



# Pension Schemes Act 1993

## 1993 CHAPTER 48

### PART III

#### CERTIFICATION OF PENSION SCHEMES AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS AND DUTIES

### CHAPTER III

#### TERMINATION OF CONTRACTED-OUT OR APPROPRIATE SCHEME STATUS: STATE SCHEME PREMIUMS

#### *State scheme premiums*

#### **68 Unpaid premiums: supplementary.**

(1) Where in England and Wales a person charged with an offence to which section 67(2) applies is convicted of that offence in his absence under section [F112(5)] of the <sup>M1</sup>Magistrates' Courts Act 1980, then if—

- (a) it is proved to the satisfaction of the court, on oath or in the manner prescribed by rules under section 144 of that Act, that notice under section 67(4) has been duly served specifying the other premiums in respect of which the prosecutor intends to give evidence; and
- (b) the [F2designated officer for] the court has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires to admit failing to pay the other premiums so specified or any of them,

section 67(3) and (4) shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.

(2) In England and Wales where—

- (a) a person is convicted of an offence to which section 67(2) applies; and

*Status: Point in time view as at 18/04/2005. This version of this provision has been superseded.*

*Changes to legislation: Pension Schemes Act 1993, Section 68 is up to date with all changes known to be in force on or before 07 August 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)*

- (b) an order is made under [<sup>F3</sup>section 12 of the Powers of Criminal Courts (Sentencing) Act 2000] discharging him absolutely or conditionally, subsection (1) and section 67(2) to (4) shall apply as if it were a conviction for all purposes.
- (3) In Scotland where—
- (a) a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, any such offence; and
- (b) an order is made under the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975 discharging the offender absolutely or placing him on probation, section 67(2) to (4) shall apply as if—
- (i) the conviction on indictment were a conviction for all purposes; or
- (ii) (as the case may be) the making of the order by the court of summary jurisdiction were a conviction.
- (4) In England or Wales any sum which a person is liable to pay under subsection (1) or section 67(2) to (4) shall be recoverable from him as a penalty.
- (5) [<sup>F4</sup>Contributions equivalent premiums] recovered by the [<sup>F5</sup>Inland Revenue] under those provisions shall be treated for all purposes as premiums paid to the [<sup>F5</sup>Inland Revenue] in respect of the person in respect of whom they were originally payable.

#### Textual Amendments

- F1** Word in s. 68(1) substituted (1.9.1998) by *Magistrates' Courts (Procedure) Act 1998 (c. 15), ss. 4(2)(b), 5(2)*; S.I. 1998/1837, art. 2
- F2** Words in s. 68(1)(b) substituted (1.4.2005) by *Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 361*; S.I. 2005/910, art. 3(y)
- F3** Words in s. 68(2) substituted (25.8.2000) by *Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), s. 168(1), Sch. 9 para. 157*
- F4** Words in s. 68 substituted (6.4.1997) by virtue of *Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 61*; S.I. 1997/664, art. 2(3), Sch. Pt. 2 (with art. 4(2)(3))
- F5** Words in s. 68(5) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by *Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), Sch. 1 para. 58*; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

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

- C1** Pt. III: power to amend conferred (1.4.1999) by *Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), ss. 23, 28(3)*; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- C2** Pt. III: power to transfer functions conferred (1.4.1999) by *Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), ss. 23, 28(3)*; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

#### Commencement Information

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

#### Marginal Citations

- M1** 1980 c. 43.
- M2** 1975 c. 21.

**Status:**

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**Changes to legislation:**

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