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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Social Security Act 1973, Paragraph 9. (See end of Document for details)*

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 16]

#### REQUIREMENTS AS TO PRESERVATION OF BENEFIT UNDER OCCUPATIONAL PENSION SCHEMES

##### Subordinate Legislation Made

**P1** [Sch. 16](#): for exercises of power see Index to Government Orders

##### Textual Amendments

**F1** [Sch. 16](#) repealed (N.I.) by [S.I. 1975/1503 \(N.I. 15\)](#), art. 74(2), [Sch. 6](#)

#### PART I

##### *Form of short service benefit and its alternatives*

- 9 (1) Subject to the following sub-paragraph, a member's short service benefit must either be payable (as mentioned in paragraph 6(2) above) directly out of the resources of the scheme or be assured to him by such means as may be prescribed.
- (2) Subject to the following sub-paragraphs, a scheme may, instead of providing short service benefit, provide—
- [<sup>F1</sup>(a) for the member's accrued rights to be transferred to another occupational pension scheme with a view to acquiring transfer credits for the member under the other scheme, or to a personal pension scheme or a self-employed pension arrangement with a view to acquiring rights for the member under the rules of the scheme or arrangement; or]
- (b) for such alternatives to short service benefit as may be prescribed.
- [<sup>F2</sup>(2A) The option conferred by sub-paragraph (2)(a) above is additional to any obligation imposed by Part II of Schedule 1A to the Social Security Pensions Act 1975.]
- (3) Either of the alternatives specified in sub-paragraph (2)(a) and (b) above may be by way of complete or partial substitute for short service benefit, but (except in such cases as may be prescribed) only with the member's consent.
- (4) An alternative prescribed under sub-paragraph (2)(b) above must not include any payment by way of return of contributions, except in respect of—
- (a) a period of service before the appointed day; or
- (b) a period of service of less than 5 years after that day if (and only if) there has been such a payment in respect of a period of service before that day.

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**Textual Amendments**

- F1** Para. 9(2)(a) substituted (27.9.90) by virtue of reg. 7(3) of S.I. 1990/1141.  
**F2** Para. 9(2A) inserted by Social Security Act 1985 (c. 53), **Sch. 5 para. 3**, w.e.f. 1.1.86

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

- C1** Sch. 16, para. 9(1)(2)(3) modified (28.02.1991) by S.I. 1991/167, **regs. 6(1), 7(1), 12(1)**  
**C2** By virtue of reg. 4(6) of S.I. 1987/1116, “self-employed pension arrangement” in para. 9(2)(a) means the same as in reg. 2D of S.I. 1985/1931 (Transfer Values Regulations).

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