



# House of Commons Members Fund and Parliamentary Pensions Act 1981

## 1981 CHAPTER 7

An Act to provide for payments out of the House of Commons Members' Fund to certain persons who have ceased to be Members of the House of Commons before 1965 or to their widows or widowers; to exclude the application of section 4(4) of the House of Commons Members' Fund Act 1948 in certain cases; and to amend section 22(2) of the Parliamentary and other Pensions Act 1972. [19th March 1981]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Right of certain past Members and widows or widowers of such Members to payments out of House of Commons Members' Fund.**

- (1) The trustees of the House of Commons Members' Fund shall make periodical payments out of the Fund to persons who—
  - (a) are eligible or treated as eligible by virtue of this section as past members or as the widows or widowers of past members; and
  - (b) have at any time after the passing of this Act applied to the trustees for such payments.
- (2) A person who is not disqualified for payments under this section is eligible to receive such payments—
  - (a) as a past member, if he satisfies the conditions of this section as to service and qualifies by reason of age or infirmity;
  - (b) as the widow of a past member, if the past member satisfied the conditions of this section as to service; and
  - (c) as the widower of a past member, if the past member satisfied the conditions of this section as to service and the widower qualifies by reason of infirmity.

- (3) The conditions as to service are that the past member was a member for periods which together amount to ten years or more and was not a member at any time after 15th October 1964.
- (4) A person qualifies by reason of age if he is at least sixty-five years old, and by reason of infirmity if, in the opinion of the trustees, he is incapable, through bodily or mental infirmity, of earning his living.
- (5) A person is disqualified—
- (a) for receiving payments under this section as the widow or widower of a past member, if that person is married ; and
  - (b) for receiving any payments under this section, if he is the holder of a qualifying office (as defined in section 2 of the Parliamentary and other Pensions Act 1972) or is in receipt of a pension under that Act or under the Ministerial Salaries Consolidation Act 1965 or of an annuity settled by any Act on a former Speaker and, after his death, on his wife.
- (6) The Government Actuary shall, if the trustees so request, make to them and to the Treasury a report estimating—
- (a) on such information as the trustees are able to supply; and
  - (b) on such assumptions as to the amount of the annual contributions under section 1 of the House of Commons Members' Fund Act 1957 as appear to the Government Actuary appropriate after consulting the Treasury,
- the number (if any) of past members or their widows or widowers to whom payments under this section could be made, in addition to payments to persons eligible to receive them, without affecting payments under section 1 of the House of Commons Members Fund Act 1939 ; and if the trustees, in special circumstances, see fit to do so, they may, within the limit of the numbers so estimated, treat persons as eligible to receive such payments who would be so eligible but for the fact that the periods of service of the past member concerned amount to less than ten years.
- (7) In this section " member " means member of the House of Commons and " the trustees " means the trustees of the House of Commons Members' Fund.

## **2 Rate of payments as of right and effect on rate of discretionary payments.**

- (1) The annual rate of any payments made under section 1 shall be—
- (a) £1,000 if the payments are made to a past member; and
  - (b) £500 if the payments are made to the widow or widower of a past member,
- but the House of Commons may from time to time by resolution vary that rate from a date specified in the resolution.
- (2) Section 2 of the Statutory Instruments Act 1946 (numbering and printing of statutory instruments) shall apply to any such resolution as if it were a statutory instrument.
- (3) Payments made to any person under section 1 of this Act shall count against the limit on the annual amount of any payments that may be made to him under section 1 of the House of Commons Members' Fund Act 1939.

### **3 Appropriation of increases in Treasury contributions to Fund.**

An order of the Treasury under section 1 of the House of Commons Members' Fund Act 1957 directing an increase in the maximum amount of annual contributions under that section may exclude the whole or part of the increase payable by virtue of the order from the application (under subsection (4) of that section) of section 4(4) of the House of Commons Members' Fund Act 1948 (power of House of Commons to appropriate part of contributions for alleviation of special hardship).

### **4 Transfer from other pension schemes.**

In section 22(2) of the Parliamentary and other Pensions Act 1972 (period during which receipt of transfer value may be requested) for the words from " before the end of the period " to the end there are substituted the words "before the end of a period of twelve months beginning with any of the following dates which are applicable to him—

- (a) the date of the passing of the House of Commons Members' Fund and Parliamentary Pensions Act 1981, if on that date he is a Member of the House of Commons or a participant under section 2 of this Act;
- (b) any date after the passing of that Act on which he becomes a Member of the House of Commons or a participant under section 2 of this Act, whether for the first time or after ceasing to be such a Member or participant ;

but for this purpose a Member of the House of Commons shall be treated as not ceasing to be such a Member on the dissolution of a Parliament if he is again such a Member at the beginning of the next Parliament ".

### **5 Short title and repeals.**

- (1) This Act may be cited as the House of Commons Members' Fund and Parliamentary Pensions Act 1981.
- (2) The following provisions of Schedule 1 to the Parliamentary Pensions Act 1978 are repealed—
  - (a) in paragraph 1(c) the words " and 22(2) (a) " ; and
  - (b) paragraph 6.