
STATUTORY INSTRUMENTS

1993 No. 3253

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

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 (1);

“the 1972 Act” means the Parliamentary and other Pensions Act 1972 (2);

“the Pensions Act 1975” means the Social Security Pensions Act 1975 (3);

“the 1987 Act” means the Parliamentary and other Pensions Act 1987;

“the Taxes Act 1988” means the Income and Corporation Taxes Act 1988 (4);

“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;

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- (1) 1965 c. 11; the whole of this Act was repealed with savings by the Parliamentary and other Pensions Act 1972 (c. 48), section 36(1)(b) and Schedule 4.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 in respect of a person who last served as a Member of the House of Commons before 1st January 1972.
- (2) 1972 c. 48 Part 1 of this Act (sections 1-25), and sections 30, 33 and 35 were repealed, with savings, by the Parliamentary and other Pensions Act 1987 (c. 45).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.
- (3) 1975 c. 60.
- (4) 1988 c. 1.

“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 (5);

“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 (6);

“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

(5) 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.

(6) 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 27(2). Section 35(8) was amended and subsection (8A) was inserted by the Social Security Act 1985 (c. 53), Schedule 3, paragraph 8. Section 36(3) was substituted by the Social Security Act 1986 (c. 50), section 9(3).

- (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(7);

“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(8).

- (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.

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

(8) 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.