6(1) and Schedule 10, paragraph 21.

minimum pension of that person shall be increased to the extent, if any, specified in section 35(6) of the Pensions Act 1975 (12).

Duration of pensions

F8.—(1) Subject to the following provisions of this regulation, a pension under regulation F1 or regulation F3 (including an early retirement pension or an ill-health pension by virtue of Part H or Part J) shall continue for the life of the person to whom it is payable.

(2) Subject to paragraph (3) below no such pension shall be payable to a person in respect of any period during which he is a Member of the House of Commons or a candidate for election to that House, or in respect of any part of a period of tenure of a qualifying office other than a part in respect of which no salary is payable or in respect of which no salary is drawn.

(3) Where, in the case of any person, a pension under regulation F1 or regulation F3 or a pension under each of those regulations would, but for paragraph (2) above, be payable to him in respect of a period of tenure of a qualifying office during which he is neither a Member of the House of Commons nor a candidate for election to that House—

- (a) that paragraph shall not apply to that pension or either of those pensions in respect of any part of that period; but
- (b) the amount or aggregate amount payable to him in right of that pension or those pensions for any part of that period shall not exceed the amount, if any, by which the total salary payable to him for that part of that period falls short of the amount of a Member’s ordinary salary for that period; and
- (c) if he is a participating office holder in respect of that period then, for the purpose of calculating the amount, if any, which would, apart from sub-paragraph (b) above, be payable to him in right of a pension under regulation F3 for any part of that period (but not for any other purpose, and in particular not for the purpose of recalculating at the end of that period the annual amount of the pension, if any, to which apart from sub-paragraph (b) above he is entitled under regulation F3), that period shall be deemed not to be a period of reckonable service as a participating office holder.

In this paragraph “salary” (except in the expression “a Member’s ordinary salary”) means salary payable to the office holder in respect of his tenure of that office.

(4) For the purposes of this regulation a person who ceases to be a Member in consequence of the dissolution of Parliament shall be treated as a candidate for election unless and until he gives notice in writing to the Trustees that he is not seeking re-election.

(5) The provisions of this regulation shall not apply for the purposes of calculating the amounts payable under regulations M2(3), M2(4)(b), M3(4), M4(2) or M7 (five year guarantee).

PART G

Commutation

Commutation into lump sum

G1.—(1) Any person who is entitled to receive a pension under Part F (including an ill-health pension payable by virtue of Part J) or who applies to receive a pension under Part H may, before

(12) Section 35(6) was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), section 3(2) and subsections (6A) and (6B) were inserted by the Social Security Act 1986 (c. 50), section 9(2), which also by section 9(7) substituted a new section 37A.

the first instalment of the pension is paid, give notice to the Trustees that he desires to commute into a lump sum such part of the pension as is specified in the notice.

- (2) Where a person has given notice under this regulation, the Trustees shall determine—
- (a) what lump sum would be actuarially equivalent to the part of the pension specified in the notice; and
 - (b) what reduction of the annual amount of his pension would be appropriate in consideration of the payment of that lump sum; and

subject to the following provisions of this regulation, a lump sum of the amount so determined shall be paid to that person and the annual amount of his pension shall be reduced accordingly.

(3) Any lump sum or reduction to be determined under paragraph (2) above shall be a sum or reduction either certified by the Government Actuary, or calculated in accordance with tables to be prepared from time to time by the Government Actuary, as fulfilling the conditions specified in sub-paragraph (a) or sub-paragraph (b) of that paragraph, as the case may be.

(4) If, in the case of any person who has given notice under this regulation, the amount of the lump sum determined in accordance with paragraphs (2) and (3) above, would exceed the maximum commutable sum—

- (a) the amount of the lump sum so determined shall be diminished by such proportion as is necessary to make it equal to the maximum commutable sum; and
- (b) the reduction of the annual amount of his pension under that regulation shall be diminished by the like proportion.

(5) For the purposes of paragraph (4) above, the maximum commutable sum in the case of any person shall be calculated in accordance with Schedule 3 and, in the case of a person who became a participant on or after 1st June 1989, shall be subject to an overall maximum of 120/80 of the permitted maximum.

(6) In determining the amount of the lump sum under this regulation, the maximum commutable sum shall if necessary be diminished so that the annual amount of pension shall not be reduced under paragraph (4) above below the rate of the guaranteed minimum pension.

PART H

Early retirement and early abated pensions

Early retirement for Members

- H1.**—(1) Where a person who—
- (a) has ceased to be a Member of the House of Commons; and
 - (b) is not the holder of a qualifying office; and
 - (c) has attained the age of fifty years; and
 - (d) has an actual period of reckonable service as a participating Member which
 - (i) includes service on or after 2nd April 1991; and
 - (ii) amounts to not less than fifteen years (hereinafter referred to in respect of a person as his “qualifying period”),

applies in writing to the Trustees for an immediate pension under this regulation then, if the Trustees are satisfied that he does not intend to stand for re-election to that House, he shall be entitled to receive a pension under regulation F1 as if he had attained the age of 65 years on the date of his application or, if later, such other date as may be there specified;

but the annual amount of the pension to which he is so entitled, both before and after he attains the age of sixty-five years, shall (subject to Part G (Commutation)) be an amount calculated in accordance with regulation F2 and abated in accordance with Schedule 4.

(2) For the purposes of this regulation service of a person as a Member of the Parliament of the European Communities, whether rendered before or after 2nd April 1991, may count towards his qualifying period to the extent that it is not concurrent with service as a Member of the House of Commons.

Early retirement for office holders who have been Members

H2. A person who is entitled to receive a pension under regulation H1 who is or has been a participating office holder shall (subject to Part G (Commutation)) be entitled also to receive a pension under regulation F3 calculated in accordance with regulation F4 and abated in accordance with Schedule 4 and payable from the same date as the pension payable under regulation H1.

PART J

Ill-health Pensions

Ill-health pensions based on service as a participating Member

J1.—(1) A participant who because of ill-health—

- (a) ceases to be a participating Member before attaining the age of sixty-five years; or
- (b) while not a Member of the House of Commons but while having a period of reckonable service as a participating Member ceases to be a participating office holder before attaining that age,

may apply to the Trustees for an early pension under regulation F1 if at the time when he so ceases (“the material time”) he would have become entitled to receive a pension under that regulation but for his not having attained the age of sixty-five years.

(2) If on an application under this regulation the Trustees are satisfied—

- (a) that the applicant does not intend to seek re-election to the House of Commons or to accept any future offer of a qualifying office;
- (b) that his ceasing as mentioned in sub-paragraph (a) or (b) of paragraph (1) above was a direct consequence of his ill-health; and
- (c) that his ill-health is such as would prevent him from performing adequately the duties of a Member of the House of Commons,

the applicant shall be entitled to receive a pension under regulation F1 as from the material time.

(3) A person who, if he were to cease as mentioned in sub-paragraph (a) or (b) of paragraph (1) above at a particular time in the future because of ill-health, would become entitled to make an application under that paragraph, may make such an application before that time, specifying in it the time when he proposes so to cease, and where on such an application the Trustees are satisfied that, if the applicant so ceases at the time specified therein, he will be entitled under paragraph (2) above to receive a pension under regulation F1 as from that time, they shall give him notice in writing to that effect.

(4) The annual amount of a pension payable under regulation F1 to a person by virtue of this regulation shall (subject to Part G (Commutation)) be calculated in accordance with regulation F2; but for the purposes of that calculation his actual period of reckonable service as a participating Member shall be increased by a period equal to the period between his ceasing as mentioned in sub-

paragraph (a) or (b) of paragraph (1) above and the time when he would attain the age of sixty-five years.

(5) Paragraph (4) above shall apply to the calculation of a pension payable under this regulation to a participating Member who holds or has held the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons; save that

- (a) the amount of the pension shall be calculated in accordance with regulation F2(5); and
- (b) for the purpose of that calculation, it shall be assumed that the contribution factor in respect of each year of reckonable service added to the person's actual period of reckonable service by virtue of paragraph (4) above—
 - (i) shall equal the contribution factor in respect of his final year of reckonable service; or
 - (ii) if at the material time it is less than a year since he was first appointed to that office, shall equal a contribution factor calculated in accordance with regulation F4(2) in respect of the fraction of a year since the date of that appointment.

(6) For the purposes of this regulation—

- (a) a person who has ceased to be a participating Member in consequence of the dissolution of Parliament shall be treated as having so ceased because of ill-health if, but only if, he satisfies the Trustees that as a direct consequence of his ill-health he did not seek re-election to the House of Commons after the dissolution; and
- (b) a person who has, while not a Member of the House of Commons, ceased to be a participating office holder because of the result of a general election consequent upon the dissolution of Parliament shall be treated as having so ceased as a direct consequence of his ill-health if, but only if, he satisfies the Trustees that on the day of the poll in that election his ill-health was such as would prevent him from performing adequately the duties of a Member of the House of Commons.

Ill-health pensions based on service as an office holder

J2.—(1) A participant who because of ill-health—

- (a) ceases to be a participating Member before attaining the age of sixty-five years; or
- (b) while not a Member of the House of Commons ceases to be a participating office holder before attaining that age,

may apply to the Trustees for an early pension under regulation F3 if at the time when he so ceased (“the material time”) he would have become entitled to receive a pension under that regulation but for his not having attained the age of sixty-five years.

(2) If on an application under paragraph (1) above the Trustees are satisfied as mentioned in sub-paragraph (a) (so far as applicable) and sub-paragraphs (b) and (c) of regulation J1(2), the applicant shall be entitled to receive a pension under regulation F3 as from the material time.

(3) Regulation J1(3) shall apply in relation to paragraphs (1) and (2) above as it applies to paragraphs (1) and (2) of that regulation, the reference to a pension under regulation F1 being for this purpose read as a reference to a pension under regulation F3.

(4) The annual amount of a pension payable under regulation F3 by virtue of this regulation shall (subject to Part G (Commutation)) be calculated in accordance with regulation F4.

(5) Regulation J1(6) shall apply for the purposes of this regulation.

Ill-health pensions for former Members

J3.—(1) A person who because of ill-health has, while neither a Member of the House of Commons nor a candidate for election to it nor an office holder, retired from gainful work before

attaining the age of sixty-five years may apply to the Trustees for an early pension under regulation F1 if at the time when he so retired he would have become entitled to receive a pension under that regulation but for his not having attained the age of sixty-five years.

- (2) If on an application under this regulation the Trustees are satisfied—
- (a) that the applicant does not intend to seek election to the House of Commons or to accept any future offer of a qualifying office;
 - (b) that his retirement from gainful work was a direct consequence of his ill-health; and
 - (c) that his ill-health is such as would prevent him from performing adequately the duties of a Member of the House of Commons,

the applicant shall, as from the date on which the Trustees are so satisfied, be entitled to receive a pension under regulation F1.

(3) Where an application is made under this regulation, the Trustees shall by notice in writing inform the applicant whether they are satisfied as mentioned in paragraph (2) above and, if they are so satisfied, shall state the date as from which the pension payable to him by virtue of this regulation is payable in accordance with that paragraph.

(4) In this regulation “gainful work” means work under a contract of employment, or as the holder of an office, or as a self-employed person engaged in a business or profession, being in any case work from which the person concerned gains the whole or a substantial part of his income.

Ill-health pensions for former office holders

J4. Regulation J3 shall apply in relation to a person who because of ill-health has while neither a Member of the House of Commons nor a candidate for election to it nor an office holder, retired from gainful work before the age of sixty-five years and who applies to the Trustees for an early pension under regulation F3; and where regulation J3 applies to such a person any reference to regulation F1 shall be construed as a reference to regulation F3.

Medical evidence

J5.—(1) Every application under Part J must be accompanied by medical evidence of the applicant’s state of health.

(2) In the case of any such application the Trustees may require the applicant to undergo a medical examination by a medical practitioner nominated by them for the purpose; and the fees for any such examination shall be borne by the Trustees or the applicant, as the Trustees may determine.

PART K

Widows, Widowers and Children

Equal Treatment

K1. Regulations K2, 3, 4 and 5 shall apply in relation to a woman who was a participant on or after 31st July 1984 who has died and her widower as they apply in relation to a man who has so died and his widow, except in so far as they relate to the guaranteed minimum pension and to pensions payable to widows under section 36(6) of the Pensions Act 1975 (Regulation K2(5)(6)(7) and (8)).

Pensions for Widows and Widowers

K2.—(1) Subject to the provisions of this regulation, the widow of a man who—

- (a) was a participant at any time on or after 31st July 1984; and
- (b) was at the time of his death either:
 - (i) a participant; or
 - (ii) a pensioner; or
 - (iii) a deferred pensioner;

shall be entitled to receive a pension under this regulation.

(2) The annual amount of a pension payable under this regulation to a widow whose husband died on or after 6th April 1988 shall be five-eighths of the basic or prospective pension or pensions of her late husband.

(3) Subject to paragraphs (4) and (6), a pension payable under this regulation to a widow shall continue for her life or until her remarriage; but in the case of remarriage the Trustees may, if they think fit, at any time direct that the pension shall be restored if satisfied that the subsequent marriage has been terminated or that there are exceptional reasons for the payment of the pension notwithstanding the subsistence of that marriage.

(4) Subject to paragraph (6), no pension shall be payable under this regulation to a widow who, at her husband's death, was cohabiting with another person; and if a widow entitled to such a pension cohabits with another person, the pension shall cease to be payable:

Provided that the Trustees may, if they think fit, direct that the pension shall be paid or restored, as the case may be, if satisfied that the cohabitation has been terminated or that there are exceptional reasons for the payment of the pension notwithstanding that the cohabitation continues.

(5) Notwithstanding anything in these Regulations and in particular notwithstanding the provisions of paragraphs (3) and (4) above—

- (a) the widow of a man who had a guaranteed minimum pension under these Regulations or under Part I of the 1972 Act shall, upon his death, be entitled to a pension for the remainder of her life at a rate equivalent to a weekly rate of not less than half the guaranteed minimum of that man; and
- (b) the widower of a woman who had such a guaranteed minimum pension, shall, upon her death, be entitled to a pension for the remainder of his life at a rate equivalent to not less than half of that part of the woman's guaranteed minimum pension which is attributable to earnings factors for the tax year 1988-89 and subsequent tax years.

(6) During any period specified in section 36(6) of the Pensions Act 1975 (**13**) as being a period during which a Category B retirement pension, widowed mother's allowance or widow's pension is payable to her under that sub-section, the widow of a person shall, notwithstanding the provisions of paragraphs (3) and (4) above, be entitled to a pension under paragraphs (1) and (2) above, but if after she has attained the age of sixty years she remarries or cohabits with another person the Trustees may direct that the pension be restricted to the guaranteed minimum pension to which she is entitled.

(7) Where a man dies in circumstances in which, apart from this paragraph, a widow's pension calculated in accordance with paragraph (2) would be payable to a woman married by him within the period of six months ending with his death and it appears to the Trustees that his death within six months was to be foreseen by him at the date of the marriage, then if—

- (a) there are no children of that marriage; and
- (b) the man was married to the woman after the termination of his service in contracted-out employment in respect of which the widow's pension is payable; and

(13) Section 36(6) was amended by the Social Security Act 1986 (c. 50), Schedule 11 and by the Social Security (Consequential Provisions) Act 1992 (c. 6) Schedule 2, paragraph 28.

- (c) the rate of the widow's pension payable to her would be in excess of the widow's guaranteed minimum pension,

the Trustees may direct that any part of the widow's pension which is in excess of the widow's guaranteed minimum pension shall not be payable.

(8) Paragraph (7) shall apply in relation to a woman who has died on or after 6th April 1988 and her widower as it applies in relation to a man who has so died and his widow, save that the widower's guaranteed minimum pension payable shall be the amount specified in paragraph (5)(b) above.

Pensions for Children

K3.—(1) Subject to the provisions of this regulation, a children's pension shall be payable for the benefit of any relevant child or children of a person who has died on or after 6th April 1988 and who is or has been married, if at the time of his death the conditions specified in regulation K2(1)(b) are fulfilled in his case.

(2) The annual amount of a children's pension payable under this regulation for the benefit of any relevant child or children of a person who has died in the circumstances mentioned in the previous paragraph shall be:

- (a) a sum equal to one-quarter of the basic or prospective pension or pensions of the deceased if there is one child or, if there is more than one, a sum equal to three-sixteenths of the basic or prospective pension or pensions of the deceased for each relevant child not exceeding two; or
- (b) if the widow or widower is dead and subject to paragraph (4) below, a sum equal to five-sixteenths of the basic or prospective pension or pensions of the deceased for each relevant child not exceeding two.

(3) Where the deceased left a widow or widower who was (or, apart from the provision as to cohabitation, would have been) entitled to a pension under regulation K2 and that pension—

- (a) has ceased to be payable in consequence of the remarriage of the widow or widower, or
- (b) was not payable, or has ceased to be payable, by reason of the provision as to cohabitation, any children's pension under this regulation shall cease to be payable or, as the case may be, shall not be payable, unless and until the Trustees for exceptional reasons direct that the children's pension shall be payable.

(4) A children's pension under this regulation shall be paid to or distributed between such person or persons as the Trustees may from time to time direct, and shall be applied by that person or those persons, without distinction, for the benefit of the relevant child or relevant children of the deceased or such of them as the Trustees may from time to time direct.

(5) In this regulation "child" in relation to any person includes an illegitimate child, a stepchild or an adopted child and "relevant child" (subject to the provisions of Schedule 6) means any child of the deceased, or of any wife or husband of the deceased, who—

- (a) is under seventeen years of age; or
- (b) is under twenty-two years of age and is within his period of full-time education as defined by Schedule 5; or
- (c) was at the time of the death of the deceased wholly or mainly dependent on the deceased and was at that time and has at all times since been either a person falling within subparagraph (a) or (b) of this paragraph or incapable, and likely to remain permanently incapable, by reason of bodily or mental infirmity, of earning his own living, and is not for the time being maintained out of moneys provided by Parliament in a hospital or similar institution so maintained,

and "the provision as to cohabitation" means regulation K2(4).

Death in service of participating Member

K4.—(1) Where a man has died and, at the time of his death, he was a participating Member, paragraph (2) below and regulation K5 (so far as applicable) shall apply if his widow is entitled to receive a pension under regulation K2, or if a children’s pension is payable under regulation K3 for the benefit of any relevant child or children of his.

(2) If the deceased died before attaining the age of sixty-five years, the annual amount of any pension payable to his widow under regulation K2, or for the benefit of any relevant child or children of his under regulation K3, shall be calculated as if he had immediately before his death ceased because of ill-health to be a Member of the House of Commons and had by virtue of regulation J1 been entitled to receive a pension under regulation F1 as from the time when he so ceased.

Enhancement of initial widows' and widowers' pensions

K5.—(1) In this regulation “the three month period”, in relation to a person who has died, means the period of three months beginning with the day following the date of his death.

(2) Where the widow of a man who—

- (a) has been a participating Member at any time on or after 2nd August 1978; and
- (b) was at the time of his death a pensioner Member,

is entitled to receive a pension under regulation K2, paragraphs (3) and (4) of this regulation shall apply.

(3) If, for any part of the three month period, the aggregate of the following amounts, namely—

- (a) the amount payable to her by way of pension under regulation K2 apart from this paragraph; and
- (b) any amount which (by direction of the Trustees under regulation K3(4)) is payable to her by way of pension under regulation K3 for the benefit of any relevant child or children of the deceased,

is less than the amount mentioned in paragraph (4) below, then for that part of that period the amount payable to her by way of pension under regulation K2 shall be increased by the difference.

(4) The said amount is the amount which, if the deceased had lived, would have been payable to him for the part of the three month period in question by way of pension under one or both of regulation F1 and regulation F3 or under section 7 or section 9 of the 1972 Act.

(5) Where a man has died and, at the time of his death, he was a participating Member, paragraphs (6) and (7) of this regulation (so far as applicable) shall apply if his widow is entitled to receive a pension under regulation K2 or if a children’s pension under regulation K3 is payable for the benefit of any relevant child or children of his.

(6) If, for any part of the three month period, the aggregate of the following amounts, namely—

- (a) the amount payable to the deceased’s widow by way of pension under regulation K2 apart from this paragraph; and
- (b) any amount which (by direction of the Trustees under regulation K3(4)) is payable to her by way of pension under regulation K3 for the benefit of any relevant child or children of the deceased,

is less than the amount mentioned in paragraph (7) below, then for that part of that period the amount payable to her by way of pension under regulation K2 shall be increased by the difference.

(7) The said amount is the amount which would have been payable to the deceased for the part of the three month period in question if—

- (a) the deceased had lived and had at the material time become entitled to a pension under regulation F1; and

- (b) the annual amount of that pension had been—
- (i) in the case of a person who held or has held the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons, a sum equal to his salary as a Member of the House of Commons pursuant to an effective resolution at the rate in force at the material time; or
 - (ii) in the case of any other person, a sum equal to the Member’s ordinary salary at the rate in force at the material time.

In this paragraph “the material time” means the time when the deceased in fact died.

(8) The preceding provisions of this regulation are without prejudice to paragraphs (3), (4), (7) and (8) of regulation K2 (duration of widow’s pension, and restrictions on payment).

Meaning of “basic or prospective pension or pensions”

K6.—(1) The definition in paragraph (2) below applies in respect of a person whose actual period of reckonable service as a participant includes service at any time on or after 31st July 1984.

(2) In these Regulations “basic or prospective pension or pensions”

- (a) in relation to a person who has died and who at the time of his death was a participant, means the annual amount of the pension or pensions specified in whichever of the following paragraphs apply to him:
 - (i) where the deceased was or had been a participating Member, the annual amount of the pension calculated in respect of him in accordance with regulation F2 or, if he died while a participating Member before attaining the age of sixty five years, the annual amount of the pension calculated in respect of him by virtue of regulation K4; and
 - (ii) where the deceased was or had been a participating office holder, the annual amount of the pension, calculated in accordance with regulation F4, which he would have been entitled to receive under regulation F3, if immediately before his death he had fulfilled the conditions specified in sub-paragraphs (a) to (c) of regulation F1(1); and
- (b) in relation to a person who has died and who at the time of his death was a pensioner, means the annual amount of the pension or pensions of which he was in receipt or which he was entitled to receive calculated in accordance with Part F, including an ill health pension calculated in accordance with Part J; provided that where the annual amount of which he was in receipt resulted from one or more reductions or abatements made under regulations G1 (commutation) or H1 or H2 (early retirement), no such reduction or abatement shall be made in calculating the annual amount of that pension or pensions for the purposes of this regulation;
- (c) in relation to a person who has died and who at the time of his death was a deferred pensioner, means the annual amount of the pension or pensions specified in whichever of the following sub-paragraphs apply to him—
 - (i) where the deceased was a former participating Member, the annual amount of the pension, calculated in accordance with regulation F2, which he would have been entitled to receive under regulation F1 if he had ceased to be a Member of the House of Commons immediately before his death and he had then fulfilled the conditions specified in sub-paragraphs (a) to (c) of regulation F1(1);
 - (ii) where the deceased was a participating office holder, the annual amount of the pension, calculated in accordance with regulation F4, which he would have been entitled to receive under regulation F3 if immediately before his death he had fulfilled the conditions specified in sub-paragraphs (a) to (c) of regulation F1 (1).

PART L

Death Gratuities

Gratuity on death in service

L1.—(1) Where a person has died at a time when he was a participant the Trustees may, if they think fit in their discretion to do so, grant a gratuity under this regulation in respect of him.

(2) A gratuity granted under this regulation in respect of a participant shall be granted—

- (a) to the individual nominated in any nomination made by him for the purposes of this regulation which was in force at the time of his death; or
- (b) if no such nomination was in force at that time, to his personal representatives.

(3) The Trustees shall treat a nomination made for the purposes of this section by any participant as not being in force at the time of the participant's death—

- (a) if the individual nominated was the participant's wife or husband at the time the nomination was made but has subsequently ceased to be the participant's wife or husband; or
- (b) if they are of the opinion that the payment of the gratuity to the individual nominated is not reasonably practicable in all the circumstances.

(4) A nomination for the purposes of this regulation must be made, and may be revoked, by a notice in writing given to the Trustees; and such a notice must be in such form as the Trustees may require.

(5) Subject to paragraph (6) below, the amount of a gratuity granted under this regulation in respect of a participant shall be whichever of the two following amounts is the greater—

- (a) the amount equal to twice a Member's ordinary salary at the time of his death;
- (b) the aggregate of the contributions paid by that participant, and not refunded to him, together with interest on each such contribution from the date on which it was paid.

(6) In the case of a person who became a participant on or after 1st June 1989 the amount of the gratuity in paragraph (5) above shall be subject to an overall maximum of twice the permitted maximum.

Gratuity on death after retirement

L2.—(1) Where a pensioner who was a participant at any time on or after 6th April 1988 dies and no pension in respect of him is payable under regulation K2 or regulation K3, the Trustees may, if they think fit in their discretion to do so, but subject to paragraph (2) below, grant to his personal representatives a gratuity under this regulation.

(2) The Trustees shall not grant a gratuity under this regulation in respect of a person who was a participant at any time on or after 1st April 1992 if the amount of any such gratuity would be less than the amount of any lump sum or the aggregate of any lump sums payable by virtue of regulation M4(2) or regulation M7.

(3) For the purpose of determining the amount of a gratuity which may be granted in respect of a pensioner under this regulation, there shall be calculated—

- (a) the amount of the gratuity which the Trustees could have granted to his personal representatives under regulation L1 above if he had died at a time when he was a participant; and
- (b) the aggregate amount of the payments made to him by way of pension under Part F, Part H or Part J together with any lump sum paid to him under regulation G1;

and the amount of the gratuity shall be the amount (if any) by which the amount calculated under sub-paragraph (a) exceeds the amount calculated under sub-paragraph (b) of this paragraph.

PART M

FIVE YEAR GUARANTEE

Entitlement

M1.—(1) Regulations M2, M3, M4, M5 and M6 shall apply in respect of a deceased pensioner Member whose actual period of reckonable service as a participating Member includes service at any time on or after 1st April 1992.

(2) Regulation M7 shall apply in respect of—

- (a) a deceased pensioner office holder whose actual period of reckonable service as an office holder includes service at any time on or after 1st April 1992; and
- (b) a deceased pensioner to whom paragraph (1) applies whose actual period of reckonable service as a participant includes service as a participating office holder at any time.

(3) Part M shall be deemed to have come into force on 1st April 1992.

Guarantees for widows and widowers

M2.—(1) Where a pensioner Member dies during the pensioner Member's five year period and is survived by a widow or widower, paragraphs (2) to (6) of this regulation shall apply.

(2) If for any part of the pensioner Member's five year period, the aggregate of the following amounts namely—

- (a) the amount payable to the widow or widower by way of pension under regulation K2 apart from this paragraph (including any enhancement payable under regulation K5); and
- (b) any amount which (by direction of the Trustees under regulation K3(4)) is payable by way of pension under regulation K3 for the benefit of any relevant child or children of the deceased pensioner Member,

is less than the amount mentioned in paragraph (3) of this regulation, then for that part of that period the difference shall be payable to the widow or widower.

(3) The said amount is the amount which, if the deceased pensioner Member had lived, would have been payable to him for the part of the pensioner Member's five year period in question by way of pension under regulation F1 (including an early retirement pension or an ill-health pension payable by virtue of regulation H1, J1 or J3).

(4) If the widow or widower of the deceased pensioner Member dies during the pensioner Member's five year period, there shall be paid to the personal representatives of the widow or widower a lump sum which shall be calculated by deducting the amount mentioned in sub-paragraph (a) below from the amount mentioned in sub-paragraph (b) below—

- (a) the total of any pensions which (by direction of the Trustees under regulation K3(4)) would have been payable under regulation K3 for the benefit of any relevant child or children of the deceased pensioner Member if the annual sum payable under regulation K3(2) (after the death of the widow or widower of the deceased pensioner Member) in respect of each relevant child had continued during the period ending on the pensioner Member's children's prospective pension end date for that child;
- (b) the amount which would have been payable to the deceased pensioner Member if the annual amount of the pension to which he was entitled under regulation F1 (including an

early retirement pension or an ill health pension payable by virtue of regulation H1, J1 or J3) were to have been paid to him during the remainder of the pensioner Member's five year period.

(5) In this Part, "the pensioner Member's five year period" means the period of five years beginning with the day on which he became entitled to receive a pension or pensions under regulation F1 (including an early retirement pension or an ill health pension payable by virtue of regulation H1, J1 or J3).

(6) In this Part, "the pensioner Member's children's prospective pension end date" means, in respect of any relevant child of a deceased pensioner Member the sooner of,

- (a) (i) the date before that on which that child reaches seventeen years of age; or
- (ii) if the child is within his period of full time education as defined by Schedule 6, such later date as the Trustees may determine being no later than the date before that on which the child reaches twenty two years of age;

and

- (b) the end of the pensioner Member's five year period.

Guarantees where children but no spouse survive

M3.—(1) Where a pensioner Member dies during the pensioner Member's five year period and is survived by a relevant child or children, but no spouse, paragraph (2) of this regulation shall apply.

(2) There shall be paid to the personal representatives of the deceased pensioner Member a lump sum which shall be calculated by deducting the amount mentioned in subparagraph (a) below from the amount mentioned in subparagraph (b) below—

- (a) the total of any pensions payable under regulation K3 (by direction of the Trustees under regulation K3(4)) for the benefit of any relevant child or children of the deceased pensioner Member, if the annual sum payable under regulation K3(2) (after the death of the pensioner Member) in respect of each relevant child were to continue during the period ending on the pensioner Member's children's prospective pension end date for that child;
- (b) the amount which would have been payable to the deceased pensioner Member if the annual amount of the pension to which he was entitled under regulation F1 (including an early retirement pension or an ill health pension payable by virtue of regulation H1, J1 or J3) were to have been paid to him during the remainder of the pensioner Member's five year period after his death.

Guarantees where no survivors

M4.—(1) Where a pensioner Member dies within the pensioner Member's five year period and is not survived by his spouse nor by any relevant child or children, paragraph (2) of this Regulation shall apply.

(2) There shall be paid to the personal representatives of the deceased pensioner Member a lump sum calculated as if the annual amount of the pension to which he was entitled under regulation F1 (including an early retirement pension or an ill health pension payable by virtue of regulation H1, J1 or J3) were to be paid to him during the remainder of the pensioner Member's five year period after his death.

- (3) This regulation shall not apply if a gratuity is granted under regulation L2.

Remarriage or cohabitation of surviving spouse

M5.—(1) If during a deceased pensioner Member's five year period—

- (a) the widow or widower of that deceased pensioner Member remarries or cohabits with another person; and
- (b) the Trustees direct that the widow's or widower's pension be paid or restored under regulation K2(3) or (4);

the Trustees may direct that payments under regulation M2(2) shall continue until the end of the pensioner Member's five year period or until such earlier date as the Trustees may in their discretion think fit.

- (2) If, during a deceased pensioner Member's five year period
 - (a) the widow or widower of that deceased pensioner Member remarries or cohabits with another person; and
 - (b) the Trustees direct that only the guaranteed minimum pension to which the widow or widower is entitled to be paid;

the Trustees may direct that a lump sum be paid to the personal representatives of the deceased calculated as follows:

- (i) if the Trustees direct under regulation K3(3) that the pensions payable to any relevant child or children of the deceased shall for exceptional reasons be payable, by deducting the total of the guaranteed minimum pension payable to the widow or widower during the remainder of the pensioner Member's five year period from the amount calculated in accordance with regulation M3(2); or
- (ii) otherwise, by deducting the total of the guaranteed minimum pension payable to the widow or widower during the remainder of the pensioner Member's five year period from the amount calculated in accordance with regulation M4(2);

or, in either case, any such lesser sum as the Trustees may in their discretion think fit.

Early termination of child's period of full time education

M6. If

- (a) a sum has been paid to the personal representatives of the widow or widower of a deceased pensioner Member under regulation M2(4) or to the personal representatives of a deceased pensioner Member under regulation M3(2); and
- (b) the period of full time education of any relevant child of the deceased pensioner Member has come to end on a date earlier than the pensioner Member's children's prospective pension end date for that child used in the calculation of that sum;

the Trustees may pay a further sum to the said personal representatives calculated by deducting the amount mentioned in sub-paragraph (ii) below from the amount mentioned in sub-paragraph (i) below—

- (i) the total of any pensions which would have been payable for the benefit of that child if the payments had continued until his pensioner Member's children's prospective pension end date;
- (ii) the total of the pensions which have been paid for his benefit.

Deceased pensioner office holders

M7.—(1) Regulations M2, M3, M4, M5 and M6 shall apply in relation to a deceased pensioner office holder and his or her widow or widower and any relevant child or children as they apply in relation to a deceased pensioner member and his or her widow or widower and relevant child or children but where those Regulations apply in relation to a deceased pensioner office holder—

- (a) any reference to “pensioner Member” shall be construed as a reference to “pensioner office holder”; and
 - (b) any reference to “the pensioner member’s children’s prospective pension end date” shall be construed as a reference to “the pensioner office holder’s children’s prospective pension end date”; and
 - (c) any reference to “the pensioner member’s five year period” shall be construed as a reference to “the pensioner office holder’s five year period”; and
 - (d) any reference to regulation F1 shall be construed as a reference to regulation F3; and
 - (e) any reference to regulation H1 shall be construed as a reference to regulation H2; and
 - (f) any reference to regulation J1 shall be construed as a reference to regulation J2; and
 - (g) any reference to regulation J3 shall be construed as a reference to regulation J4.
- (2) In this Part—

“the pensioner office holder’s children’s prospective pension end date” means, in respect of any relevant child of a deceased pensioner office holder, the sooner of—

- (a) (i) the date before that on which the child reaches seventeen years of age; or
 - (ii) if the child is within his period of full time education as defined by Schedule 6, such later date as the Trustees may determine being no later than the date before that on which the child reaches twenty-two years of age;
- and
- (b) the end of the pensioner office holder’s five year period;

“the pensioner office holder’s five year period” means the period of five years beginning with the day on which he became entitled to receive a pension under regulation F3 (including an early retirement pension or an ill health pension payable by virtue of regulation H2, J2 or J4).

PART N

Refunds

Refund to contributor

N1.—(1) Subject to paragraphs (3) and (6) below contributions paid by a person and not previously refunded to him, shall be refunded to him by the Trustees, with interest from the dates on which the contributions were paid respectively, if he requests the Trustees to refund the contributions to him and, on the date of that request, the conditions specified in the next following paragraph are fulfilled in relation to him.

- (2) The conditions referred to in paragraph (1) of this regulation are that—
- (a) the person has ceased to be a participant on or after 1st January 1972;
 - (b) his aggregate period of reckonable service as a participant is less than two years;
 - (c) he has not become Prime Minister and First Lord of the Treasury, Speaker of the House of Commons or Lord Chancellor; and
 - (d) he has not become entitled to a pension under these Regulations.

(3) A person shall not be entitled to a refund of the contributions paid by him, if that person is a person who in the case of a man had ceased to be a participant during or on a date after the end of the tax year in which he attains the age of sixty-five years or in the case of a woman had ceased to be a participant during or on a date after the end of the tax year in which she attained the age of sixty years.

(4) If, after the refund of contributions to him under this regulation, the person becomes entitled to pay and pays contributions under regulation D1 or regulation D2, he may—

- (a) if he so desires, and makes the repayment before the end of the period of three months beginning with the date on which he becomes so entitled, or
- (b) after the end of that period, if the Trustees so allow,

repay to the Trustees the sum so paid to him, with interest from the date on which it was paid to him provided that in any tax year the amount of the repayment together with—

- (i) the contributions made by him under regulation D1 or regulation D2; and
- (ii) any contributions made by him under regulation Q1; and
- (iii) any other additional voluntary contributions

shall not exceed 15 per cent of his salary as a Member of the House of Commons or as an office holder or both or, in the case of a person who became a participant on or after 1st June 1989, the smaller of 15 per cent of that salary or salaries and 15 per cent of the permitted maximum; and any sum to be paid to the trustees under this paragraph may, if the Trustees so allow, be paid by instalments over such period, not exceeding three years, as the Trustees think fit.

(5) Any amount (whether of principal or interest) paid by the participant to the Trustees under paragraph (4) of this regulation shall be treated for the purposes of this regulation as if it were a contribution paid by him at the time when he makes that payment.

(6) The Trustees shall deduct from the amount of any contributions which may be repaid to a person in accordance with the provisions of this regulation the amount certified by the Secretary of State in accordance with Section 47(2) of the Pensions Act 1975 in respect of that person.

(7) For the purpose of calculating a person's actual period of reckonable service as a participant, no account shall be taken of any period in respect of which contributions paid by that person have been—

- (a) refunded to him under this regulation; and
- (b) not subsequently repaid by him to the Trustees.

Refund after death

N2. Where a person has died on or after 1st January 1972—

- (a) without leaving a widow, widower or relevant child who is, or may become, entitled in respect of that person to receive a pension under regulations K2 or K3; and
- (b) in circumstances where the conditions specified in sub-paragraphs (a), (c) and (d) of paragraph (3) of regulation N1 were fulfilled in relation to him, but where he had not made a request for a refund of contributions under that section,

the Trustees shall refund to his personal representatives the contributions paid by the participant and not previously refunded to him, with interest from the dates on which the contributions were paid respectively.

Refund of Prime Ministers' and Speakers' contributions

N3.—(1) In respect of any person who has paid contributions and who at any time after these Regulations come into force has been appointed or elected Prime Minister and First Lord of the Treasury or Speaker of the House of Commons, the Trustees shall pay into the Consolidated Fund not less than three months after the date of his appointment or election to that office the sum specified in paragraph (2) below.

- (2) The sum referred to in paragraph (1) above—

- (a) in the case of a person who has exercised the option in regulation C2, shall be such sum as represents the value, as at the effective date of the option, of his pension rights (if any) accrued under Part I of the 1972 Act in respect of his participation in the Parliamentary pension scheme on or before 27th February 1991; or
- (b) in the case of a person who has not exercised the option in regulation C2, shall be such sum as represents the value of his accrued pension rights under Part I of the 1972 Act or under these Regulations.

(3) For the purposes of paragraph (2) above, the value of a person's accrued pension rights under Part I of the 1972 Act or under these Regulations shall be taken to be such sum as for those purposes may be certified by, or calculated in accordance with tables prepared by, the Government Actuary.

(4) In the case of a person who, after these Regulations come into force, is appointed or elected to the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons, there shall be refunded to him out of the Consolidated Fund (or, if he has died, to his personal representative), not less than three months after the date of his appointment or election to that office—

- (a) if he has exercised the option in regulation C2, that part (if any) of the sum paid into the Consolidated Fund under paragraph (1) above which represents the aggregate of the contributions paid by him into the Fund before 28th February 1991; or
- (b) if he has not exercised the option in regulation C2, the aggregate of the contributions paid by him into the Fund at any time and not previously refunded.

(5) Within three months of the date when these Regulations come into force, there shall be refunded from the Consolidated Fund to each of the persons who on 1st December 1993 held the offices of Prime Minister and First Lord of the Treasury and Speaker of the House of Commons (or, if either of them has died, to his personal representative) the sum which represents the aggregate of the contributions paid by him into the Fund.

(6) Any refund under paragraph (4) or (5) above shall be paid with interest from the dates on which the contributions were paid respectively.

Refund of Lord Chancellors' contributions

N4.—(1) In respect of any person who has paid contributions and who at any time has become Lord Chancellor, the Trustees shall pay into the Consolidated Fund such sum as represents the value of his pension rights accrued under these Regulations or under Part I of the 1972 Act.

(2) For the purposes of paragraph (1) above the value of a person's accrued pension rights shall be taken to be such sum as for those purposes may be certified by, or calculated in accordance with tables prepared by, the Government Actuary.

(3) In the case of a person who has ceased to hold office as Lord Chancellor or has died while holding that office, there shall be refunded to him, or (as the case may be) to his personal representative, out of the Consolidated Fund the aggregate of the contributions paid by him and not previously refunded, with interest from the dates on which the contributions were paid respectively.

Deduction of tax from refunds of contributions

N5.—(1) On making any repayment of contributions (including interest on contributions) under regulation N1, the Trustees shall be entitled to deduct from the repayment any tax to which they may become chargeable under subsection 2 of section 598 of the Taxes Act 1988 (**14**) (charge to tax: repayment of employee's contributions).

(14) Section 598(2) was amended by the Occupational Pension Schemes (Rate of Tax) Order, [S.I. 1988/504](#), made under Section 598(3).

(2) In the case of any person entitled to a refund of contributions (including interest on contributions) under regulation N3 or regulation N4 there shall be deducted from the payment the amount of tax payable under subsection 2 of section 598 of the Taxes Act 1988 and where

- (a) any part of an amount falling to be reduced under this paragraph represents a sum paid for the purchase of added years; and
- (b) that sum was so paid otherwise than in respect of an obligation that required the making of periodical payments (whether by way of deduction from salary or otherwise) over a period of five years or more,

there shall be disregarded, for the purposes of calculating the amount of the reduction to be made under this paragraph, so much of that part of the amount falling to be reduced as does not represent interest on that sum.

Deemed contributions

N6. For the purposes of regulations N3(4) and N4(3) any payments made by a person for the purchase of added years shall be treated as contributions.

PART P

Transfers

Transfers to other pension schemes

P1.—(1) At the request of any person who has been a participant but who has ceased to be either—

- (a) a Member of the House of Commons, or
- (b) an officer holder

and who (in either case) has not become entitled to a pension under these Regulations or under the 1972 Act or under Part II 1965 Act other than a guaranteed minimum pension, the Trustees shall pay into or for the purposes of any one, or more than one, scheme or annuity to which this regulation applies, a sum or sums representing the transfer value of that person's accrued pension rights in the Fund.

(2) This regulation applies to any scheme or annuity which satisfies the requirements prescribed by regulations made under paragraph 13(2) of Schedule 1A to the Pensions Act 1975⁽¹⁵⁾.

(3) Where a person has required the Trustees to pay a transfer value to or for the purposes of any one or more than one scheme or annuity which does not include—

- (a) a contracted-out scheme; or
- (b) an appropriate personal pension scheme; or
- (c) a self-employed arrangement within the meaning of regulation 2D of the Occupational Pension Schemes (Transfer Values) Regulations 1985⁽¹⁶⁾ or regulation 2A of the Personal Pension Schemes (Transfer Values) Regulations 1987⁽¹⁷⁾,

the Trustees shall pay a state scheme premium in respect of that person and sub-paragraphs (5) and (6) of paragraph 13 of Schedule 1A to the Pensions Act 1975 shall apply to the calculation of the transfer value payable.

⁽¹⁵⁾ Paragraph 13(2) was amended by the Social Security Act 1986 (c. 50), Schedule 10, paragraph 30 and by the Personal and Occupational Pension Schemes (Modification of Enactments) Regulations 1987, S.I. 1987/116, Schedule 6; and sub-paragraph (2A) was inserted by the Social Security Act 1986 (c. 50), Schedule 10, paragraph 30.

⁽¹⁶⁾ S.I. 1985/1931; regulation 20 was inserted by S.I. 1988/1016.

⁽¹⁷⁾ S.I. 1987/112, regulation 2A was inserted by S.I. 1988/1016.

- (4) The state scheme premium referred to in paragraph (3) above shall be either—
- (a) a transfer premium (within the meaning of section 44A of the Pensions Act 1975⁽¹⁸⁾); or
 - (b) if the person's aggregate period of reckonable service as a participant is less than two years, a contributions equivalent premium.
- (5) A person may require the Trustees to pay a transfer value in respect of him at any time before a date
- (a) not more than one year before the date on which he attains the age of sixty-five years; or
 - (b) not more than six months after the date on which he ceases to be a participant, whichever is the later.

Transfers to other pension schemes after opt out

P2.—(1) At the request on or after 6th April 1988 of any person who—

- (a) is an opted out Member; or
- (b) is an opted out office holder who is not a Member of the House of Commons; and
- (c) has not become entitled to a pension under these Regulations other than a guaranteed minimum pension arising under regulation F7,

the Trustees shall pay into or for the purpose of any one or more than one scheme or annuity to which this regulation applies the transfer value calculated in accordance with paragraph (3) below.

(2) This regulation applies to any fund or scheme specified in regulation P1(2) above.

(3) For the purposes of this regulation and subject to paragraph (4) below the transfer value payable will be the value of the person's accrued pension rights as follows—

- (a) where they have accrued to or in respect of his period of actual reckonable service as a participating Member or as a participating office holder, that part which relates to his actual reckonable service after 5th April 1988, or
- (b) where they have accrued to or in respect of service notionally attributed to him as a participating Member or as a participating office holder as a result of a transfer from another pension scheme under regulation P6 or the purchase of added years under regulation Q1, that part of such rights as was credited to him after 5th April 1988, or
- (c) where (a) and (b) both apply, the aggregate of the rights derived separately under each head.

(4) Where on 5th April 1988 the person had an aggregate period of reckonable service as a participant of less than two years, the pension rights which have accrued by virtue of such service may, at his option, be included for the purposes of calculating a transfer value in accordance with paragraph (3) above.

(5) Where a transfer value has been paid under this regulation in respect of a person who is an opted out Member or an opted out office holder and that person subsequently ceases to be a Member of the House of Commons or an office holder, a transfer value may be paid under regulation P1 in respect of any pension rights accrued to or in respect of him which are preserved in the principal scheme.

(6) Paragraphs (3), (4) and (5) of regulation P1 shall apply for the purposes of this regulation.

⁽¹⁸⁾ Section 44A was inserted by the Social Security Act 1985 (c. 53), Schedule 1, paragraph 1. Section 44A(1)(a) was amended by the Social Security Act 1986 (c. 50), Schedule 2, paragraph 6(1). Section 44A(1)(b) and section 44A(4) were amended by the Social Security Act 1986 (c. 50), Schedule 11. Section 44A(1)(c) was substituted by the Social Security Act 1989 (c. 24), Schedule 6, paragraph 11.

Transfer to overseas pension schemes

- P3.**—(1) At the request of any person who has been a participant but who has ceased to be either
- (a) a Member of the House of Commons; or
 - (b) an officer holder

and who (in either case) has not become entitled to a pension under these Regulations or under the 1972 Act or under Part II of the 1965 Act other than a guaranteed minimum pension, the Trustees shall pay into or for the purposes of any one, or more than one, fund or scheme to which this regulation applies a sum or sums representing the transfer value of that person's accrued pension rights in the Fund.

(2) This regulation applies to any overseas fund or scheme which is approved by the Trustees, provided that the Trustees shall before giving such approval consult and have regard to the views of the Board of Inland Revenue and the Occupational Pensions Board as to the suitability of the fund or scheme for the purposes of this regulation.

- (3) At the request of any person—
- (a) in respect of whom any sum has been paid under this regulation into or for the purposes of an overseas fund or scheme; and
 - (b) who is not at the time the request is made a Member of the House of Commons or the holder of a qualifying office, the Trustees may receive a sum, out of, or out of monies held for the purposes of, that fund or scheme, equal to the sum paid under this regulation together with interest thereon from the date of that payment at such a rate as may be agreed by the Trustees.

Effect of transfers out on reckonable service

P4.—(1) Subject to paragraph (2) below, where any sums are paid by the Trustees under regulation P1, P2 or P3 in respect of any person, then—

- (a) for the purpose of calculating that person's aggregate period of reckonable service as a participating Member, or his aggregate period of reckonable service as a participating office holder, no account shall be taken of any period before the date of that payment; and
- (b) for the purposes of regulations N1 and N2 any contributions paid by him before that date shall be treated as not having been paid.

(2) Where, in the case of an opted-out participant, the value of accrued pension benefits relating to service before 6th April 1988 remains in the Fund, paragraph (1) above shall be disregarded in respect of—

- (a) his aggregate period of reckonable service before 6th April 1988; and
- (b) his contributions paid before that date.

Certification by Government Actuary

P5. For the purposes of regulations P1, P2 and P3, any transfer value of the whole or part of a person's accrued pension rights under these Regulations or under Part II of the 1965 Act shall be such sum as shall satisfy the requirements prescribed under Schedule 1A to the Pensions Act 1975 and shall be certified by, or calculated in accordance with tables prepared by, the Government Actuary.

Transfers from other pension schemes

- P6.**—(1) At the request of any person who—
- (a) is a participating Member; or

- (b) is an opted-out Member who applies to rejoin the principal scheme under regulation C6; or
- (c) is not a Member of the House of Commons, but is a participating office holder; or
- (d) is not a Member of the House of Commons, but is an opted-out office holder who applies to rejoin the principal scheme under regulation C7,

the Trustees shall receive any sums payable by way of transfer value in respect of him out of, or out of moneys held for the purposes of, any scheme or annuity to which regulation P1 applies, or under any enactment for the time being in force which authorises the transfer of pension rights.

(2) Where any sums are received by the Trustees under paragraph (1) above at the request of a person who is a participating Member at the time when the request is made—

- (a) his aggregate period of reckonable service as a participating Member shall be treated as increased by the addition of such period as may be determined by the Trustees; and
- (b) for the purposes of regulations N1, N2, N3 and N4, the sums so received by the Trustees, so far as in the opinion of the Trustees they represent his own contributory payments, shall be treated as if they were contributions paid by him, at the same times as those contributory payments were made, by deduction from his salary under regulation D1 or under section 3 of the 1972 Act, or under Part II of the Act of 1965, as the case may be.

(3) Where any sums are received by the Trustees under paragraph (1) above at the request of a person who is not a Member of the House of Commons at the time when the request is made—

- (a) the calculation under regulation F4 of the annual amount of any pension shall be made in respect of that person as if—
 - (i) the number of years for which a contribution credit falls to be calculated under paragraph (4) of that regulation were increased by such number of additional years as may have been determined in relation to those sums by the Trustees; and
 - (ii) the contribution factor for each of those additional years were such amount as may have been so determined; and
- (b) for the purposes of regulations N1, N2, N3 and N4 the sums so received by the Trustees, so far as in the opinion of the Trustees they represent his own contributory payments, shall be treated as if they had been contributions paid by him, at the same times as those contributory payments were made, by deduction from his salary under regulation D2 or under section 4 of the 1972 Act, as the case may be.

(4) Any period determined by the Trustees under paragraph (2)(a) or paragraph (3)(a) above shall be a period or number of years either certified by the Government Actuary as being appropriate in relation to the sums received by the Trustees at the request of the person in question or a period or number of years calculated, in accordance with tables prepared by the Government Actuary, as being appropriate in relation to those sums.

PART Q

Added Years

Purchase of added years by participating Members

Q1. Schedule 6 shall have effect with respect to the purchase of added years by a participating Member, and subject to the provisions of that Schedule, his aggregate period of reckonable service of a participating Member shall be treated as increased by the period of added years so purchased.

PART R

Miscellaneous and Supplemental

Application of pensions

R1.—(1) A pension under these Regulations or under Part I of the 1972 Act or under Part II of the 1965 Act shall not be assignable or chargeable with debts or other liabilities.

(2) Section 142 of the Mental Health Act 1983⁽¹⁹⁾ (which enables pay or pension of a person who is incapacitated by mental disorder from managing his affairs to be applied for the benefit of himself or his dependants instead of being paid to him) shall have effect in relation to any such pension as if it were payable directly out of moneys provided by Parliament.

Payments due to deceased persons

R2.—(1) Where on the death of any person there is due to the deceased or his personal representatives from the Trustees a sum which (if any part of it due by way of interest is disregarded) does not exceed the amount of the limit for the time being specified by virtue of orders made from time to time under section 6 of the Administration of Estates (Small Payments) Act 1965,⁽²⁰⁾ probate or other proof of the title of the personal representatives of the deceased may be dispensed with, and the Trustees may pay the whole or any part of that sum to those representatives or to the person, or to or among any one or more of any persons, appearing to the Trustees to be beneficially entitled to the personal or movable estate of the deceased.

(2) Any person to whom a payment is made under the preceding paragraph, and not the Trustees, shall thereafter be liable to account for the amount paid to him under that paragraph.

(3) If the Trustees receive notice in writing of any claim against the estate of the deceased at any time before they have made a full payment under paragraph (1) above, then, except where the sum to be paid appears to them to be bona vacantia, they shall not make any, or (as the case may be) any further, payment under that paragraph to any person other than the personal representatives of the deceased until the claim is satisfied or withdrawn.

Deferred Rights

R3.—(1) Subject to regulation R4, in the case of any person who has accrued pension rights in the Fund which are not attributable to or derived from the reckonable service of a person who has made contributions to the Fund after the coming into force of these Regulations, these Regulations shall apply in relation to any such benefit as is specified by paragraph (2), subject also, however, to the modifications and supplementary provisions contained in Schedules 8 to 14.

(2) The specified benefits referred to in paragraph (1) are those pensions and other benefits which have not come into payment before the coming into force of these Regulations.

Protection against adverse alterations

R4.—(1) Without prejudice to paragraph (2), where the Trustees are of the opinion that, in relation to such a benefit as is specified by paragraph (2) of regulation R3, the provisions of these Regulations (as modified and supplemented in pursuance of that regulation) are materially different from the corresponding provisions of the enactments and regulations revoked by regulation R5(1), the Trustees may, if satisfied that it would be just to do so, determine that regulation R3 shall not

⁽¹⁹⁾ 1983 c. 20.

⁽²⁰⁾ 1965 c. 32. Relevant amendments were made to Section 6 by the Parliamentary and other Pensions Act 1972 (c. 48), section 24(4) and by the Parliamentary and other Pensions Act 1987 (c. 45), section 6(2) and Schedule 4.

apply in relation to that benefit, and in any such case the said enactments and regulations shall have effect in relation thereto as though they had not been so revoked.

(2) Where a person has ceased to be a Member of the House of Commons or to hold a qualifying office before these Regulations come into force and these Regulations put him in a worse position in relation to an accrued right than he would have been in apart from the Regulations, he or (where he has died) persons who are or may become entitled by virtue of that right to or to the benefit of any pension, or a person acting on behalf of that person or those persons, may opt for the accrued rights to remain unaffected by these Regulations.

Revocations, savings and transitional provisions

R5.—(1) Subject as hereinafter provided, the enactments and regulations specified in column (1) of Part I and Part II of Schedule 7 are revoked to the extent mentioned in column (3).

(2) The enactments and regulations so specified shall continue to have effect in relation to any pension or other benefit which has come into payment thereunder before the coming into force of these Regulations.

(3) The revocations have effect subject to the savings in Part III of Schedule 7.

(4) The provisions of Part III of Schedule 7 do not affect the general operation of section 16 of the Interpretation Act 1978(21) (general savings to be implied on a revocation).

(5) Part IV of Schedule 7 has effect with respect to transitional matters in connection with the coming into force of these Regulations.

22nd December 1993

Tony Newton
Leader of the House of Commons

We consent

24th December 1993

Tim Wood
Andrew Mackay
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE 1

Regulation B1

Parliamentary Contributory Pension Fund

General provisions as to Trustees

1. The Trustees shall be not more than nine in number, of whom one (being the Public Trustee or a body corporate entitled by rules made under section 4(3) of the Public Trustee Act 1906 (22) to act as custodian trustee) shall be the Custodian Trustee of the Fund and the remainder shall be the Managing Trustees.

2. No person shall be appointed to be a Managing Trustee unless he is a Member of the House of Commons, and, on ceasing to be a Member of the House of Commons, a Managing Trustee shall vacate his office.

3. The Managing Trustees may act by a majority of those present at any meeting of the Managing Trustees at which a quorum is present.

4. The procedure of the Trustees shall, subject to the provisions of these Regulations, be such as the Trustees may determine; and the quorum for any meeting of the Managing Trustees shall be three.

5. A direction of the Managing Trustees shall continue in force until revoked by a subsequent direction of the Managing Trustees, notwithstanding any changes in the persons who are Managing Trustees and notwithstanding that, by reason of a dissolution of Parliament or for any other reason, there are for the time being no Managing Trustees.

Distribution of functions between Custodian Trustee and Managing Trustees

6. All sums payable to or out of the income or capital of the Fund shall be paid to or by the Custodian Trustee, and the assets of the Fund shall be vested in him as if he were sole Trustee.

7. The management of the Fund and the exercise of any power or discretion exercisable in relation to it shall be vested in the Managing Trustees.

8. As between the Custodian Trustee and the Managing Trustees, the Custodian Trustee shall have the custody of all securities and documents of title relating to the property of the Fund; but the Managing Trustees shall have free access to those securities and documents and be entitled to take copies of them or extracts from them.

9. The Custodian Trustee shall concur in and perform all acts necessary to enable the Trustees to exercise their powers of management or any other power or discretion vested in them, unless the matter in which he is requested to concur is a breach of trust or involves a personal liability upon him in respect of calls or otherwise; but unless he so concurs the Custodian Trustee shall not be liable for any act or default on the part of the Managing Trustees or any of them.

10. The Custodian Trustee, if he acts in good faith, shall not be liable for accepting as correct, and acting upon the faith of, any statement of the Managing Trustees as to any matter of fact, nor for acting upon any legal advice obtained by the Managing Trustees independently of the Custodian Trustee, nor for acting in accordance with any directions given to him in writing and purporting to be signed by or on behalf of the Managing Trustees.

Administrative provisions

11. The Trustees may employ such officers and servants (if any) as they think necessary in connection with the management of the Fund; and the expenses of managing it, including the fees of

(22) 1906 c. 55.

the Custodian Trustee, any fee payable to the Comptroller and Auditor General and the remuneration and pensions, or contributions towards the pensions, payable to or in respect of officers and servants employed by the Trustees, shall be defrayed out of the Fund.

12. The Trustees of the Fund may appoint such person as they think fit to acquire assets for and dispose of assets of the Fund on their behalf and in accordance only with such instructions as to investment policy, as the Trustees shall from time to time determine and lay down.

13. The Trustees of the Fund shall review any acquisition or disposal of the assets of the Fund by such person as may be appointed under paragraph 12 and shall do so within six months of the date of any such acquisition or disposal.

14. Upon a review pursuant to paragraph 13, the Trustees may ratify the acquisition or disposal, or may take such other action in respect of it as they think fit.

15. The Custodian Trustee may charge such fees as he is authorised to charge under the Public Trustee Act 1906.

16. The Trustees shall keep proper accounts and shall prepare in respect of each financial year of the Fund statements of account in such form and in such manner as the Comptroller and Auditor General may direct.

17. The Comptroller and Auditor General shall examine and certify every statement of account prepared under paragraph 16 of this Schedule and shall lay a copy of every such statement, together with his report on it, before the House of Commons.

SCHEDULE 2

Regulation F5

Maximum Pensions

1. In this Schedule, unless the context otherwise requires:

“Class A participant” means any participant who joined the principal scheme on or after 1st June 1989 or any other participant who has elected to become a Class A participant (however termed) under the rules of the principal scheme;

“Class B participant” means any participant who joined the principal scheme on or after 17th March 1987 and before 1st June 1989 and has not elected to become a Class A participant;

“Class C participant” means any participant who joined the principal scheme before 17th March 1987 and has not elected to become a Class A participant;

“index” at any time, means the index of retail prices published by the Central Statistical Office of the Chancellor of the Exchequer, or any successor agreed as appropriate by the Board of Inland Revenue, for the calendar month three months prior to that time;

“pensionable service” means actual service as a participant;

“retained benefits” means benefits for a participant derived from—

- (a) retirement benefits schemes approved or seeking approval under Chapter I Part XIV or relevant statutory schemes as defined in section 611A of the Taxes Act 1988(23), excluding benefits in respect of service;
- (b) funds to which section 608 of the Taxes Act 1988 applies, excluding benefits in respect of service;

(23) Section 611A was inserted by the Finance Act 1989 (c. 26), Schedule 6, paragraphs 15 and 18(1).

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- (c) retirement benefit schemes which have been accepted by the Board of Inland Revenue as “corresponding” for the purposes of section 596(2)(b)(24) of the Taxes Act 1988, excluding benefits in respect of service;
- (d) retirement annuity contracts or trust schemes approved under section 620 of the Taxes Act 1988, or personal pension schemes (other than arrangements to which only minimum contributions are paid) which related to relevant earnings from the current employment, or previous employments (including periods of self employment whether alone or in partnership);
- (e) transfer payments from overseas schemes held in a type of arrangement defined in (a) or (d) above excluding those in respect of service,

including such benefits which have been transferred to another scheme, whether or not in the United Kingdom, but excluding such benefits which relate to service with an unassociated employer which is concurrent with service;

provided that:

- (i) if the total of the retained benefits is less than a pension of £260 those retained benefits may be disregarded; and
- (ii) if the participant’s earnings in the 12 months after entry to the principal scheme do not exceed one quarter of the permitted maximum, benefits from those sources, other than those transferred into the principal scheme, shall not be classed as retained benefits.

“service” means service as a Member of the House of Commons or as an office holder, and includes, where appropriate, any increase in reckonable service attributable to sums received by way of transfer value or to the purchase of added years.

- 2. This Schedule sets out the maximum pension payable to a person at the relevant date.

Class A Participant

3.—(1) On retirement at any time after age 50, except before normal retirement date on grounds of incapacity, a pension of 1/60th of the multiple for each year of service (not exceeding 40 years) or, if greater,

the lesser of—

- (a) 1/30th of the multiple for each year of service (not exceeding 20 years), and
- (b) $\frac{2}{3}$ rds of the multiple minus the pension value of all retained benefits.

(2) On retirement before the normal retirement date on grounds of incapacity an immediate pension in accordance with sub-paragraph (1) above on the basis of the number of years which would have counted as service had the participant remained in service to the normal retirement date.

(3) On leaving pensionable service before the normal retirement date a deferred pension—

- (a) for participants who remain in service, of that proportion of the amount calculated in accordance with sub-paragraph (2) above that the number (not exceeding 40) of years of service completed before leaving pensionable service bears to the potential number (not exceeding 40) of years of service had the participant remained in service to the normal retirement date;

(b) for other participants the amount calculated in accordance with sub-paragraph (1) above; increased by up to 3 per cent for each complete year, or, if greater, in proportion to any increase in the index which has occurred during the period of deferment.

(24) Section 596(2) was amended by the Finance Act 1989 (c. 26) Schedule 6, paragraphs 8(1), 2(b) and 18(1).

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(4) Benefits for a Class A participant are further restricted as necessary to ensure that the participant’s total retirement benefit under these Regulations, from any free standing additional voluntary contributions scheme and from any other additional voluntary contributions does not exceed 1/30th of the permitted maximum for each year of service. For the purpose of this limit service is the aggregate of service provided that the total shall not exceed 20 years. The permitted maximum in this context is that for the year of assessment in which the benefits commence to be paid or, if earlier, are transferred out under regulation P1 or P2. For the purpose of calculating the total retirement benefit the pension equivalent of benefits in any form other than pension is one twelfth of its cash value.

Class B and Class C Participants

4.—(1) On retirement at the normal retirement date a pension of 1/60th of the multiple for each year of service (not exceeding 40 years) or, if greater,

the lesser of—

(a) (i) for Class C participants the fraction of the multiple ascertained from the following table:

<i>Years of service</i>	<i>Appropriate fraction</i>
6	8/60
7	16/60
8	24/60
9	32/60
10 or more	40/60

(ii) for Class B participants 1/30th of the multiple for each year of service (not exceeding 20 years), and

(b) 2/3rds of the multiple minus the pension value of all retained benefits.

(2) On retirement before normal retirement date—

(a) on grounds of incapacity, the amount calculated in accordance with sub-paragraph (1) above on the basis that service is taken as the potential number of years of service had the participant remained in service to the normal retirement date;

(b) other than on grounds of incapacity the greater of

(i) 1/60th of the multiple for each year of service (not exceeding 40 years), and

(ii) that proportion of the amount calculated in accordance with paragraph (a) above that the number (not exceeding 40) of years of service completed before leaving service bears to the potential number (not exceeding 40) of years of service had the participant remained in service to normal retirement date.

(3) On retirement after normal retirement date a pension of the greatest of:

(a) the amount calculated in accordance with sub-paragraph (1) above at the actual date of retirement, save that, to the extent that the amount is calculated by reference to that part of the participant’s actual period of reckonable service as a participant as fell after he attained the age of sixty-five years, the overall limit of two-thirds of the multiple may be disregarded; or

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(b) the amount which could have been provided at normal retirement date in accordance with sub-paragraph (1) above increased either actuarially in respect of the period of deferment or in proportion to any increase in the Index during that period.

(4) On leaving pensionable service before normal retirement date a deferred pension calculated in accordance with paragraph (2)(b) above but increased by up to 3 per cent for each complete year, or, if greater, in proportion to any increase in the index which has accrued during the period of deferment.

SCHEDULE 3

Regulation G1

Part I

Commutation of Pensions

1.—(1) In this Schedule, unless the context otherwise requires—

“Class A participant”, “Class B participant” and “Class C participant” have the meanings assigned to them in Schedule 2;

“N” means in respect of the pension of a person, the period in years and any fraction of a year of his actual reckonable service before the relevant date or (if earlier) his sixty-fifth birthday;

“NS” means in respect of the pension of a person, the lesser of 40 years and the period in years and any fraction of a year of his prospective actual reckonable service at the relevant date;

“pension” means a pension, expressed as an annual amount, under Part F (pension entitlement), Part H (early retirement) or Part J (ill-health pensions) as the case may be; and “maximum pension” shall be construed accordingly;

“prospective actual reckonable service” means in respect of a person—

(a) at a date falling before his sixty-fifth birthday, his actual reckonable service before and after that date, assuming continuous actual reckonable service by him from that date until his sixty-fifth birthday;

(b) at a date falling on or after his sixty-fifth birthday, his actual reckonable service at his sixty-fifth birthday;

“retained benefits” has the meaning assigned to it in Schedule 2;

“retained lump sum benefits” means retained benefits which are payable as single payments whether by way of commutation of accrued pension rights, refund of contributions or otherwise;

(2) Any reference in this Schedule to the beginning of a period of actual reckonable service of a person means any such beginning on his becoming a participant other than after an interval in his actual reckonable service occurring on a dissolution of Parliament.

(3) Any reference in this Schedule to a person being or no longer being a participant shall be construed as a reference to whichever of those circumstances is applicable to the calculation of his pension.

Class A Participant

Maximum commutation for Members (including those retiring on grounds of ill-health)

2. For the purposes of regulation G1(4), in the case of a Class A participant entitled to a pension under regulation F1—

(1) who has no retained lump sum benefits and who either was a Member of the House of Commons on his sixty-fifth birthday or is so entitled by virtue of regulation J1 or J3 (ill-health pensions), the maximum commutable sum shall be the amount of—

- (i) the number of eightieths of the multiple, either specified in the table in Part II of this Schedule in relation to the number of complete years of his actual reckonable service or (if the period of that service includes a fraction of a year) calculated proportionately by reference to the numbers specified in that table; and
- (ii) the product of three-eightieths of the multiple and any period, expressed in years and any fraction of a year, determined in respect of him under regulation P6(2) (Transfers from other pension schemes),

subject to a maximum of the amount of 120/80 of the multiple;

(2) who has retained lump sum benefits, but would otherwise be within sub-paragraph (1) above, the amount of the maximum commutable sum shall be whichever is the greater of—

- (i) the amount of 120/80 of the multiple, less the amount of his retained lump sum benefits; and
- (ii) the amount of the product of three-eightieths of the multiple and the aggregate, expressed in years and any fraction of a year subject to a maximum of forty years, of his actual reckonable service and of any period determined in respect of him under regulation P6(2) (Transfers from other pension schemes).

Maximum commutation for Members on early retirement

3. For the purposes of regulation G1(4), in the case of a Class A participant entitled to a pension under regulation H1—

(1) who has no retained lump sum benefits, was no longer a Member of the House of Commons on his sixty-fifth birthday and is not entitled to a pension by virtue of regulation J1 or J3 (ill-health pensions), the amount of the maximum commutable sum, subject to a maximum of 120/80 of the multiple, shall be whichever is the greater of—

- (i) the amount of the product of N/NS and the number of eightieths of the multiple, either specified in the table in Part II of this Schedule in relation to the number of complete years of his prospective actual reckonable service or (if the period of that service includes a fraction of a year) calculated proportionately by reference to the numbers specified in that table; and
- (ii) the amount of the product of three-eightieths of the multiple and the period, expressed in years and any fraction of a year, of his actual reckonable service,

aggregated with the amount referred to in paragraph 2(1)(ii);

(2) who has retained lump sum benefits but would otherwise be within sub-paragraph (1) above, the amount of the maximum commutable sum shall be whichever is the greater of—

- (i) the aggregate of:
 - (a) the amount referred to in sub-paragraph (1)(i) above, subject to a maximum of the product of N/NS and the amount referred to in paragraph 2(2)(i); and
 - (b) the amount referred to in paragraph 2(1)(ii), subject to a maximum of the amount of 120/80 of the multiple, less his retained lump sum benefits; and
- (ii) the amount referred to in paragraph 2(2)(ii).

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Maximum commutation for office holders (including those retiring on grounds of ill-health)

4. For the purposes of regulation G1(4), in the case of a Class A participant entitled to a pension under regulation F3—

(1) who has no retained lump sum benefits and who either was an office holder on his sixty-fifth birthday or is so entitled by virtue of regulation J2 or J4 (ill-health pensions), the amount of the maximum commutable sum shall be the amount of—

- (i) the number of eightieths of the multiple, specified in the table in Part II of this Schedule in relation to the number of years, each beginning on 1st April, during which he had any actual reckonable service; and
- (ii) the product of three-eighths of the multiple and any period, expressed in years and any fraction of a year, determined in respect of him under regulation P6(3) (Transfers from other pension schemes),

subject to a maximum of the amount of 120/80 of the multiple;

(2) who has retained lump sum benefits, but would otherwise be within sub-paragraph (1) above, the amount of the maximum commutable sum shall be whichever is the greater of—

- (i) the amount of 120/80 of the multiple, less his retained lump sum benefits; and
- (ii) the amount of the product of three-eighths of the multiple and, subject to a maximum of forty years, the aggregate of:
 - (a) the number of years, each beginning on 1st April, during which he has any actual reckonable service; and
 - (b) the number of years (if any) determined in respect of him under regulation P6(3).

Maximum commutation for office holders on early retirement

5. For the purposes of regulation G1(4), in the case of a Class A participant entitled to a pension under regulation H2—

(1) who has no retained lump sum benefits, was no longer an office holder on his sixty-fifth birthday and is not entitled to a pension by virtue of regulation J2 or J4, the amount of the maximum commutable sum, subject to a maximum of 120/80 of the multiple, shall be whichever is the greater of:

- (i) the amount of the product of N/NS and the number of eightieths of the multiple, specified in the table in Part II of this Schedule in relation to the number of years, each beginning on 1st April, during which any part of his prospective actual reckonable service falls; and
- (ii) the amount of the product of three-eighths of the multiple and the number of years, each beginning on 1st April, during which he has any actual reckonable service,

aggregated with the amount referred to in paragraph 4(1)(ii);

(2) who has retained lump sum benefits but would otherwise be within sub-paragraph (1) of this paragraph, paragraph 3(2) above shall apply in respect of him, as if set out in this paragraph.

Earnings cap

6. For a Class A participant, the maximum commutable sum shall be further limited to an overall maximum of 120/80 of the permitted maximum.

Class B and Class C Participants

7. Paragraphs 2, 3, 4 and 5 of this Schedule shall apply to Class B and Class C participants save that—

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(1) in the case of a Class B or Class C participant who satisfies the conditions set out in paragraph 2 above there may be added to the maximum commutable sum calculated by virtue of that paragraph the amount of the product of three-eightieths of the multiple and the period, expressed in years and any fraction of a year and subject to a maximum of five years, being his actual reckonable service in excess of forty years and occurring after his sixty-fifth birthday, and

(2) in the case of a Class B or Class C participant who satisfies the conditions set out in paragraph 4 above there may be added to the permitted maximum sum calculated by virtue of that paragraph the amount of the product of—

- (a) subject to a maximum of five, the number of years, each beginning on 1st April, during which he had any actual reckonable service, being years in excess of the first 40 such years and beginning after his sixty-fifth birthday; and
- (b) three-eightieths of the relevant terminal salary under regulation F4(4); and
- (c) the average of all the contribution factors under regulation F4(2) in relation to him for the years under (a) above or (where the maximum under (a) applies) the first five of those years.

Regulation G1

Part II

Maximum Commutation of Pensions

TABLE

Number of years	Number of eightieths
1	3
2	6
3	9
4	12
5	15
6	18
7	21
8	24
9	30
10	36
11	42
12	48
13	54
14	63
15	72
16	81
17	90

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Number of years	Number of eightieths
18	99
19	108
20 or more	120

SCHEDULE 4

Regulation H1

Percentage Abatement of Pension Entitlement

1. The pension to which a person is entitled by virtue of regulation H1 shall be abated, having regard to the person’s age and the length of his qualifying period at the date of his application or, if later, such other date as may be there specified, from the date from which that pension is payable by the percentage specified in the table below.

2. The pension to which a person is entitled by virtue of regulation H1 shall not be reduced below the rate of the guaranteed minimum pension, as provided for by Regulation F7.

Abatement by Single Percentage from Date Pension Payable

Age pension brought into payment	<i>Qualifying period (years)</i>					
	20 or more	19	18	17	16	15
65	0.0	0.0	0.0	0.0	0.0	0.0
64	0.0	0.0	0.0	0.0	0.0	7.0
63	0.0	0.0	0.0	0.0	7.0	13.7
62	0.0	0.0	0.0	7.0	13.7	19.9
61	0.0	0.0	7.0	13.7	19.9	25.6
60	0.0	7.0	13.7	19.9	25.6	30.8
59	7.0	13.7	19.9	25.6	30.8	35.6
58	13.7	19.9	25.6	30.8	35.6	39.9
57	19.9	25.6	30.8	35.6	39.9	43.7
56	25.6	30.8	35.6	39.9	43.7	47.0
55	30.8	35.6	39.9	43.7	47.0	50.0
54	35.6	39.9	43.7	47.0	50.0	52.8
53	39.9	43.7	47.0	50.0	52.8	55.4
52	43.7	47.0	50.0	52.8	55.4	57.7
51	47.0	50.0	52.8	55.4	57.7	59.7

Where the age or the qualifying period is not an exact number of years the percentage abatement shall be obtained by interpolating first for the required age and secondly for the required qualifying period.

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Age pension brought into payment	<i>Qualifying period (years)</i>					
	20 or more	19	18	17	16	15
50	50.0	52.8	55.4	57.7	59.7	61.8

Where the age or the qualifying period is not an exact number of years the percentage abatement shall be obtained by interpolating first for the required age and secondly for the required qualifying period.

SCHEDULE 5

Regulation K3

Persons Qualifying for Children's Pensions

1. In this Schedule “the deceased” means the person on whose death a children’s pension is or may be payable under regulation K3, and “child” has the same meaning as in that regulation.

2. For the purposes of regulation K3 a child shall be treated as within his period of full-time education while—

- (a) he is receiving full-time instruction at any university, college, school or other educational establishment; or
- (b) he is undergoing full-time or substantially full-time training for any trade, profession or vocation; and any question arising under this paragraph shall be determined by the Trustees.

3. A child shall not be treated as a relevant child for the purposes of regulation K3—

- (a) as being an illegitimate or adopted child of the deceased; if he was born or adopted, as the case may be, after the termination of the marriage or last marriage of the deceased; or
- (b) as being the child of a wife of the deceased, if he was born or became her child after the termination of her marriage with the deceased;

unless, in the case of an adopted child falling within sub-paragraph (a) or sub-paragraph (b) of this paragraph, the Trustees, if satisfied that before the material event therein mentioned the deceased (or, as the case may be, the deceased and his wife) had already formed the intention of adopting the child, and that the child was then wholly or mainly dependent on the deceased, direct that the child shall be treated as a relevant child.

4. A child shall not be treated as a relevant child for the purposes of regulation K3 as being—

- (a) the illegitimate child of the deceased; or
- (b) a child of a wife of the deceased,

unless the child was wholly or mainly dependent on the deceased; at the time of his death.

5. A female child shall not be treated as a relevant child for the purposes of regulation K3 if, at the date of the death of the deceased, she is married to or cohabiting with another person; and a female child who thereafter marries or cohabits with another person shall thereupon cease to be a relevant child unless and until the Trustees, being satisfied that the marriage or cohabitation has been terminated and that for exceptional reasons it is proper to do so, direct that she shall be so treated.

6. Where the deceased was a woman, no child of any marriage of hers shall be a relevant child for the purposes of regulation K3 if the father of the child was living at the death of the deceased unless—

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- (a) the Trustees for exceptional reasons direct that the child shall be so treated; or
- (b) the actual period of reckonable service as a participant of the deceased includes service on or after 17th May 1990,

and, if (b) applies, the pension payable to the child shall be that proportion of the pension calculated in accordance with regulation K3(2) which is attributable to that part of the aggregate period of reckonable service as a participant of the deceased which accrued on or after 17th May 1990.

SCHEDULE 6

Regulation Q1

Purchase of Added Years

1. In this Schedule, unless the context otherwise requires—

“payment for the purchase of added years” means such a payment whether payable periodically or by way of a single lump sum;

“periodical contributions” means the sums payable by a participating Member whose application to purchase added years other than by a single payment has been accepted by the Trustees.

“relevant terminal salary” has the same meaning as “the relevant terminal salary” in regulation F2(2);

Purchase of added years by periodical contributions

2.—(1) A participating Member may apply in writing to the Trustees to purchase added years by periodical contributions payable until he attains the age of 65 years and the Trustees shall accept his application if all the following conditions in respect of that application are satisfied—

- (i) the participating Member will not at his next birthday after the date of the application have attained the age of sixty-five;
- (ii) the participating Member has satisfied the Trustees, in whatever manner the Trustees shall require, that he is in good health;
- (iii) the number of added years which the participating Member has applied to purchase does not exceed the maximum permitted by paragraph 8 of this Schedule; and
- (iv) the participating Member has supplied to the Trustees such information and evidence as they may require and has indicated whether his application is made under the provisions of this subparagraph or under the provisions of sub-paragraph (2) below.

(2) A participating Member may, within the period of twelve months immediately following the date when he commenced a period of service as a Member, or within such longer period as the Trustees may in special circumstances and at their discretion allow, apply in writing to the Trustees to purchase added years by the payment of periodical contributions for a period of four or five years and the Trustees shall accept his application if, at the date when the Trustees receive the application, the participating Member has not reached the age of 65 years and if the conditions of sub-paragraphs (ii), (iii) and (iv) of sub-paragraph (1) above are satisfied in respect of that application.

3. An application by a participating Member to purchase added years shall be irrevocable on and from the date when the Trustees accept his application.

4. Where an application by a participating Member to purchase added years by periodical contributions is accepted by the Trustees—

(1) those periodical contributions shall, subject to the provisions of paragraph 5 of this Schedule, be payable—

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- (a) in the case of an application under paragraph 2(1) of this Schedule, from the date of the participating Member's birthday next following the receipt by the Trustees of his application and until the participating Member attains the age of 65 years; and
 - (b) in the case of an application under paragraph 2(2) of this Schedule, for whichever of the periods of four or five years the participating Member has chosen for the payment of periodical contributions beginning on such date not later than two months from the date of acceptance of the application as the Trustees shall specify by notice in writing to the participating Member;
- (2) periodical contributions by a participating Member shall be payable by deductions from his salary or, in the case of arrears, in such manner as the Trustees shall require; and
- (3) the periodical contributions payable by a participating Member for the added years shall be calculated in accordance with tables prepared from time to time by the Government Actuary.

Interrupted Service

5.—(1) If a participating Member dies or ceases to be a Member of the House of Commons because of ill-health in circumstances to which regulation J1 applies and he—

- (a) has applied to purchase added years by periodical contributions; and
- (b) has been notified in writing by the Trustees that his application has been accepted;

no further periodical contributions will be payable from the day following the date of his death or from the day following the date he ceases to be a Member of the House of Commons, as the case may be, and any added years that he has applied to purchase by periodical contributions shall be credited in full as reckonable service as a participating Member.

(2) If a participating Member who has applied to purchase added years by periodical contributions and whose application has been accepted by the Trustees ceases to be a Member of the House of Commons in circumstances to which regulation J1 does not apply, no such periodical contributions will be payable by him from the day following the date when he ceases to be a Member of the House of Commons but his reckonable service as a participating Member will in respect of each application be increased by

$$\frac{A \times B}{C}$$

where—

- A is the number of added years he applied to purchase by periodical contributions;
- B is the period (expressed to the nearest day) during which periodical contributions have been paid;
- C is the total period during which periodical contributions would have been payable in accordance with paragraph 4(1) above.

(3) If a Member to whom sub-paragraph (2) of this paragraph has applied subsequently commences a further period of service as a participating Member before he has attained the age of 65 years, in circumstances in which the periods together constitute an aggregate period of reckonable service as a participating Member, then subject to subparagraphs (4) and (6) of this paragraph, he may give notice to the Trustees in writing within the period of three months beginning with the date upon which he commenced the further period of service that he intends to resume payment of his periodical contributions in respect of the added years for which he was making periodical contributions in his immediately preceding period of service and such periodical contributions shall then be payable from the date when he commenced the further period of service as a participating Member and shall continue until he attains the age of 65 years at the rate or rates applicable during that immediately preceding period.

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(4) Where a participating Member who ceased to pay periodical contributions by reason only of his ceasing to serve as a Member of the House of Commons for a period but subsequently became a Member of the House of Commons again and resumed the purchase of added years by periodical contributions in accordance with sub-paragraph (3) of this paragraph thereafter becomes entitled to a pension under regulation F1, his reckonable service as a participating Member shall be increased in accordance with sub-paragraph (2) of this paragraph except that C shall be read as the total period during which he would have paid periodical contributions for those added years if his service as a participating Member had been continuous.

(5) If a participating Member to whom sub-paragraph (2) of this paragraph has applied, subsequently commences a further period of service as a participating Member before he has attained the age of 65 years, in circumstances in which the periods together constitute an aggregate period of reckonable service as a participating Member, then subject to sub-paragraphs (4) and (6) of this paragraph, he may, if, in consequence of his break in service as a participating Member, there has been a reduction in the number of added years which he is able to purchase in full, with the agreement of the Trustees and, subject to the provisions of paragraphs 2(1)(ii) and 8(1) of this Schedule, apply to purchase by periodical contributions payable until he attains the age of 65 years some or all of the number of added years comprised in that reduction at the rate applicable to the participating Member's birthday next following the receipt by the Trustees of his application.

(6) Sub-paragraphs (3), (4) and (5) of this paragraph shall not apply where the application to purchase added years before the participating Member ceased to be a Member of the House of Commons was made under paragraph 2(2) above.

(7) Subject to sub-paragraph (8) below, in respect of a participating Member who—

- (a) has applied to purchase added years by periodical contributions; and
- (b) has been notified in writing by the Trustees that his appointment has been accepted; and
- (c) who is appointed or elected Prime Minister and First Lord of the Treasury or Speaker of the House of Commons,

sub-paragraph (2) of this paragraph shall apply from the day after the date of his appointment or election as such as if he were a person who ceases to be a participating Member in circumstances to which regulation J1 does not apply, but the other provisions of this paragraph and paragraph 6(3) shall not apply to him.

(8) If a person to whom sub-paragraph (7) applies, during the period of three months after his appointment or election as Prime Minister and First Lord of the Treasury or Speaker of the House of Commons, exercises the option in regulation C2—

- (a) any sum paid by the Trustees to the Consolidated Fund under regulation N3(1) shall include the value of any added years purchased by him by way of periodical contributions paid before 28th February 1991; and the number of added years so purchased shall in respect of each application to purchase added years be

~~A x B~~

where A and C have the meanings set out in paragraph (2) above, and B is the period (expressed to the nearest day) during which periodical contributions were paid before 28th February 1991; and

- (b) any sum refunded to him under regulation N3(4)(a) shall include the periodical contributions paid by him before 28th February 1991; and
- (c) he shall resume the making of periodical contributions, (including any periodical contributions due between the date of his appointment or election and the date of his exercise of the option); and
- (d) if (a) and (b) apply, his reckonable service as a participating Member shall in respect of each application to purchase added years be increased by

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$$\frac{A \times B}{C}$$

where A and C have the meanings set out in paragraph (2) above, and B is the period (expressed to the nearest day) during which periodical contributions are paid and not refunded, including any period during which contributions are credited in full under sub-paragraph (1) above.

Purchase of added years by lump sum

6.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, a participating Member may apply in writing to the Trustees to purchase added years by a lump sum payment.

(2) The Trustees shall accept an application to purchase added years under this paragraph if all the following conditions in respect of that application are satisfied—

- (i) the participating Member has not reached the age of 65;
- (ii) the participating Member applies to the Trustees within the period of twelve months immediately following the date when he commenced a period of service as a participating Member or within such longer period as the Trustees may in special circumstances and at their discretion allow;
- (iii) the participating Member has not applied to the Trustees under the provisions of regulation J1 for an early pension because of ill-health;
- (iv) the number of added years which the Member applies to purchase does not exceed the maximum permitted by paragraph 8 of this Schedule; and
- (v) the participating Member has supplied to the Trustees such information and evidence as they may require.

(3) A participating Member who has applied to purchase added years under the provisions of paragraph 2(2) and to whom paragraph 5(2) applies may, in respect of any such application if—

- (a) in consequence of his ceasing to be a participating Member, there has been a reduction in the number of added years which he is able to purchase in full;
- (b) the conditions of paragraphs (iii), (iv) and (v) of sub-paragraph (2) of this paragraph are satisfied in respect of the application made under this sub-paragraph; and
- (c) the application under this sub-paragraph is made within three months of his ceasing to be a participating Member,

apply in writing to the Trustees to purchase by a lump sum payment some or all of the number of added years comprised in that reduction at the rate applicable at the participating Member's birthday next following the receipt by the Trustees of the application.

Lump sum payments

7.—(1) Any participating Member who has applied to the Trustees to purchase added years by a lump sum payment shall, within the period of six months commencing on the date when his application, is accepted by the Trustees, make the lump sum payment which shall be calculated by reference to a Member's ordinary salary at the time when his application was received by the Trustees and in accordance with tables to be prepared from time to time by the Government Actuary and the amount of his reckonable service as a participating Member shall be increased accordingly with effect from the date that the lump sum payment is received by the Trustees.

(2) If, after an application to purchase added years by lump sum payment has been made by a participating Member and accepted by the Trustees, the payment is not received by the Trustees within the period of six months commencing on the date when his application is accepted by the Trustees, the application to purchase shall cease to be valid.

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Limits on purchase of added years

8.—(1) Subject to sub-paragraph (2) below, the amount of a participating Member's periodical contributions for the purchase of added years, when aggregated with his contributions under regulation D1 and any other additional voluntary contributions, shall not in any tax year exceed—

- (a) in the case of a participating Member who holds or has held the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons, 15 per cent of his salary as a Member of the House of Commons or, if that salary exceeds the permitted maximum, 15 per cent of the permitted maximum; or
- (b) in the case of any other participating Member, 15 per cent of a Member's ordinary salary or, if he joined the principal scheme on or after 1st June 1989 and that salary exceeds the permitted maximum, 15 per cent of the permitted maximum.

(2) Sub-paragraph (1) above shall not apply to the purchase of added years by periodical contributions payable for a period of four years in accordance with paragraph 4(1)(b), and for the purpose of the calculation referred to in sub-paragraph (1) such periodical contributions shall be disregarded.

(3) Subject to sub-paragraph (4) below, sub-paragraph (1) above shall not apply to a participating Member's periodical contributions which on 31st July 1984 were payable in accordance with paragraph 4(1)(a).

(4) If, after 31st December 1984 a participating Member applies to the Trustees to purchase added years by periodical contributions, the annual amount of periodical contributions payable by him in accordance with paragraph 4(1)(a), or for a period of five years in accordance with paragraphs 2(2) and 4(1)(b), shall not be such as to exceed, at any time during the period such periodical contributions would be so payable, the amount (if any) by which for the time being—

- (i) the annual amount of his periodical contributions referred to in sub-paragraph (3) of this paragraph (if any) aggregated with the annual amount of his contributions under regulation D1 and any other additional voluntary contributions,

is less than—

- (ii) the limit under sub-paragraph (1) of this paragraph.

(5) Subject to sub-paragraph (1) above, the maximum added years that a participating Member may purchase both by lump sum payment and by periodical contributions shall be calculated, so that his pension under regulation F1, or under regulation F3 when aggregated with the pension equivalent of any lump sum under regulation G1 and any pension under any additional voluntary contributions scheme shall not exceed whichever may be appropriate of the limits set out in Schedule 2.

Further applications to purchase added years

9. Subject to the provisions of this Schedule, the Trustees may accept more than one application from a participating Member to purchase added years by the payment of periodical contributions or lump sum payments.

General

10. The provisions of this Schedule are without prejudice to any maximum pension imposed in relation to a participating Member by regulation F5 or F6 and Schedule 2 (maximum pensions payable).

SCHEDULE 7

Regulation R5

Revocations

Part I

Enactments having effect as regulations under section 2
of the Parliamentary and other Pensions Act 1987

(1) Enactments revoked	(2) References	(3) Extent of revocation
The Parliamentary and other Pensions Act 1972	1972 c. 48	Part I (including Schedules 1 and 2) other than sections 1(1) to (4) and (7), 5, 23 and 24(4); sections 30, 33 and 35.
The Parliamentary Pensions Act 1978	1978 c. 56	Sections 2 to 5, 6(2), 7, 11, 12(8) and 18(2) and (3).
The Parliamentary Pensions etc Act 1984	1984 c. 52	Sections 3(4) to (6), 4(3) to (6), 5(1) and (2) and 6.

Part II

Other Instruments

(1) Instruments revoked	(2) References	(3) Extent of revocation
The Parliamentary and other Pensions (Contracted-Out Provisions) Order 1978	SI 1978/891	The whole instrument
The Parliamentary Pensions (Purchase of Added Years) Order 1978	SI 1978/1837	The whole instrument
The Parliamentary Pensions (Purchase of Added Years) (Amendment) Order 1981	SI 1981/800	The whole instrument
The Parliamentary Pensions (Purchase of Added Years) (Amendment) Order 1984	SI 1984/1907	The whole instrument
The Parliamentary Pensions (Added Years and Rates of Accrual) (Further Provisions) Order 1984	SI 1984/1908	The whole instrument
The Parliamentary Pensions (Maximum and Abated	SI 1984/1909	The whole instrument

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(1) Instruments revoked	(2) References	(3) Extent of revocation
Pensions and Pension Commutation) Order 1984		
The Parliamentary Pensions (Amendment) Regulations 1991	SI 1991/609	The whole instrument
The Parliamentary Pensions (Amendment) Regulations 1992	SI 1992/599	Regulations 3, 4, 5 and 7.

Part III

Savings

1. The revocation by these Regulations of a transitional provision relating to the coming into force of a provision re-enacted in these Regulations does not affect the operation of that transitional provision, so far as it remains capable of having effect, in relation to the provision as re-enacted.

2.—(1) The revocation by these Regulations of a provision previously repealed or revoked subject to savings does not affect the previous operation of those savings.

(2) The revocation by these regulations of a saving made on the previous repeal or revocation of a provision does not affect the operation of the saving in so far as it remains capable of having effect.

Part IV

Transitional Provisions

1.—(1) The re-enactment of provisions in these Regulations, and the consequent revocation of those provisions by these Regulations, does not affect the continuity of the law.

(2) The general rule is that the provisions of these Regulations apply, in accordance with subparagraph (1), to matters arising before the commencement of these Regulations as to matters arising after that commencement.

(3) The general rule has effect subject to any express provision to the contrary, and to Regulation R3.

(4) The general rule does not mean that the provisions of these Regulations apply to cases to which the corresponding revoked provisions did not apply by virtue of transitional provisions made in connection with the commencement of the revoked provisions (such transitional provisions are saved by paragraph 1 of Part II).

2. Where a period of time specified in a provision of any Regulations revoked and reenacted by these Regulations is current at the commencement of these Regulations, these Regulations have effect as if the corresponding provision of these Regulations had been in force when that period began to run.

SCHEDULE 8

Regulation R3

Reckonable Service

Participants with service between 1st January 1972 and 1st August 1978.

1.—(1) This paragraph applies to—

- (a) any person who served as a participating Member at any time on or after 1st January 1972 and who has not served as a participating Member at any time after 1st August 1978; or
- (b) any person who served as a participating office holder at any time on or after 1st April 1972 and who had not served as a participating office holder at any time after 1st August 1978; or
- (c) any person to whom both (a) or (b) above apply.

(2) Subject to the next following sub-paragraph and to regulation N2 (refunds), regulation P3 (transfers out) and regulation P5 (transfers in), for the purposes of these Regulations—

- (a) any period or periods not exceeding 10 years before 16th October 1964 during which a person was a Member of the House of Commons, and
- (b) any period beginning on or after 16th October 1964 during which a person was such a participating Member,

is a period of reckonable service as a participating Member; and in these Regulations “aggregate period of reckonable service as a participating Member”, in relation to a person, means the period, falling within either of the preceding paragraphs, during which he was such a participating Member or (if more than one) the aggregate of such periods.

(3) Subject to regulation N1 (refunds), regulation P4 (transfers out) and regulation P6 (transfers in), for the purposes of these Regulations any period during which a person has been a participating office holder is a period of reckonable service as a participating office holder; and in these Regulations “aggregate period of reckonable service as a participating office holder”, in relation to a person, means his period (or, if more than one, the aggregate of his periods) of reckonable service as a participating office holder.

(4) In these Regulations “aggregate period of reckonable service as a participant”, in relation to a person, means the total of whichever of the following apply to him, namely—

- (a) his aggregate period of reckonable service as a participating Member; or
- (b) his aggregate period of reckonable service as a participating office holder; or
- (c) if (a) and (b) both apply, his aggregate period of reckonable service as a participating Member together with such part of his aggregate period of reckonable service as a participating office holder when he was not also a participating Member.

Participants with service between 2nd August 1978 and 19th July 1983

2.—(1) This paragraph applies to—

- (a) any person who was a participating Member at any time on or after 2nd August 1978 and who has not been a participating Member at any time after 19th July 1983; or
- (b) any person who was a participating office holder at any time on or after 2nd August 1978 and who has not been a participating office holder at any time after 19th July 1983; or
- (c) any person to whom (a) and (b) above both apply.

(2) In relation to a person who satisfies one or more of the conditions in sub-paragraph (1) above, paragraph 1 of this Schedule shall have effect with the following modifications:

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- (i) In sub-paragraph (2) after the words “ten years” there shall be inserted the words “or, in the case of a person who was a participating Member on or after 2nd August 1978, fifteen years”.
- (ii) In sub-paragraph (2) after the word “means” there shall be inserted the words “(subject to sub-paragraph 2A of this paragraph)”.
- (iii) After sub-paragraph (2) there shall be inserted as sub-paragraph (2A)—
 - “(2A) In calculating for the purposes of these Regulations a person’s aggregate period of reckonable service as a participating Member, a period during which he was a participating Member shall be disregarded—
 - (a) in so far as it fell after the time when his aggregate period of reckonable service as a participating Member reached forty years and before the time when he attains or attained the age of sixty-five years; and
 - (b) in so far as it fell after the time when he attained that age and would, apart from this paragraph, cause his aggregate period of reckonable service as a participating Member to exceed forty-five years.”
- (iv) In sub-paragraph (3) after the word “means” there shall be inserted the words “(subject to sub-paragraph (3A) of this paragraph)”.
- (v) After sub-paragraph (3), there shall be inserted as sub-paragraph (3A)—
 - “(3A) In calculating for the purposes of these Regulations a person’s aggregate period of reckonable service as a participating office holder, his period or periods of reckonable service as a participating office holder shall be disregarded—
 - (a) in so far as may be necessary to prevent his aggregate period of reckonable service as a participating office holder from exceeding forty years at or before the time when he attains or attained the age of sixty-five years; and
 - (b) so far as may be necessary to prevent his aggregate period of reckonable service as a participating office holder from exceeding forty-five years at any time;and, in the case of any person, the particular part or parts of his period of reckonable service as an office holder to be disregarded in pursuance of this sub-paragraph or, if there are two or more such periods, the particular periods or parts of periods (or both) to be so disregarded shall be that or those which, being disregarded, will make the aggregate of the contribution credits calculated in his case under paragraph 4 of Schedule 9 (as modified by paragraph 5 of that Schedule) as large as possible consistently with this sub-paragraph.”

SCHEDULE 9

Regulation R3

Pension Entitlement

Members with service between 1st January 1972 and 19th July 1983

- 1.—(1) A person who was a participating Member on or after 1st January 1972 but has not been a participating Member at any time after 19th July 1983 shall be entitled to receive a pension under this paragraph as from the time when the following conditions are or were fulfilled in respect of him—
- (a) he is or was neither a Member of that House nor a candidate for election to it;
 - (b) he is not or was not the holder of a qualifying office;
 - (c) his aggregate period of reckonable service as a participant is not or was not less than four years; and
 - (d) he has or had attained the age of sixty-five years.

(2) No pension shall be payable under this paragraph to a person who has been Prime Minister and First Lord of the Treasury or Speaker of the House of Commons or who is or has been Lord Chancellor.

(3) Subject to paragraph 1 of Schedule 11, to regulation G1 (Commutation) and, in the case of a person who has a guaranteed minimum pension, to regulation F7, the annual amount of the pension payable to a person under this paragraph shall be a sum equal to the aggregate of the following amounts—

- (a) an amount equal to one-sixtieth of the relevant terminal salary multiplied by the number of complete years comprised in his aggregate period of reckonable service as a participating Member, and
 - (b) an amount bearing the same proportion to one-sixtieth of the relevant terminal salary as the number of days comprised in that period after the end of the last complete year comprised in it bears to three hundred and sixty-five.
- (4) In this paragraph “the relevant terminal salary”—
- (a) in relation to a person who has been a Member of the House of Commons for a period of more than twelve months, or for two or more periods amounting in the aggregate to more than twelve months, means the amount of a Member’s pensionable salary for the last twelve months (whether continuous or discontinuous) during which that person was a Member of that House, and
 - (b) in relation to a person who has been a Member of that House, but whose actual period of service as such a Member was less than twelve months, means an amount calculated by taking the aggregate amount of a Member’s pensionable salary for the period (whether continuous or discontinuous) for which he was such a Member and multiplying it by the appropriate figure;

and in paragraph (b) of this sub-paragraph “the appropriate figure” in relation to a person, means the figure (whether being a whole number or not) by which the number of days comprised in his period of service as a Member of the House of Commons must be multiplied in order to be equal to twelve months.

(5) In this Schedule “a Member’s pensionable salary” in relation to a resolution of the House of Commons relating to the remuneration of Members, means a Member’s ordinary salary, or, if the resolution provides for a Member’s ordinary salary to be regarded for pension purposes as being at a higher rate, a notional yearly salary at that higher rate.

Members whose service ended between 20th July 1983 and 31st July 1984

2.—(1) This paragraph applies to a person who—

- (a) was a participating Member on or after 20th July 1983; and
- (b) has not been a participating Member at any time after 30th July 1984; and
- (c) fulfils conditions (a) to (d) in sub-paragraph 1(1) of this Schedule.

(2) In relation to a person to whom this paragraph applies paragraph 1 of this Schedule shall have effect with the following modifications, that is to say—

- (a) For sub-paragraph (3) of paragraph 1 there shall be substituted the following sub-paragraphs—

“(3) Subject to sub-paragraph (3A) of this paragraph, to paragraph 2 of Schedule 10, to regulations G1 (commutation) and, in the case of a person who has a guaranteed minimum pension, to regulation F7, the annual amount of the pension payable to a person under this paragraph shall be a sum equal to the aggregate of the amounts produced, in relation to each year or part of a year comprised in his aggregate period of reckonable service

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as a participating Member, by multiplying the relevant terminal salary by the appropriate fraction.

(3A) The annual amount of the pension payable to a person under this paragraph shall not exceed the amount equal to two-thirds of the relevant terminal salary except to the extent that it is calculated by reference to so much (if any) of that person's aggregate period of reckonable service as a participating Member as fell after he attained the age of sixty-five years; and the said annual amount shall not, in any event, exceed such maximum pension as may for the time being be imposed in relation to that person by regulation F5 and Schedule 2."

(b) After sub-paragraph (4) of paragraph 1 there shall be inserted the following sub-paragraphs—

"(4A) In sub-paragraph (3) of this paragraph "the appropriate fraction", in relation to a year or part of a year comprised in a person's aggregate period of reckonable service as a participating Member, means—

- (a) in the case of a year or part of a year ending before 20th July 1983, one-sixtieth or, as the case may be, the fraction which bears to one-sixtieth the same proportion as the number of days in that part of a year bears to three hundred and sixty-five; and
- (b) in the case of a year or part of a year beginning on or after 20th July 1983, one-fiftieth or, as the case may be, the fraction which bears to one-fiftieth the same proportion as the number of days in that part of a year bears to three hundred and sixty-five.

(4B) For the purposes of sub-paragraph (4A) of this paragraph where a year or part of a year comprised in a person's aggregate period of reckonable service as a Member began before, but ended on or after, 20th July 1983—

- (a) so much of that year or part of a year as ended with 19th July 1983 shall be treated as a part of a year in relation to which paragraph (a) of that sub-paragraph applies; and
- (b) the remainder of that year or part of a year shall be treated as a part of a year in relation to which paragraph (b) of that sub-paragraph applies."

Office holders whose service ended between 1st April 1972 and 1st August 1978

3.—(1) Subject to the next following sub-paragraph, this paragraph applies to a person who—

- (a) was a participating office holder on or after 1st January 1972; and
- (b) has not been a participating office holder at any time after 1st August 1978; and
- (c) fulfils conditions (a) to (d) in subparagraph 1(1) of this Schedule.

(2) No pension shall be payable under this paragraph to a person who is or has been Prime Minister and First Lord of the Treasury or Speaker of the House of Commons or Lord Chancellor.

(3) The same person may be entitled to a pension under paragraph 1 of this Schedule and to a pension under this paragraph, and the amounts of the two pensions shall be cumulative.

4.—(1) Subject to paragraph 4 of Schedule 10 and to regulation G1 (Commutation) and, in the case of a person who has a guaranteed minimum pension, to regulation F7, the provisions of this paragraph shall have effect for the purpose of calculating the annual amount of a pension payable to a person under paragraph 3 above.

(2) For each year of which the whole or any part was comprised in the pensioner's aggregate period of reckonable service as a participating office holder the following amounts shall be calculated—

- (a) an amount equal to the sums deducted under regulation D2 in respect of that year from the person's salary (within the meaning of that regulation), and
- (b) an amount equal to five per cent of the aggregate amount which (in accordance with such one or more resolutions of the House of Commons relating to the remuneration of Members as were in force during the whole or any part of that year) constituted a Member's ordinary salary in respect of that year;

and for each such year there shall be calculated the amount (in these Regulations referred to, in relation to any such year, as "the contribution factor" (for that year)) which is equal to the amount calculated under paragraph (a) divided by the amount calculated under paragraph (b) of this sub-paragraph.

(3) For each such year as is mentioned in sub-paragraph (2) of this paragraph a contribution credit shall be calculated by multiplying one-sixtieth of the relevant terminal salary by the amount of the contribution factor for that year; and, subject to the next following sub-paragraph and to regulation G1 the annual amount of the pension payable to the person under paragraph 3 shall be an amount equal to the aggregate of the contribution credits calculated under this sub-paragraph.

(4) In sub-paragraphs (2) and (3) of this paragraph "year" means a period of twelve months beginning with 1st April.

(5) In this paragraph "the relevant terminal salary":

- (a) if the person's actual period of reckonable service as a participating office holder was more than twelve months, means the amount of a Member's pensionable salary for the last twelve months (whether continuous or discontinuous) comprised in that aggregate period of reckonable service, and
- (b) if the person's actual period of reckonable service as a participating office holder was less than twelve months, means an amount calculated by taking the amount of a Member's pensionable salary for the period (whether continuous or discontinuous) which constituted the aggregate period of reckonable service as a participating office holder and multiplying it by the appropriate figure;

and in paragraph (b) of this sub-paragraph "the appropriate figure" means the figure (whether being a whole number or not) by which the number of days comprised in the person's aggregate period of reckonable service as a participating office holder must be multiplied in order to be equal to twelve months.

Office holders whose service ended between 2nd August 1978 and 19th July 1983

5.—(1) This paragraph applies to a person who:

- (a) was a participating office holder on or after 2nd August 1978; and
- (b) has not been a participating office holder at any time after 19th July 1983; and
- (c) fulfils conditions (a), (b) and (d) in sub-paragraph 1(1) of this Schedule.

(2) A person who satisfies the conditions in sub-paragraph (1) above shall be entitled to receive a pension under paragraph 3 of this Schedule calculated in accordance with the provisions of paragraph 4 provided that his aggregate period of reckonable service as a participant is not or was not less than three years.

Office holders whose service ended between 20th July 1983 and 31st July 1984

6.—(1) This paragraph applies to a person who:

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- (a) was a participating office holder on or after 20th July 1983; and
 - (b) has not been a participating office holder at any time after 30th July 1984; and
 - (c) fulfils conditions (a) to (d) in paragraph 1(1) of this Schedule, subject to the modification that his aggregate period of reckonable service as a participant is not or was not less than three years.
- (2) In relation to a person to whom this paragraph applies paragraphs 3 and 4 of this Schedule shall have effect with the following modifications—
- (a) for the reference to paragraph 4 of Schedule 10 in paragraph 4(1), there shall be substituted a reference to paragraph 5 of Schedule 10.
 - (b) for paragraph 4(2)(b) (calculation of contribution factor by reference to five per cent of a Member’s pensionable salary for particular years), there shall be substituted the following paragraph
 - “(b) an amount equal to the aggregate amount which fell to be deducted under regulation D1 from the payments of salary made in respect of that year to any person who was a Member of the House of Commons throughout that year”.
- (3) In paragraph 4(3) (contribution credit calculated by reference to one-sixtieth of the relevant terminal salary):
- (a) for the words “one-sixtieth” there shall be substituted the words “the appropriate fraction”; and
 - (b) for the words “the next following sub-paragraph” there shall be substituted the words “sub-paragraph (3B) of this paragraph and paragraph 5 of Schedule 9”.
- (4) After paragraph 4(3) there shall be inserted the following sub-paragraphs:
- “(3A) In sub-paragraph (3) of this paragraph “the appropriate fraction” means—
 - (a) in relation to the year beginning with 1st April 1984 and subsequent years, one-fiftieth;
 - (b) in relation to the year beginning with 1st April 1982 and previous years, one-sixtieth; and
 - (c) in relation to the year beginning with 1st April 1983—
 - (i) in the case of a person who held a qualifying office at some time in the period beginning with 1st April 1983 and ending with 19th July 1983 but did not hold such an office at any time in the period beginning with 20th July and ending with 31st March 1984, one-sixtieth;
 - (ii) in the case of a person who did not hold such an office at any time in the first of those periods but did hold such an office at some time in the second of those periods, one-fiftieth; and
 - (iii) in the case of a person who held such an office at some time in each of those periods, nineteen-thousandths.
- (3B) The annual amount of the pension payable to a person under paragraph 4 shall not exceed the amount equal to two-thirds of the product of—
- (a) the relevant terminal salary, and
 - (b) the average of all the contribution factors calculated in relation to that person under sub-paragraph (2) of this paragraph,
- except to the extent that the said annual amount is calculated by reference to any years beginning after that person attained the age of sixty-five years; and the said annual amount shall not, in any event, exceed such maximum pension as may for the time being be imposed in relation to that person by regulation F5 and Schedule 2.”

SCHEDULE 10

Regulation R3

Early retirement and early abated pensions

Members with service between 1st January 1972 and 19th July 1983

- (a) (a) Where on or after 1st January 1972 a person has ceased to be a Member of the House of Commons and before 20th July 1983 the conditions specified in paragraphs (a) to (c) of paragraph 1(1) of Schedule 9 were fulfilled in relation to him, and he has attained the age of sixty years but has not attained the age of sixty-five years, then if—
- (i) he applies to the Trustees for an immediate pension under this paragraph, and
 - (ii) the Trustees are satisfied that he does not intend to stand for re-election to the House of Commons, he shall be entitled to receive a pension under this paragraph as if he had attained the age of sixty-five years on the date of his application, or, if later, such other date as may be there specified; but the annual amount of the pension to which he is so entitled, both before and after he attains the age of sixty-five years, shall (subject to regulation G1 (commutation)) be an amount calculated in accordance with paragraph 1(3) of Schedule 9, reduced by such amount as the Government Actuary determines to be appropriate, having regard to the length of the period beginning with the date of his application, or, if later, such other date as may be there specified and ending with the date on which he would attain the age of sixty-five years.
- (b) In the case of a person who was a participating Member on or after 6th April 1978 and who is entitled to a guaranteed minimum pension, the amount calculated by virtue of sub-paragraph (a) above shall not be reduced below the rate of the guaranteed minimum pension, as provided for by regulation F7.

Members with service between 20th July 1983 and 31st July 1984

2. In relation to a person who—

- (a) was a Member of the House of Commons on or after 20th July 1983; and
- (b) has before 31st July 1984 fulfilled the conditions specified in paragraphs (a) to (c) of paragraph 1(1) of Schedule 9; and
- (c) has attained the age of sixty years but has not attained the age of sixty-five years,

paragraphs 1(a)(i) and (ii) and 1(b) above shall have effect with the following modifications, that is to say—

- (i) for the reference to paragraph 1(3) of Schedule 9 there shall be substituted a reference to paragraph 1(3) as modified by paragraph 2(2) of that Schedule.

Members with service between 1st August 1984 and 1st April 1991

3. In relation to a person who—

- (a) was a Member of the House of Commons on or after 31st July 1984; and
- (b) has on or before 1st April 1991 fulfilled the conditions specified in paragraphs (a) and (b) of paragraph 1(1) of Schedule 9; and
- (c) has attained the age of fifty years but has not attained the age of sixty-five years,

paragraphs 1(a)(i) and (ii) and 1(b) above shall have effect with the following modifications, that is to say—

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- (i) for the reference to paragraph 1(3) of Schedule 9 there shall be substituted a reference to regulation F2.

Office holders with service between 1st January 1972 and 19th July 1983

4.—(1) Where a person

- (a) was the holder of a qualifying office on or after 1st January 1972; and
- (b) has before 20th July 1983 fulfilled the conditions specified in paragraphs (a) to (c) of paragraph 1(1) of Schedule 9; and
- (c) would be entitled to a pension under paragraphs 3 and 4 or under paragraph 5 of Schedule 9 if he had attained the age of sixty-five years; and
- (d) has attained the age of sixty years;

then if—

- (i) he applies to the Trustees for an immediate pension under those paragraphs, and
- (ii) the Trustees are satisfied that he does not intend to stand for election to the House of Commons or to accept any further appointment to a qualifying office,

he shall be entitled to receive a pension under those paragraphs as if he had attained the age of sixty-five years on the date of his application or, if later, such other date as may be there specified; but the annual amount of the pension to which he is so entitled, both before and after he attains the age of sixty-five years, shall (subject to Regulation G1 (commutation)) be an amount calculated in accordance with paragraphs 3 and 4 or paragraph 5 of Schedule 9, reduced by such amount as the Government Actuary determines to be appropriate, having regard to the length of the period beginning with the date of his application or, if later, such other date as may be there specified and ending with the date on which he would attain the age of sixty-five years.

(2) In the case of a person who was a participating officer holder on or after 6th April 1978 and who is entitled to a guaranteed minimum pension, the amount calculated by virtue of subparagraph (1) above shall not be reduced below the rate of the guaranteed minimum pension, as provided for by regulation F7.

Office holders with service between 20th July 1983 and 30th July 1984

5. Where a person

- (a) was the holder of a qualifying office on or after 20th July 1983; and
- (b) has before 31st July 1984 fulfilled the conditions specified in paragraphs (a) to (c) of paragraph 1(1) of Schedule 9;

paragraph (4) above shall have effect with the following modifications—

- (i) for the references to paragraphs 3 and 4 or paragraph 5 of Schedule 9 there shall be substituted references to paragraphs 3 and 4 as modified by paragraph 6 of Schedule 9.

Office holders with service between 31st July 1984 and 1st April 1991

6. A person who—

- (a) was the holder of a qualifying office on or after 31st July 1984; and
- (b) has not held a qualifying office at any time after 1st April 1991; and
- (c) is entitled to a pension under paragraph 3 of this Schedule

shall also (subject to part G (commutation)) be entitled to receive a pension under this paragraph calculated in accordance with regulation F4, reduced by such amount as the Government Actuary determines to be appropriate, having regard to the length of the period beginning with the date of his application, or, if later, such other date as may be there specified and ending with the date on which he would attain the age of sixty-five years.

SCHEDULE 11

Regulation R3

Ill-health pensions

Members with preserved rights from before 1972

1. in relation to a person who—
 - (a) was a Member of the House of Commons at any time before 1st January 1972 but has not been a Member of that House on or after that date; and
 - (b) because of ill-health ceases to hold a qualifying office before attaining the age of sixty-five years,

paragraphs (1) to (4) of regulation J1 shall have effect with the following modifications—

- (i) references to regulation F1 shall be read as references to Part II of the 1965 Act;
- (ii) references to a person's aggregate period of reckonable service as a participating Member shall be read as references to the aggregate of his periods of reckonable service within the meaning of the said Part II; and
- (iii) in paragraph (4) the reference to regulation G1 shall be omitted and the reference to regulation F2 shall be read as a reference to section 7(3) of the 1965 Act.

SCHEDULE 12

Regulation R3

Widows, Widowers and Children

Widows of men with service between 1st January 1972 and 1st August 1978

1.—(1) The widow of a man who was a participant on or after 1st January 1972 and who has not been a participant at any time after 1st August 1978 shall be entitled to receive a pension under this paragraph if her late husband, at the time of his death,

- (a) was entitled to receive a pension under paragraph 1 or paragraph 3 of Schedule 9, or under both those paragraphs, or
- (b) was not so entitled, but had an aggregate period of reckonable service as a participant of not less than four years, and either had been a Member of the House of Commons on or after 1st January 1972 or had elected to be a participant under section 2 of the 1972 Act in respect of one or more periods of tenure of a qualifying office.

(2) Subject to paragraph (8) below, the annual amount of a pension payable under this paragraph to a widow whose husband died on or after 6th April 1988 shall be five-eighths of the basic or prospective pension or pensions of her late husband.

(3) Subject to sub-paragraphs (4) and (6), a pension payable under this paragraph to a widow shall continue for her life or until her remarriage; but in the case of remarriage the Trustees may, if they think fit, at any time direct that the pension shall be restored if satisfied that the subsequent

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marriage has been terminated or that there are exceptional reasons for the payment of the pension notwithstanding the subsistence of that marriage.

(4) No pension shall be payable under this paragraph to a widow who, at her husband's death, was cohabiting with another person; and if a widow entitled to such a pension cohabits with another person, the pension shall cease to be payable:

Provided that the Trustees may, if they think fit, direct that the pension shall be paid or restored, as the case may be, if satisfied that the cohabitation has been terminated and that there are exceptional reasons for the payment of the pension.

(5) Where the employment of any participant to whom these Regulations apply was contracted-out under Part III of the Pensions Act 1975 and he has a guaranteed minimum pension under these Regulations his widow shall, upon his death, notwithstanding the provisions of paragraphs (3) and (4), be entitled to a pension for the remainder of her life at a rate equivalent to a weekly rate of not less than half the guaranteed minimum of that man, notwithstanding any provision of these Regulations to the contrary.

(6) During any period specified in section 36(6) of the Pensions Act 1975 **(25)** as being a period during which a Category B retirement pension, widowed mother's allowance or widow's pension is payable to her under that subsection, the widow of a participant shall, notwithstanding the provisions of sub-paragraphs (3) and (4) above, be entitled to a pension under sub-paragraphs (1) and (2) above, but if after she has attained the age of sixty years she remarries or cohabits with another person, the Trustees may direct that the pension be restricted to the guaranteed minimum pension to which she is entitled.

(7) Where a man dies in circumstances in which, apart from this sub-paragraph, a widow's pension calculated in accordance with sub-paragraph (2) would be payable to a woman married by him within the six months ending with his death, and it appears to the Trustees that his death within six months was to be foreseen by him at the date of the marriage, then if—

- (a) there are no children of that marriage;
- (b) the man was married to her after the termination of his service in contracted-out employment in respect of which the widow's pension is payable; and
- (c) the rate of the widow's pension payable to her would be in excess of the widow's guaranteed minimum pension,

the Trustees may direct that any part of the widow's pension which is in excess of the widow's guaranteed minimum pension shall not be payable.

(8) The annual amount of a pension payable to a widow whose husband died on or before 5th April 1988 shall be one-half of the basic or prospective pension or pensions of her late husband.

Widows of men with service between 2nd August 1978 and 30th July 1984.

2.—(1) In relation to a widow of a man who—

- (a) was a participant on or after 2nd August 1978; and
- (b) has not been a participant at any time after 30th July 1984—

Paragraph 1 of this Schedule shall have effect with the following modifications—

- (a) for sub-paragraph (1)(b) there shall be substituted the following:
 - (b) “(1) was not so entitled, but either:

(25) Section 36(6) was amended by the Social Security Act 1986 (c. 50), Schedule 11 and by the Social Security (Consequential Provisions) Act 1992 (c. 6), Schedule 2, paragraph 28.

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- (i) had been a participating Member on or after 2nd August 1978 and had an aggregate period of reckonable service as a participant of not less than four years; or
- (ii) had been a participating office holder on or after 2nd August 1978 and had an aggregate period of reckonable service as a participant of not less than three years.”

Widowers of women with service between 1st January 1972 and 1st August 1978.

3.—(1) Subject to the provisions of this paragraph, the widower of a woman who was a participant on or after 1st January 1972 and who has not been a participant at any time after 1st August 1978 shall be entitled to receive a pension under this paragraph if, at the time of her death, he was incapable by reason of age or bodily or mental infirmity of earning his own living and was wholly or mainly dependent on her, and at that time either—

- (a) she was entitled to receive a pension under paragraph 1 or paragraph 3 of Schedule 9 or under both those paragraphs; or
- (b) she was not so entitled, but had an aggregate period of reckonable service as a participant of not less than four years.

(2) The annual amount of a widower’s pension under this paragraph shall be one-half of the basic or prospective pension or pensions of his late wife.

(3) A pension under this paragraph shall, subject to the following provisions of this paragraph, continue for the life of the widower, but may be terminated by direction of the Trustees in the event of his remarriage or of his ceasing to be incapable as mentioned in sub-paragraph (1) above.

(4) A pension terminated under sub-paragraph (3) above may be restored by direction of the Trustees if at any time the marriage upon which it was terminated comes to an end or the pensioner again becomes incapable as mentioned in sub-paragraph (1) above, or if the Trustees are satisfied that for exceptional reasons it is proper to restore the pension.

(5) Sub-paragraphs (4), (5), (6) and (7) of paragraph 1 of this Schedule shall apply for the purposes of this paragraph with the necessary modifications.

Widowers of women with service between 2nd August 1978 and 30th July 1984.

4.—(1) Subject to the provisions of this paragraph the widower of a woman who—

- (a) was a participant on or after 2nd August 1978; and
- (b) has not been a participant at any time after 30th July 1984—

shall be entitled to receive a pension under this paragraph if, at the time of her death either—

- (a) she was entitled to receive a pension under one or more than one of paragraphs 1, 5 or 6 of Schedule 9, or
- (b) she was not so entitled, but—
 - (i) had been a participating Member on or after 1st January 1972 and had an aggregate period of reckonable service as a participant of not less than four years; or
 - (ii) had been a participating office holder on or after 1st April 1972 and had an aggregate period of reckonable service as a participant of not less than three years.

(2) A widower shall be entitled to receive a pension under this paragraph—

- (a) as from the day following the date of his wife’s death if at the time of her death he had attained the age of sixty-five years or, before attaining that age, was incapable by reason of bodily or mental infirmity of earning his own living; or

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- (b) where the preceding paragraph does not apply, as from the time he attains the age of sixty-five years or, before attaining that age, becomes incapable as mentioned in that paragraph.
- (3) The annual amount of a widower's pension under this paragraph shall be one-half of the basic or prospective pension or pensions of his late wife.
- (4) A pension under this paragraph shall, subject to the following provisions of this paragraph, continue for the life of the widower, but may be terminated by direction of the Trustees in the event of his remarriage or of his ceasing to be incapable as mentioned in sub-paragraph (2) above before he attains the age of sixty-five years.
- (5) A pension terminated under sub-paragraph (4) above may be restored by direction of the Trustees if at any time the marriage upon which it was terminated comes to an end or the pensioner again becomes incapable as mentioned in sub-paragraph (2) above, or if the Trustees are satisfied that for exceptional reasons it is proper to restore the pension.
- (6) A pension terminated under sub-paragraph (4) above on the grounds that the widower has ceased to be incapable as mentioned in sub-paragraph (2) above shall be restored as from the time he attains the age of sixty-five years provided that he has not remarried.
- (7) Sub-paragraphs (4), (5), (6) and (7) of paragraph 1 of this Schedule shall apply for the purposes of this paragraph with the necessary modifications.

Children of persons with service between 1st January 1972 and 1st August 1978

- 5.—(1) A children's pension shall be payable under and subject to the provisions of this paragraph for the benefit of any relevant child or children of a person who has been a participant on or after 1st January 1972 and who is or has been married, if at the time of his death the condition specified in paragraph 1(1)(a) or in paragraph 1(1)(b) of this Schedule is fulfilled in his case and if he has not been a Member of the House of Commons and has not held a qualifying office at any time after 1st August 1978.
- (2) Subject to the next following sub-paragraph, the annual amount of a children's pension payable under this paragraph for the benefit of any relevant child or children of a person who has died on or after 6th April 1988 shall be:
 - (a) a sum equal to one-quarter of the basic or prospective pension or pensions of the deceased if there is one child or, if there is more than one, a sum equal to three-sixteenths of the basic or prospective pension or pensions of the deceased for each relevant child not exceeding two; or
 - (b) if the widow or widower is dead and subject to paragraph (4) below, a sum equal to five-sixteenths of the basic or prospective pension or pensions of the deceased for each relevant child not exceeding two.
 - (3) Where the deceased left a widow or widower who was (or, apart from the provision as to cohabitation, would have been) entitled to a pension under paragraph 1 or paragraph 3 to this Schedule, and that pension—
 - (a) has ceased to be payable in consequence of the remarriage of the widow or widower, or
 - (b) was not payable, or has ceased to be payable, by reason of the provision as to cohabitation, any children's pension under this section shall cease to be payable or, as the case may be, shall not be payable unless and until the Trustees for exceptional reasons direct that the children's pension shall be payable; and if the Trustees so direct, they may, if they think fit, further direct that sub-paragraph (2)(b) of this paragraph shall apply as if the widow or widower had died.
 - (4) A children's pension under this paragraph shall be paid to or distributed between such person or persons as the Trustees may from time to time direct, and shall be applied by that person or those

persons, without distinction, for the benefit of the relevant child or children of the deceased or such of them as the Trustees may from time to time direct.

(5) In this paragraph “child”, in relation to any person, includes an illegitimate child, a stepchild or an adopted child and “relevant child” (subject to the provisions of Schedule 5) means any child of the deceased, or of any wife or husband of the deceased who—

- (a) is under sixteen years of age, or
- (b) is under twenty-two years of age and is within his period of full-time education as defined by that Schedule, or
- (c) was at the time of the death of the deceased wholly or mainly dependent on the deceased and was at that time and has at all times since been either a person falling within paragraph (a) or paragraph (b) of this sub-paragraph or incapable, and likely to remain permanently incapable, by reason of bodily or mental infirmity, of earning his own living, and is not for the time being maintained out of moneys provided by Parliament in a hospital or similar institution so maintained, and

“the provision as to cohabitation” means paragraph 1(4) of this Schedule, or that paragraph as applied by paragraph 3(5).

Children of persons with service between 2nd August 1978 and 30th July 1984

6.—(1) In relation to a child of a person who:

- (a) was a participant on or after 2nd August 1978; and who
- (b) has not been a participant at any time after 30th July 1984

paragraph 5 above and Schedule 5 shall have effect with the following modifications—

- (i) from sub-paragraph (2) there shall be deleted the words “subject to the next following sub-paragraph”;
- (ii) in sub-paragraph (3) the words from “and if” to the end of the sub-paragraph shall be deleted;
- (iii) in paragraph (a) of sub-paragraph (5) there shall be substituted for the word “sixteen” the word “seventeen”.

Meaning of “basic or prospective pension or pensions”: persons with service between 1st January 1972 and 1st August 1978.

7.—(1) In paragraphs 1, 3 and 5 of this Schedule, “basic or prospective pension or pensions”, in relation to a person who has died and who at the time of his death was entitled to receive a pension under paragraph 1 or paragraph 3 of Schedule 9, or under both those paragraphs, means the annual amount of that pension calculated in accordance with paragraph 1 or paragraph 4 of Schedule 9, or the aggregate of the annual amounts of those pensions so calculated, as the case may be; and in relation to a person who has died and who had not before his death become entitled to receive a pension under either of those paragraphs, but had at the time of his death an aggregate period of reckonable service (as a participant) of not less than four years, it means the annual amount specified in whichever of the following sub-paragraphs is applicable in his case, or, if both those sub-paragraphs are applicable, it means the aggregate of the annual amounts specified in those sub-paragraphs—

- (a) where the deceased was a participating Member at any time on or after 1st January 1972, the annual amount of the pension, calculated in accordance with paragraph 1 of Schedule 9, which he would have been entitled to receive under that paragraph if he had ceased to be a participating Member immediately before his death and he had then fulfilled the conditions specified in paragraphs (a) to (d) of subparagraph (1) of that paragraph;
- (b) where the deceased was a participating office holder in respect of one or more periods of tenure of a qualifying office, the annual amount of the pension, calculated in accordance

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with paragraph 4 of Schedule 9 which he would have been entitled to receive under paragraph 3 of Schedule 9 if immediately before his death he had fulfilled the conditions mentioned in the preceding paragraph.

Meaning of “basic or prospective pension or pensions”: persons with service between 2nd August 1978 and 30th July 1984

8. In relation to a person who—

- (a) was a participant on or after 2nd August 1978; and
- (b) has not been a participant at any time after 30th July 1984,

paragraph 7 above shall apply with the following modifications—

- (i) for the reference to “paragraphs 1, 3, and 5 of this Schedule” there shall be substituted a reference to “paragraphs 2, 4, and 6 of this Schedule”;
- (ii) for references to “paragraph 1 of Schedule 9” (except for the reference in paragraph (a)) there shall be substituted references to “paragraph 1 or paragraph 2 of Schedule 9”;
- (iii) for references to “paragraph 3 of Schedule 9” there shall be substituted references to “paragraph 5 of Schedule 9”;
- (iv) for references to “paragraph 4 of Schedule 9” there shall be substituted references to “paragraph 6 of Schedule 9”;
- (v) after “means”, where it first occurs, there shall be substituted “(subject to sub-paragraph (1A) below)”;
- (vi) there shall be omitted the words from “but had” to “four years”;
- (vii) in paragraph (b), for “mentioned in the preceding paragraph” there shall be substituted
“specified in paragraphs (a) to (d) of paragraph 1 of Schedule 9, paragraph (c) of the said paragraph 1 being for this purpose read as provided in paragraph 5(2) of this Schedule.”
- (viii) after sub-paragraph (1) there shall be inserted—
“(1A) Where, in the case of a person who has died and who at the time of his death was entitled to receive a pension under any paragraph or paragraphs of Schedule 9, the annual amount of that pension resulted from one or more reduction or abatement made on commutation or early retirement, no such reductions or abatements shall be made in calculating the annual amount of that pension for the purposes of sub-paragraph 1 above.”

SCHEDULE 13

Regulation R3

Gratuities on death after retirement

Persons with service between 1st January 1972 and 1st August 1978

1.—(1) This paragraph applies in relation to a person who was a participant on or after 1st January 1972 and who has not been a participant at any time after 1st August 1978.

(2) Where a participant dies in circumstances where he has become entitled to receive a pension under paragraph 1 or paragraph 3 of Schedule 9 or under both those paragraphs and no pension

in respect of him is payable under paragraph 1, paragraph 3, or paragraph 5 of Schedule 12, the Trustees may, if they think fit in their discretion to do so, grant to his personal representatives a gratuity under this paragraph.

(3) For the purpose of determining the amount of a gratuity which may be granted in respect of a person under this paragraph, there shall be calculated—

(a) the greater of—

- (i) the amount of a Member's pensionable salary at the time of his death;
- (ii) the aggregate of the contributions paid by that person, and not refunded to him, together with interest on each such contribution from the date when it was paid, and

(b) the aggregate amount of the payments made to him by way of pension under paragraph 1 or paragraph 3 of schedule 9 together with any lump sum paid to him under regulation G1;

and the amount of the gratuity shall be the amount (if any) by which the amount calculated under paragraph (a) exceeds the amount calculated under paragraph (b) of this sub-paragraph.

Persons with service between 2nd August 1978 and 30th July 1984.

2.—(1) This paragraph applies in relation to a person who was a participant on or after 2nd August 1978 and who has not been a participant at any time after 30th July 1984.

(2) In relation to a person who satisfies the conditions in sub-paragraph (1) above, paragraph 1 of this Schedule applies with the following modification—

- (a) for the reference in sub-paragraph (2) to paragraph 1, paragraph 3 or paragraph 5 of Schedule 12, there shall be substituted a reference to paragraph 2, paragraph 4 or paragraph 6 of Schedule 12.

Persons with service between 31st July 1984 and 5th April 1988.

3.—(1) This paragraph applies in relation to a person who was a participant on or after 31st July 1984 and who has not been a participant at any time after 5th April 1988.

(2) In relation to a person who satisfies the conditions in sub-paragraph 1 above, regulation L2 applies with the following modification—

- (a) there shall be substituted for paragraph 3 the following paragraph:

“(3) For the purpose of determining the amount of a gratuity which may be granted in respect of a person under this regulation, there shall be calculated—

(a) the greater of—

- (i) the amount of a Member's pensionable salary at the time of his death;
- (ii) the aggregate of the contributions paid by that person, and not refunded to him, together with interest on each such contribution from the date when it was paid

and

- (b) the aggregate amount of the payments made to him by way of pension under regulation F1 or F3 together with any lump sum paid to him under regulation G1;”

and the amount of the gratuity shall be the amount (if any) by which the amount calculated under sub-paragraph (a) exceeds the amount calculated under sub-paragraph (b) of this paragraph.

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SCHEDULE 14

Regulation R3

Refunds

Contributions paid under section 5 of the 1965 Act

1. Any contributions paid under section 5 of the 1965 Act by a person who—
 - (a) ceased to be a Member of the House of Commons before 1st January 1972 and has not been a Member of that House at any time on or after that date; and
 - (b) did not complete ten years reckonable service within the meaning of Part II of that Act,
 shall at his request (if they have not previously been refunded) be refunded to him by the Trustees, with interest from the dates on which the contributions were paid respectively.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate the provisions revoked by regulation R5 and Schedule 8. These comprise:

- (1) primary legislation (“the repealed enactments”) governing the payment of pensions from the Parliamentary Contributory Pension Fund (“the Fund”), repealed by Section 6 of, and Schedule 4 to, the Parliamentary and other Pensions Act 1987 (“the 1987 Act”), but which, under section 2 of and Schedule 2 to the 1987 Act, has continued to have effect as if contained in regulations made under section 2 of that Act;
- (2) regulations made under the repealed enactments which have similarly continued to have effect;
- (3) regulations made under section 2 of the 1987 Act; and
- (4) the Parliamentary and other Pensions (Contracted-Out Provisions) Order 1978, which modified the Parliamentary and other Pensions Act 1972, one of the repealed enactments, to the extent necessary to enable the provisions of that Act to become a contracted-out pension Scheme for the purposes of the Social Security Pensions Act 1975.

There are some changes of substance. Part C includes provisions required by section 15 of the Social Security Act 1986 permitting participants to opt out of membership of the Parliamentary Pension Scheme and Part P contains a consequential provision enabling accrued benefits to be transferred to a personal pension scheme. Amendments to the children’s pension provisions in Part K and Schedule 6 achieve equal treatment in that regard for women participants in the Fund in respect of service after 17 May 1990. Part M introduces a guarantee which continues payment in full to a participant’s survivors of a pension which has come into payment before the death of the participant until the expiry of the period of five years after it first came into payment, or, if at any relevant time there are no survivors qualifying for a pension, makes payment of a lump sum in lieu. Amendments are also made to apply the earnings cap imposed by section 590C of the Income and Corporation Taxes Act 1988 to participants who joined the Parliamentary Pension Scheme on or after 1st June 1989 and to bring the Regulations into line with social security legislation.

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The Regulations also introduce provisions which enable a Prime Minister or Speaker in office on or after 28th February 1991 to participate in the Parliamentary Pension Scheme out of remuneration received as a Member of the House of Commons.

Section 2 of the 1987 Act confers express power to make regulations retrospective in effect. These Regulations are to a certain extent retrospective, but provision is made for opting out where rights in relation to former participants could be adversely affected (regulation R3).