Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

SCHEDULES

SCHEDULE 5

AMENDMENTS RELATING TO PART III

Extent Information

E1 The amendment by this Act of an enactment which extends to Northern Ireland extends also to Northern Ireland see s.178(1)(2)(3).

The Pension Schemes Act 1993 (c. 48)

18 The Pension Schemes Act 1993 is amended as follows.

Commencement Information

I1 Sch. 5 para. 18 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

19 Sections 2 to 5 (constitution, membership etc.

of the Board) are repealed.

Commencement Information

I2 Sch. 5 para. 19 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

[F1]20 . . . . . .

Textual Amendments

F1 Sch. 5 para. 20 repealed (6.4.2005) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 13**; S.I. 2005/695, art. 2(7), Sch. 1

21 In the provisions listed in the first column of the table—

(a) in each place where the word appears, for "Board" there is substituted " Secretary of State ", and

(b) the additional amendments listed in the second column of the table in relation to those provisions shall have effect.

TABLE

Provision	Additional amendments
[F2]	
. . .	

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

F2 . . .	**F2** . . .
F2 . . .	**F2** . . .
	F2 . . .
F2 . . .	
F2 . . .	**F2** . . .
	F2 . . .
F2 . . .	**F2** . . .
	F2 . . .
	F2 . . .
F2 . . .	**F2** . . .
Section 163 (rule against perpetuities).	In subsection (6), for "consider" there is substituted "considers".

Textual Amendments

F2 Words in Sch. 5 para. 21 repealed (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 10 Pt. I**; S.I. 1999/527, art. 2(b), Sch. 2

Commencement Information

I3 Sch. 5 para. 21 in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

I4 Sch. 5 para. 21 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

[F3]22 . . . . . .

Textual Amendments

F3 Sch. 5 para. 22 repealed (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 10 Pt. I**; S.I. 1999/527, art. 2(b), Sch. 2

23 In section 8 (definition of terms)—

(a) in subsection (2), for the words following the definition of "minimum payment" there is substituted— " and for the purposes of this subsection "rebate percentage" means the appropriate flat rate percentage for the purposes of section 42A(2) ", and

(b) subsection (5) is omitted

***Changes to legislation:** Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

Commencement Information

I5 Sch. 5 para. 23 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

[F4]24 . . . . . .

Textual Amendments

F4 Sch. 5 para. 24 repealed (6.4.2012 being "the abolition date" for the purposes of s. 15(1) of the amending Act) by Pensions Act 2007 (c. 22), s. 27(6), **Sch. 7 Pt. 6** (with Sch. 4 Pt. 3); S.I. 2011/1267, art. 2(a)

25 In section 10 (protected rights), in subsection (2)(a), after "minimum payments" there is inserted " and payments under section 42A(3) ".

Commencement Information

I6 Sch. 5 para. 25 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

26 In section 13 (minimum pensions for earners), in subsection (2)(a), the words from "and does" to the end are omitted.

Commencement Information

I7 Sch. 5 para. 26 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

27 In section 14 (earner's guaranteed minimum)—

(a) subsection (3) is omitted,

(b) in subsection (8) after "1978-79" there is inserted " or later than the tax year ending immediately before the principal appointed day ".

Commencement Information

I8 Sch. 5 para. 27 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

28 In section 16 (revaluation of earnings factors)—

(a) in subsection (3), for the words following "at least" there is substituted " the prescribed percentage for each relevant year after the last service tax year; and the provisions included by virtue of this subsection may also conform with such additional requirements as may be prescribed ", and

(b) for the definition of "final relevant year" in subsection (5) there is substituted—

""final relevant year" means the last tax year in the earner's working life".

Commencement Information

I9 Sch. 5 para. 28 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 3)

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

I10 Sch. 5 para. 28(a) in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

29 In section 17 (minimum pensions for widows and widowers), at the end of subsection (7) there is added " or widows ".

Commencement Information

I11 Sch. 5 para. 29 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

30 Section 22 (financing of benefits) is repealed.

Commencement Information

I12 Sch. 5 para. 30 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

31 In section 23 (securing of benefits)–

(a) subsections (1) and (5) are omitted,

(b) in subsection (4), for "(1) to (3)" there is substituted " (2) and (3) ";

and subsections (2) and (3) of that section do not apply where the winding up is begun on or after the principal appointed day **[**[F5]and for the purposes of this paragraph the time when a scheme begins to be wound up shall be determined in accordance with regulation 2 of the Occupational Pension Schemes (Winding Up) Regulations 1996**]**.

Textual Amendments

F5 Words in Sch. 5 para. 31 inserted (6.3.1997) by The Pensions Act 1995 (Commencement No. 10) Order 1997 (S.I. 1997/664), **art. 11(2)**

Commencement Information

I13 Sch. 5 para. 31 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 11(2))

32 Section 24 (sufficiency of resources) is repealed.

Commencement Information

I14 Sch. 5 para. 32 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

33 In section 25 (conditions as to investments, etc.)—

(a) subsections (1) and (3) are repealed, and

(b) for subsection (2) there is substituted—

"(2) A salary related contracted-out scheme must, in relation to any earner's service before the principal appointed day, comply with any requirements prescribed for the purpose of securing that—

(a) the Secretary of State is kept informed about any matters affecting the security of the minimum pensions guaranteed under the scheme, and

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(b) the resources of the scheme are brought to and are maintained at a level satisfactory to the Secretary of State".

Commencement Information

I15 Sch. 5 para. 33 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

I16 Sch. 5 para. 33(b) in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

F6 34 . . . . . .

Textual Amendments

F6 Sch. 5 para. 34 repealed (6.4.2012 being "the abolition date" for the purposes of s. 15(1) of the amending Act) by Pensions Act 2007 (c. 22), s. 27(6), **Sch. 7 Pt. 6** (with Sch. 4 Pt. 3); S.I. 2011/1267, art. 2(a)

F7 35 . . . . . .

Textual Amendments

F7 Sch. 5 para. 35 repealed (6.4.2012 being "the abolition date" for the purposes of s. 15(1) of the amending Act) by Pensions Act 2007 (c. 22), s. 27(6), **Sch. 7 Pt. 6** (with Sch. 4 Pt. 3); S.I. 2011/1267, art. 2(a)

F8 36 . . . . . .

Textual Amendments

F8 Sch. 5 para. 36 repealed (6.4.2015) by Pensions Act 2007 (c. 22), ss. 27(7), 30(2)(b), **Sch. 7 Pt. 7**; S.I. 2011/1267, art. 3(b)(iii) (as amended (20.3.2012) by S.I. 2012/911, art. 2(d))

37 In section 34 (cancellation, etc. of certificates)—

F9 (a) . . . . . .

(b) subsection (6) is omitted, and

(c) for subsection (7) there is substituted—

"(7) Without prejudice to the previous provisions of this section, failure of a scheme to comply with any requirements prescribed by virtue of section 25(2) shall be a ground on which the Secretary of State may, in respect of any employment to which the scheme relates, cancel a contracting-out certificate".

Textual Amendments

F9 Sch. 5 para. 37(a) repealed (6.4.2012 being "the abolition date" for the purposes of s. 15(1) of the amending Act) by Pensions Act 2007 (c. 22), s. 27(6), **Sch. 7 Pt. 6** (with Sch. 4 Pt. 3); S.I. 2011/1267, art. 2(a)

Commencement Information

I17 Sch. 5 para. 37 in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

I18 Sch. 5 para. 37 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

38 Sections 35 (surrender, etc.

issue of further certificates) and 36 (surrender etc. cancellation of further certificates) are repealed.

39 For section 37 (alteration of rules of contracted-out schemes) there is substituted—

"**37 Alteration of rules of contracted-out schemes.**

(1) Except in prescribed circumstances, the rules of a contracted-out scheme cannot be altered unless the alteration is of a prescribed description.

(2) Regulations made by virtue of subsection (1) may operate so as to validate with retrospective effect any alteration of the rules which would otherwise be void under this section.

(3) References in this section to a contracted-out scheme include a scheme which has ceased to be contracted-out so long as any person is entitled to receive, or has accrued rights to, any benefits under the scheme attributable to a period when the scheme was contracted-out.

(4) The reference in subsection (3) to a person entitled to receive benefits under a scheme includes a person so entitled by virtue of being the widower of an earner only in such cases as may be prescribed."

Commencement Information

I19 Sch. 5 para. 39 in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

I20 Sch. 5 para. 39 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

40 In section 38 (alteration of rules of appropriate schemes)—

(a) in subsection (1), the words from "unless" to the end are omitted,

(b) in subsection (3), the words from "if" to the end are omitted,

(c) in subsection (4), for the words from the beginning to "direct" there is substituted " Regulations made by virtue of subsection (2) may ", and

(d) subsection (7) is omitted.

Commencement Information

I21 Sch. 5 para. 40 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

41 In section 42 (review of reduced rates of contributions), in subsection (3), for "41(1)(a)" there is substituted " 41(1A)(a) ".

Commencement Information

I22 Sch. 5 para. 41 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

42 In section 43 (payment of minimum contributions), in subsection (1), after "circumstances" there is inserted " or in respect of such periods ".

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Commencement Information

I23 Sch. 5 para. 42 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

43 In section 45 (minimum contributions towards personal pension schemes), subsection (3)(d) is omitted.

Commencement Information

I24 Sch. 5 para. 43 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

44 In section 46(1) (effect of entitlement to guaranteed minimum pensions on payment of social security benefits), for sub-paragraph (i) there is substituted—

"(i) to that part of its additional pension which is attributable to earnings factors for any tax years ending before the principal appointed day".

Commencement Information

I25 Sch. 5 para. 44 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

45 In section 50 (powers to approve arrangements for scheme ceasing to be certified)—

(a) in subsection (1)(a)—

(i) at the end of sub-paragraph (i) there is inserted " or accrued rights to pensions under the scheme attributable to their service on or after the principal appointed day ", and

(ii) in sub-paragraph (ii), for "guaranteed minimum pensions under the scheme" there is substituted " such pensions ",

(b) after subsection (1) there is inserted—

"(1A) The power of the Secretary of State to approve arrangements under this section—

(a) includes power to approve arrangements subject to conditions, and

(b) may be exercised either generally or in relation to a particular scheme.

(1B) Arrangements may not be approved under this section unless any prescribed conditions are met", and

(c) subsection (7) is omitted.

Commencement Information

I26 Sch. 5 para. 45 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(1))

I27 Sch. 5 para. 45(b) in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

46 In section 51 (calculation of GMPs preserved under approved arrangements), in subsection (1)(a), for "are subject to approved arrangements" there is substituted " satisfy prescribed conditions ".

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

Commencement Information

I28 Sch. 5 para. 46 in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

I29 Sch. 5 para. 46 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

47 In section 52 (supervision of schemes which have ceased to be certified)—

(a) in subsection (2), for paragraphs (a) and (b) there is substituted—

"(a) the scheme has ceased to be a contracted-out scheme, and

(b) any persons remain who fall within any of the following categories.

(2A) Those categories are—

(a) any persons entitled to receive, or having accrued rights to—

(i) guaranteed minimum pensions, or

(ii) pensions under the scheme attributable to service on or after the principal appointed day but before the scheme ceased to be contracted-out,

(b) any persons who have protected rights under the scheme or are entitled to any benefit giving effect to protected rights under it",

(b) in subsection (3), for paragraphs (a) and (b) there is substituted—

"(a) the scheme has ceased to be an appropriate scheme, and

(b) any persons remain who have protected rights under the scheme or are entitled to any benefit giving effect to protected rights under it", and

(c) subsections (4) to (6) are omitted.

Commencement Information

I30 Sch. 5 para. 47 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

48 In section 53 (supervision: former contracted-out schemes)—

(a) for subsection (1) there is substituted—

"(1) The Secretary of State may direct the trustees or managers of the scheme, or the employer, to take or refrain from taking such steps as the Secretary of State may specify in writing; and such a direction shall be final and binding on the person directed and any person claiming under him.

(1A) An appeal on a point of law shall lie to the High Court or, in Scotland, the Court of Session from a direction under subsection (1) at the instance of the trustees or managers or the employer, or any person claiming under them.

(1B) A direction under subsection (1) shall be enforceable—

(a) in England and Wales, in a county court as if it were an order of that court, and

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(b) in Scotland, by the sheriff, as if it were an order of the sheriff and whether or not the sheriff could himself have given such an order",

(b) subsection (2) is omitted,

(c) for subsection (3) there is substituted—

"(3) If a certificate has been issued under subsection (2) of section 50 and has not been cancelled under subsection (3) of that section, any liabilities in respect of such entitlement or rights as are referred to in section 52(2A)(a) or (b) must, except in prescribed circumstances, be discharged (subject to any directions under subsection (1)) in a prescribed manner and within a prescribed period or such longer period as the Secretary of State may allow", and

(d) subsections (4) and (5) are omitted.

Commencement Information

I31 Sch. 5 para. 48 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

I32 Sch. 5 para. 48(c) in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

49 In section 54 (supervision: former appropriate personal pension schemes)—

(a) for subsections (1) and (2) there is substituted—

"(1) The Secretary of State may direct the trustees or managers of the scheme to take or refrain from taking such steps as the Secretary of State may specify in writing; and such a direction shall be final and binding on the person directed and any person claiming under him.

(1A) An appeal on a point of law shall lie to the High Court or, in Scotland, the Court of Session from a direction under subsection (1) at the instance of the trustees or managers or the employer, or any person claiming under them.

(1B) A direction under subsection (1) shall be enforceable—

(a) in England and Wales, in a county court as if it were an order of that court, and

(b) in Scotland, by the sheriff, as if it were an order of the sheriff and whether or not the sheriff could himself have given such an order.

(2) If a certificate has been issued under subsection (2) of section 50 and has not been cancelled under subsection (3) of that section, any liabilities in respect of such entitlement or rights as are referred to in section 52(3)(b) must, except in prescribed circumstances, be discharged (subject to any directions under subsection (1)) in a prescribed manner and within a prescribed period or such longer period as the Secretary of State may allow", and

(b) subsection (3) is omitted.

Commencement Information

I33 Sch. 5 para. 49 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

I34 Sch. 5 para. 49(a) in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

50 In section 55 (state scheme premiums), subsections (1) and (3) to (6) are omitted.

Commencement Information

I35 Sch. 5 para. 50 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

51 In section 56 (provisions supplementary to section 55)—

(a) subsection (1), in subsection (2) the words following "the prescribed period" and subsection (3) are omitted, and

(b) for subsections (5) and (6) there is substituted—

"(5) The references in section 55(2A) to an accrued right to short service benefit include an accrued right to any provision which, under the preservation requirements, is permitted as an alternative to short service benefit (other than provision for return of contributions or for benefit in the form of a lump sum).

(6) Subject to regulations under paragraph 1 of Schedule 2, service in any employment which ceases with the death of the employer shall be treated for the purposes of section 55(2A) as ceasing immediately before the death".

Commencement Information

I36 Sch. 5 para. 51 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

52 In section 58 (amount of premiums under section 55), subsections (1) to (3), (5) and (6) are omitted.

Commencement Information

I37 Sch. 5 para. 52 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

53 Section 59 (alternative basis for revaluation) is repealed.

Commencement Information

I38 Sch. 5 para. 53 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

54 In section 60 (effect of payment of premiums on rights)—

(a) subsections (1) to (3) are omitted,

(b) in subsection (4)—

(i) for "55(2)(i)" there is substituted " 55(2A)(a) and (b), (d) and (e) ", and

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(ii) at the end there is added " or (in relation to service on or after the principal appointed day) rights to pensions under the scheme so far as attributable to the amount of the premium ", and

(c) in subsection (5), for "55(2)(ii)" there is substituted " 55(2A)(c) ", and after "widow" there is added " or widower ", and

(d) subsections (6) to (10) are omitted.

Commencement Information

I39 Sch. 5 para. 54 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

55 In section 61 (deduction of contributions equivalent premium from refund of scheme contributions)—

(a) in subsection (1), for paragraph (a) there is substituted—

"(a) an earner's service in contracted-out employment ceases or his employment ceases to be contracted-out employment, and",

(b) in subsection (8)—

(i) for paragraph (a) there is substituted—

"(a) an earner's service in contracted-out employment ceases or his employment ceases to be contracted-out employment", and

(ii) for "termination" there is substituted " cessation ", and

(c) in subsection (9), for "termination" (in both places) there is substituted " cessation ".

Commencement Information

I40 Sch. 5 para. 55 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

56 In section 62 (no recovery of premiums from earners)—

(a) in subsection (1), for "state scheme" there is substituted " contributions equivalent ", and

(b) subsection (2) is omitted.

Commencement Information

I41 Sch. 5 para. 56 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

57 In section 63 (further provisions concerning calculations relating to premiums)—

(a) in subsection (1)—

(i) paragraph (a) is omitted,

[F10](ii) . . . . . .

(iii) paragraph (c) is omitted,

(b) subsection (2) is omitted,

(c) in subsection (3)—

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(i) paragraph (a) is omitted,

(ii) in paragraph (b), for "subsection (4) of that section" there is substituted " section 58(4) ", and

(iii) the words following sub-paragraph (ii) are omitted, and

(d) subsection (4) is omitted.

Textual Amendments

F10 Sch. 5 para. 57(a)(ii) repealed (1.12.2000) by Child Support, Pensions and Social Security Act 2000 (c. 19), **Sch. 9 Pt. III(6)** (with s. 83(6)); S.I. 2000/3166, art. 2(3)(c)

Commencement Information

I42 Sch. 5 para. 57 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

58 Section 64 (actuarial tables) is repealed.

Commencement Information

I43 Sch. 5 para. 58 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

59 Section 65 (former and future earners) is repealed.

Commencement Information

I44 Sch. 5 para. 59 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

60 Section 66 (widowers) is repealed.

Commencement Information

I45 Sch. 5 para. 60 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

61 In sections 67 and 68 (non-payment of state scheme premiums), for "state scheme premium" (in each place) there is substituted " contributions equivalent premium ".

Commencement Information

I46 Sch. 5 para. 61 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

62 In section 84(5), paragraph (b) and the preceding "or" are omitted.

Commencement Information

I47 Sch. 5 para. 62 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

63 In section 96 (right to cash equivalent: exercise of options)—

(a) in subsection (2)(a), after "guaranteed minimum pensions" there is inserted " his accrued rights so far as attributable to service in contracted-out employment on or after the principal appointed day ", and

(b) in subsection (3)(a), for "guaranteed minimum pensions" there is substituted " pensions, being guaranteed minimum pensions or pensions so far as attributable to service in contracted-out employment on or after the principal appointed day ".

Commencement Information

I48 Sch. 5 para. 63 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

64 Sections 133 to 135 (advice and determinations as to conformity of schemes with requirements) are repealed.

Commencement Information

I49 Sch. 5 para. 64 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

65 In section 155 (requirement to give information to the Secretary of State or the Board)—

(a) " or the Board " is omitted,

(b) for "or they require" there is substituted " requires ", and

(c) for the words from "sections 7" to "premiums" there is substituted " Part III ".

Commencement Information

I50 Sch. 5 para. 65 in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

I51 Sch. 5 para. 65 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

66 In section 158 (disclosure of information between government departments)—

(a) subsections (2) and (3) are omitted,

(b) in subsection (6), "(2) or (3)", paragraph (d) and the "or" immediately preceding it are omitted,

(c) in subsection (7)—

(i) for "the Inland Revenue and the Board", there is substituted " and the Inland Revenue ",

(ii) after paragraph (a), there is inserted " or ", and

(iii) paragraph (c) and the "or" immediately preceding it are omitted, and

(d) subsection (8) is omitted.

Commencement Information

I52 Sch. 5 para. 66 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

67 In section 164(1)(b)(i) (Crown employment), "2 to 5", "172, 173" and "and Schedule 1" are omitted.

Commencement Information

I53 Sch. 5 para. 67 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

68 In section 165 (application of certain provisions to case with foreign element), in subsection (2)(a), for the words from "sections 7" to "premiums)" there is substituted " Part III ".

Commencement Information

I54 Sch. 5 para. 68 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

69 In section 166(5) (reciprocity with other countries), "sections 2 to 5", "172, 173" and "and Schedule 1" are omitted.

Commencement Information

I55 Sch. 5 para. 69 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

F11 70 . . . . . .

Textual Amendments

F11 Sch. 5 para. 70 repealed (29.11.1999) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 8**; S.I. 1999/3178, art. 2(1)(a), Sch. 1 (with art. 2(2), Schs. 21-23)

71 In section 171 (questions arising in proceedings), in subsection (1)(b), for "state scheme premium" there is substituted " contributions equivalent premium ".

Commencement Information

I56 Sch. 5 para. 71 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3** (with art. 4(2))

72 Sections 172 and 173 (reviews and appeals) are repealed.

Commencement Information

I57 Sch. 5 para. 72 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

73 In section 174 (grants), for "Board" (in both places) there is substituted " Regulatory Authority ".

Commencement Information

I58 Sch. 5 para. 73 in force at 1.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. I**

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

74 In section 176 (fees), for "either by the Secretary of State or by the Board on his behalf" there is substituted " by the Secretary of State ".

Commencement Information

I59 Sch. 5 para. 74 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

75 In section 177 (general financial arrangements)—

(a) in subsection (3)(b)—

(i) in sub-paragraph (i), "sections 2 to 5", "172, 173" and "and Schedule 1" are omitted, and

(ii) in sub-paragraph (ii), the words from "sections 55" to "premiums)" are omitted, and

(b) subsection (7)(b) is omitted.

Commencement Information

I60 Sch. 5 para. 75 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

76 In section 178(b) (meaning of "trustee" and "manager"), "sections 2 to 5", "172, 173" and "and Schedule 1" are omitted.

Commencement Information

I61 Sch. 5 para. 76 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

77 In section 181 (general interpretation)—

(a) in subsection (1)—

(i) the definitions of "accrued rights premium", "the Board", "contracted-out protected rights premium", "limited revaluation premium", "pensioner's rights premium", "personal pension protected rights premium", "state scheme premium" and "transfer premium" are omitted, and

(ii) in the definition of "contributions equivalent premium", for "section 55(6)(e)" there is substituted " section 55(2) ",

(b) in subsection (3), for "sections 2 to" there is substituted " section ", and " 172, 173 " and " and Schedule 1 " are omitted, and

(c) in subsection (7), " and Schedule 1 " is omitted.

Commencement Information

I62 Sch. 5 para. 77 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

78 In section 182(1) (orders and regulations), " the Board or " is omitted.

Commencement Information

I63 Sch. 5 para. 78 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

79 In section 183 (sub-delegation), in subsection (1), "sections 2 to 5", "172, 173" and "or Schedule 1", and subsection (2) are omitted.

Commencement Information

I64 Sch. 5 para. 79 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

80 In section 185 (consultation about regulations)—

(a) in subsection (1), for the words from the beginning to "make" there is substituted " Subject to subsection (2), before the Secretary of State makes ", and for the words from "refer the proposals" to the end there is substituted " consult such persons as he may consider appropriate ",

(b) in subsection (2), at the end of paragraph (c) there is added—

"(d) regulations in the case of which the Secretary of State considers consultation inexpedient because of urgency, or

(e) regulations which—

(i) state that they are consequential upon a specified enactment, and

(ii) are made before the end of the period of six months beginning with the coming into force of that enactment,"

(c) subsections (3) and (4) are omitted,

(d) in subsection (5), for "subsections (1) to (4)" there is substituted " subsection (1) ",

(e) subsection (6) is omitted, and

[F12](f) . . . . . .

Textual Amendments

F12 Sch. 5 para. 80(f) repealed (19.3.2001) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 13 Pt. I**; S.I. 2001/933, art. 4(b)

Commencement Information

I65 Sch. 5 para. 80 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

I66 Sch. 5 para. 80(f) in force at 16.10.1996 for specified purposes by S.I. 1996/2637, **art. 3**

81 In section 186(5) (Parliamentary control of regulations and orders), " or section 185(4) " is omitted.

Commencement Information

I67 Sch. 5 para. 81 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

82 In section 192(2) (extent), for "sections 1 to 5" there is substituted " section 1 " and " section 172(4) and (5) " is omitted.

Commencement Information

I68 Sch. 5 para. 82 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

Changes to legislation: *Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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*

83 Schedule 1 (the Occupational Pensions Board) is repealed.

Commencement Information

I69 Sch. 5 para. 83 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

84 In Schedule 2 (certification regulations)—

(a) in paragraph 2(1), for "the Board" there is substituted " the Secretary of State ",

(b) in paragraph 4(3), for the words from "does not cease" to the end there is substituted " which, apart from the regulations, would not be contracted-out employment is treated as contracted-out employment where any benefits provided under the scheme are attributable to a period when the scheme was contracted-out ",

(c) in paragraph 5(1)—

(i) " or the Board " and " or, as the case may be, the Board " are omitted, and

(ii) for "65" there is substituted " 63 ",

(d) in paragraph 5(2), " to 65 " is omitted, and

(e) in paragraph 9, for sub-paragraphs (3) to (5) there is substituted—

"(2A) Sub-paragraphs (3) and (4) shall be omitted".

Commencement Information

I70 Sch. 5 para. 84 in force at 6.4.1996 for specified purposes by S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**

I71 Sch. 5 para. 84 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

85 In Schedule 4 (priority in bankruptcy), in paragraph 3(1), for "state scheme premium" there is substituted " contributions equivalent premium ".

Commencement Information

I72 Sch. 5 para. 85 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

86 In Schedule 6 (transitional provisions and savings), paragraph 11 is omitted.

Commencement Information

I73 Sch. 5 para. 86 in force at 6.4.1997 in so far as not already in force by S.I. 1997/664, art. 2(3), **Sch. Pt. 3**

Changes to legislation:
Pensions Act 1995, Cross Heading: The Pension Schemes Act 1993 (c. 48) is up to date with all changes known to be in force on or before 09 July 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.
View outstanding changes

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

- Blanket amendment words substituted by S.I. 2011/1043 art. 36

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

- s. 37(1A)(b) inserted by 2015 c. 8 Sch. 2 para. 7(b)
- s. 51(5A)-(5C) inserted by 2015 c. 8 s. 43(1)
- s. 51(7A) inserted by 2015 c. 8 s. 41(1)(b)
- s. 51(9)(10) inserted by 2015 c. 8 s. 42(3)
- s. 67A(3)(aa)-(ac) inserted by 2015 c. 8 s. 45(3)
- s. 67A(9)(a)(viii)-(x) inserted by 2015 c. 8 s. 45(6)(a)
- s. 67A(9)(b)(vi)-(viii) inserted by 2015 c. 8 s. 45(6)(b)
- s. 73(2)(2A) substituted for s. 73(2) by 2015 c. 8 Sch. 2 para. 11
- s. 75(1)-(1B) substituted for s. 75(1) by 2015 c. 8 Sch. 2 para. 12
- s. 175(2)(ca) inserted by 2004 c. 35 s. 240(2)
- s. 175(2)(za) inserted by 2015 c. 8 s. 43(2)