



Pensions (Miscellaneous Provisions) Act 1990

1990 CHAPTER 7

Changes in the protection against adverse alterations

9 No scheme to make provision reducing accrued rights without the consent of representatives of those affected

In section 2 of the 1972 Act, for subsection (3) (consent of representatives to the inclusion in schemes of provisions which reduce the amount of any benefit calculated by reference to service rendered before they take effect) there shall be substituted—

“(3) No scheme under the said section 1 shall make any provision which would have the effect of reducing the amount of any pension, allowance or gratuity, in so far as that amount is directly or indirectly referable to rights which have accrued (whether by virtue of service rendered, contributions paid or any other thing done) before the coming into operation of the scheme, unless the persons consulted in accordance with section 1(3) of this Act have agreed to the inclusion of that provision.”

10 Restriction on election that regulations shall not apply to persons whose service has terminated

(1) In section 12 of the 1972 Act, in subsection (2)(a) (application of regulations to persons who have previously ceased to serve or died) after the words “have ceased to serve therein” there shall be inserted the words “(whether or not they have subsequently recommenced any such service)”.

(2) At the end of subsection (4) of that section (right of person with accrued or contingent pension rights to elect that regulations which would adversely affect him shall not so apply) there shall be added the words “in relation to that pension except as provided by subsection (4A) below.”

(3) After that subsection there shall be inserted—

Status: This is the original version (as it was originally enacted).

“(4A) If, at the coming into force of the provision mentioned in subsection (4) above, a person who makes such an election as is mentioned in that subsection is serving in an employment or office to which the regulations governing the pension apply, or if he subsequently recommences service in such an employment or office, then—

(a) the election shall have effect in relation to the pension only to the extent that it accrues or has accrued—

(i) by virtue of periods of service rendered before the cessation referred to in subsection (2) above (or, if there has been more than one such cessation, the last of them before the coming into force of the provision in question); or

(ii) by virtue of contributions paid in respect of any such periods of service; and

(b) in determining entitlement to, or the amount of, the pension to that extent, he shall (without prejudice to the application of this subsection) be treated as if he had never recommenced service in such an employment or office at any time after the cessation referred to in paragraph (a) above;

and the provision in question shall apply accordingly.”