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STATUTORY INSTRUMENTS

2002 No. 1887

PARLIAMENT

The Parliamentary Pensions (Amendment) (No. 2) Regulations 2002

<i>Made</i>	- - - -	<i>22nd July 2002</i>
<i>Laid before Parliament</i>		<i>22nd July 2002</i>
<i>Coming into force</i>	- -	<i>5th August 2002</i>

The Leader of the House of Commons in exercise of the powers conferred on him by section 2(1) and (4) of the Parliamentary and other Pensions Act 1987⁽¹⁾ with the consent of the Minister for the Civil Service⁽²⁾ and after consultation with the Trustees of the Parliamentary Contributory Pension Fund and with such persons as appeared to him to represent persons likely to be affected by the Regulations, hereby makes the following Regulations:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Parliamentary Pensions (Amendment) (No. 2) Regulations 2002 and shall come into force on 5th August 2002, but regulation 3 shall have effect from 1st April 2001.

(2) In these Regulations, the “Principal Regulations” means the Parliamentary Pensions (Consolidation and Amendment) Regulations 1993⁽³⁾.

Amendments to the Principal Regulations

Contributions

2. For paragraph (3E) of regulation D2 in the Principal Regulations, there shall be substituted:—

“(3E) Where the option referred to in paragraph (3) is exercised in accordance with subparagraph (b) or (c) of paragraph (3B), the effective date of the option is the date on which he

(1) [1987 c. 45](#).

(2) See the Transfer of Functions (Treasury and Minister for the Civil Service) Order 1995 (S.I. [1995/269](#)), Article 3 and the Schedule.

(3) S.I. [1993/3253](#), amended by S.I. [1995/2867](#), S.I. [1996/2406](#), S.I. [1999/2100](#), S.I. [2001/835](#), S.I. [2001/2649](#) and S.I. [2002/1807](#).

was appointed as an office holder referred to in sub-paragraph (b) or (c); and there shall be repaid to the participating office holder the difference between any contributions deducted from his salary at the rate of 9 per cent since the effective date and the contributions which would have been deducted from it at the rate of 6 per cent.”

Pensions for children

3. For sub-paragraph (2) of paragraph 7 in Schedule 5 to the Principal Regulations there shall be substituted—

“(2) Notwithstanding sub-paragraph (1) above, the Trustees may direct that the adopted child shall be treated as a relevant child if they are satisfied that the deceased and his or her husband or wife before the termination of their marriage already formed the intention of adopting the child and the child was at the time of the deceased’s death wholly or mainly dependant on the deceased.”

21st July 2002

Robin Cook
Leader of the House of Commons

I consent on behalf of the Minister for the Civil Service

22nd July 2002

Macdonald of Tradeston

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make amendments to the Parliamentary Pension Scheme to correct drafting errors made in the Parliamentary Pensions (Amendment) Regulations 2002.
2. Regulation 2 provides for an office holder who opts after his appointment not to pay contributions at the increased rate of 9 per cent of salary to receive a refund of excess contributions paid since the date of his appointment.
3. Regulation 3 clarifies one of the conditions subject to which the adopted child of a former husband or wife of a deceased participant is eligible for a pension by providing that at the time of the death the child should have been wholly or mainly dependant on the deceased.
4. Section 2(4) of the Parliamentary and other Pensions Act 1987 confers express power to make regulations retrospective in effect. Regulation 3 takes effect from 1st April 2001.