

---

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Pension Schemes Act 1993, Cross Heading: Alteration of rules by former salary related contracted-out schemes is up to date with all changes known to be in force on or before 10 June 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)*

---



# Pension Schemes Act 1993

## 1993 CHAPTER 48

### PART III

[<sup>F1</sup>SCHEMES THAT WERE CONTRACTED-OUT ETC] AND  
EFFECTS ON MEMBERS' STATE SCHEME RIGHTS <sup>F1</sup>...

### CHAPTER I

[<sup>F1</sup>SCHEMES THAT WERE CONTRACTED-OUT: GUARANTEED  
MINIMUM PENSIONS AND ALTERATION OF SCHEME RULES ETC]

*Alteration of [<sup>F1</sup>rules by former salary related contracted-out schemes]*

---

#### Textual Amendments

**F1** Words in [s. 37 cross-heading](#) substituted (6.4.2016) by [Pensions Act 2014 \(c. 19\), s. 56\(4\), Sch. 13 para. 23](#)

#### [<sup>F2</sup>37 **Alteration of rules of contracted-out schemes.**

- [<sup>F3</sup>(1) Except in prescribed cases, the rules of a scheme that was a salary related 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) Subsection (1) does not apply to a scheme if no 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.]

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Pension Schemes Act 1993, Cross Heading: Alteration of rules by former salary related contracted-out schemes is up to date with all changes known to be in force on or before 10 June 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)*

- [ The reference in subsection (3) to a person entitled to receive benefits under a scheme
- <sup>F4</sup>(4) includes a person who is so entitled by virtue of a qualifying relationship only in such cases as may be prescribed.
- (5) For that purpose a person is entitled to receive benefits by virtue of a qualifying relationship if the person is so entitled by virtue of being—
- (a) the widower of a female earner;
  - (b) the widower of a male earner;
  - (c) the widow of a female earner, except where it is a relevant gender change case; or
  - (d) the survivor of a civil partnership with an earner.
- (6) In relation to a widow of a female earner, the reference in subsection (5)(c) to a relevant gender change case is a reference to a case where—
- (a) the earner is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
  - (b) the marriage of the earner and her widow (that ends with the earner's death) subsisted before the time when the certificate was issued.
- (7) This section is subject to regulations under section 38A.]]

#### Textual Amendments

- F2** S. 37 substituted (6.4.1996 for specified purposes, 6.4.1997 in so far as not already in force) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), [Sch. 5 para. 39](#); S.I. 1996/778, art. 2(5)(a), [Sch. Pt. V](#); S.I. 1997/664, art. 2(3), [Sch. Pt. II](#)
- F3** S. 37(1)-(3) substituted (7.7.2015 for specified purposes, 6.4.2016 in so far as not already in force) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), [Sch. 13 para. 24](#); S.I. 2015/1475, [art. 2\(1\)\(b\)](#)
- F4** S. 37(4)-(7) substituted for s. 37(4) (E.W.) (13.3.2014 for specified purposes, 10.12.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 4 para. 22\(2\)](#); S.I. 2014/93, [art. 3\(j\)\(vi\)](#); S.I. 2014/3169, [art. 2](#)
- S. 37(4)-(6) substituted for s. 37(4) (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014](#) (S.I. 2014/3229), art. 1(2), [Sch. 5 para. 11\(5\)](#)

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

- C1** S. 37(7) extended (S.) (16.11.2015) by [Pension Schemes Act 2015 \(c. 8\)](#), [ss. 81](#), 89(1)(d); S.I. 2015/1851, [reg. 2\(b\)](#)

#### [<sup>F5</sup>37A **Transfer of liabilities etc: schemes contracted-out on or after 6 April 1997**

- (1) Regulations may prohibit or restrict—
- (a) the transfer of any liability—
    - (i) for the payment of pensions under a relevant scheme, or
    - (ii) in respect of accrued rights to such pensions,
  - (b) the discharge of any liability to provide pensions under a relevant scheme, or
  - (c) the payment of a lump sum instead of a pension payable under a relevant scheme,
- except in prescribed circumstances or on prescribed conditions.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Pension Schemes Act 1993, Cross Heading: Alteration of rules by former salary related contracted-out schemes is up to date with all changes known to be in force on or before 10 June 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)*

- (2) In this section “relevant scheme” means a scheme that was a salary related contracted-out scheme by virtue of section 9(2B) and references to pensions and accrued rights under the scheme are to such pensions and rights so far as attributable to an earner’s service on or after the principal appointed day (including, in a case where there has been a transfer payment, any pensions or rights deriving (directly or indirectly) from—
- (a) an earner’s service on or after the principal appointed day in employment that was contracted-out employment by reference to another scheme, or
  - (b) in a case where the transfer payment was made before the first abolition date, protected rights under another occupational pension scheme or under a personal pension scheme which derive from payments or contributions in respect of employment on or after the principal appointed day).
- (3) Regulations under subsection (1) may provide that any provision of this Part shall have effect subject to such modifications as may be specified in the regulations.]

**Textual Amendments**

**F5** S. 37A inserted (7.7.2015 for specified purposes, 6.4.2016 otherwise) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), [Sch. 13 para. 25](#); S.I. 2015/1475, [art. 2\(1\)\(c\)](#)

**F6 38 Alteration of rules of appropriate schemes.**

.....

**Textual Amendments**

**F6** S. 38 omitted (6.4.2012) by virtue of [The Pensions Act 2008 \(Abolition of Protected Rights\) \(Consequential Amendments\) \(No.2\) Order 2011 \(S.I. 2011/1730\)](#), arts. 1(2)(b), [5\(6\)](#)

**Status:**

Point in time view as at 06/04/2016.

**Changes to legislation:**

Pension Schemes Act 1993, Cross Heading: Alteration of rules by former salary related contracted-out schemes is up to date with all changes known to be in force on or before 10 June 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.