



# Pension Schemes Act 1993

## 1993 CHAPTER 48

### PART V

#### ANNUAL INCREASES OF PENSIONS IN PAYMENT

#### CHAPTER I

##### PENSIONS UNDER FINAL SALARY SCHEMES ETC.

**<sup>F1</sup>102** Scope of Chapter I: annual increase of certain occupational pensions.

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**Textual Amendments**

**F1** Ss. 102-108 repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 3 para. 25, [Sch. 7 Pt. I](#); [S.I. 1997/664](#), art. 2(3), [Sch. Pt. II](#) (with art. 6)

**<sup>F1</sup>103** Annual increase of later service component.

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**Textual Amendments**

**F1** Ss. 102-108 repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 3 para. 25, [Sch. 7 Pt. I](#); [S.I. 1997/664](#), art. 2(3), [Sch. Pt. II](#) (with art. 6)

**<sup>F1</sup>104** Annual increase of earlier service component where scheme is in surplus.

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*Changes to legislation: Pension Schemes Act 1993, Part V is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1** Ss. 102-108 repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 25, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), **Sch. Pt. II** (with art. 6)

**F1 105 Proportional increase where first period is less than 12 months.**

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**Textual Amendments**

**F1** Ss. 102-108 repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 25, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), **Sch. Pt. II** (with art. 6)

**F1 106 Restriction on increase where member is under 55.**

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**Textual Amendments**

**F1** Ss. 102-108 repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 25, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), **Sch. Pt. II** (with art. 6)

**F1 107 Application of Chapter I to pensions not attributable to pensionable service.**

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**Textual Amendments**

**F1** Ss. 102-108 repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 25, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), **Sch. Pt. II** (with art. 6)

**F1 108 No payments to employers from non-complying schemes.**

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**Textual Amendments**

**F1** Ss. 102-108 repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 25, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), **Sch. Pt. II** (with art. 6)

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## CHAPTER II

### GUARANTEED MINIMUM PENSIONS

#### 109 Annual increase of guaranteed minimum pensions.

- (1) The Secretary of State shall in each tax year review the general level of prices in Great Britain for the period of 12 months commencing at the end of the period last reviewed under this section.
- (2) Where it appears to the Secretary of State that that level has increased at the end of the period under review, he shall lay before Parliament the draft of an order specifying a percentage by which there is to be an increase of the rate of that part of guaranteed minimum pensions which is attributable to earnings factors for [<sup>F2</sup>the tax years in the relevant period] for—
  - (a) earners who have attained pensionable age; and
  - (b) [<sup>F3</sup>widows, widowers and surviving civil partners].
- (3) The percentage shall be—
  - (a) the percentage by which that level has increased at the end of the period under review; or
  - (b) 3 per cent.,whichever is less.
- [<sup>F4</sup>(3A) The relevant period is the period—
  - (a) beginning with the tax year 1988-89, and
  - (b) ending with the last tax year that begins before the principal appointed day [<sup>F5</sup>...]
- (4) If a draft order laid before Parliament in pursuance of this section is approved by a resolution of each House, the Secretary of State shall make the order in the form of the draft.
- (5) An order under this section shall be so framed as to bring the alterations to which it relates into force on the first day of the next tax year after that in which the order is made.
- (6) Where the benefits mentioned in section 46(1) to (7) are not increased on the day on which an order under this section takes effect, the order shall be treated for the purposes of that section as not taking effect until the day on which those benefits are next increased.

#### Textual Amendments

- F2** Words in s. 109(2) substituted (4.2.1997) by [Pensions Act 1995 \(c. 26\)](#), [ss. 55\(a\)](#), 180(1) (with s. 121(5)); S.I. 1997/216, art. 2(2)
- F3** Words in s. 109(2)(b) substituted (5.12.2005) by [The Civil Partnership \(Contracted-out Occupational and Appropriate Personal Pension Schemes\) \(Surviving Civil Partners\) Order 2005 \(S.I. 2005/2050\)](#), art. 1(3), [Sch. 1 para. 22](#)
- F4** S. 109(3A) inserted (4.2.1997) by [Pensions Act 1995 \(c. 26\)](#), [ss. 55\(b\)](#), 180(1) (with s. 121(5)); S.I. 1997/216, art. 2(2)
- F5** Words in s. 109(3A)(b) omitted (6.4.2016) by virtue of [Pensions Act 2014 \(c. 19\)](#), s. 56(4), [Sch. 13 para. 40](#)

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**Modifications etc. (not altering text)**

- C1** S. 109 modified (6.4.2000) by [The Guaranteed Minimum Pensions Increase Order 2000 \(S.I. 2000/425\)](#), arts. 1, 2

**Commencement Information**

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

**110 Requirement as to resources for annual increase of guaranteed minimum pensions.**

- (1) Except as permitted by [<sup>F6</sup>section 53 of the Pensions Act 1995], the trustees or managers of a scheme may not make an increase in a person's pension which is required by virtue of section 109 out of money which would otherwise fall to be used for the payment of benefits under the scheme to or in respect of that person unless—
- (a) the payment is to an earner in respect of the tax year in which he attains pensionable age and the increase is the one required to be made in the next tax year; or
  - (b) the payment is to a person as the [<sup>F7</sup>widow, widower or surviving civil partner] of an earner who died before attaining pensionable age and is in respect of the tax year in which the person became a [<sup>F7</sup>widow, widower or surviving civil partner], and the increase is the one required to be made in the next tax year.

<sup>F8</sup>(2) .....

<sup>F8</sup>(3) .....

<sup>F8</sup>(4) .....

**Textual Amendments**

- F6** Words in s. 110(1) substituted (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), ss. 53(4)(b), 180(1) (with s. 121(5)); [S.I. 1997/664](#), art. 2(3), Sch. Pt. 2
- F7** Words in s. 110(1)(b) substituted (5.12.2005) by [The Civil Partnership \(Contracted-out Occupational and Appropriate Personal Pension Schemes\) \(Surviving Civil Partners\) Order 2005 \(S.I. 2005/2050\)](#), art. 1(3), [Sch. 1 para. 23](#)
- F8** S. 110(2)-(4) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), ss. 53(4)(a), 180(1), [Sch. 7 Pt. I](#) (with s. 121(5)); [S.I. 1997/664](#), art. 2(3), Sch. Pt. 2

**Commencement Information**

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

**Changes to legislation:**

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

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

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