



Pension Schemes Act 1993

1993 CHAPTER 48

PART III **E+W+S**

^{F1}[^{F1}SCHEMES THAT WERE CONTRACTED-OUT ETC] AND
EFFECTS ON MEMBERS' STATE SCHEME RIGHTS ...

CHAPTER I **E+W+S**

[^{F1}SCHEMES THAT WERE CONTRACTED-OUT: GUARANTEED
MINIMUM PENSIONS AND ALTERATION OF SCHEME RULES ETC]

General regulations as to administration of Part III

[^{F1}38A **Regulations about relevant gender change cases** **E+W+S**

- (1) The Secretary of State may, by regulations, make provision for—
 - (a) section 17,
 - (b) [^{F2}section 24D,] or
 - (c) section 37,to have its special effect in relevant gender change cases only if conditions prescribed in the regulations are met.
- (2) Regulations under subsection (1) may, in particular, prescribe conditions that relate to the provision of information by—
 - (a) one or both of the members of married same sex couples, or
 - (b) the survivors of such couples.
- (3) The Secretary of State may, by regulations, make further provision about cases where (because of regulations under subsection (1))—
 - (a) section 17,
 - (b) [^{F3}section 24D,] or
 - (c) section 37,

Changes to legislation: Pension Schemes Act 1993, Cross Heading: General regulations as to administration of Part III is up to date with all changes known to be in force on or before 11 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) View outstanding changes

does not have its special effect in relevant gender change cases.

- (4) Regulations under subsection (3) may, in particular, provide for the section in question to have its ordinary effect in relevant gender change cases.
- (5) Regulations under subsection (1) or (3) may, in particular, modify or disapply any enactment that concerns information relating to—
- (a) the gender or sex of a person, or
 - (b) the change of gender or sex of a person,
- including any enactment that concerns requests for, or disclosure of, such information.
- (6) In this section, in relation to section 17 [F⁴, 24D] or 37—
- (a) “relevant gender change case” has the same meaning as in that section;
 - (b) “special effect” means the effect which the section has (if regulations under subsection (1) of this section are ignored) in relation to relevant gender change cases, insofar as that effect is different from the section's ordinary effect;
 - (c) “ordinary effect” means the effect which the section has in relation to same sex married couples in cases that are not relevant gender change cases.]

Textual Amendments

- F1** S. 38A inserted (E.W.) (30.6.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 4 para. 23](#); S.I. 2014/1662, art. 3(a)
- F2** S. 38A(1)(b) omitted (28.4.2022 for specified purposes) by virtue of [Pension Schemes \(Conversion of Guaranteed Minimum Pensions\) Act 2022 \(c. 33\)](#), [ss. 1\(8\)\(a\)](#), 3(4)(a)
- F3** S. 38A(3)(b) omitted (28.4.2022 for specified purposes) by virtue of [Pension Schemes \(Conversion of Guaranteed Minimum Pensions\) Act 2022 \(c. 33\)](#), [ss. 1\(8\)\(b\)](#), 3(4)(a)
- F4** Word in s. 38A(6) omitted (28.4.2022 for specified purposes) by virtue of [Pension Schemes \(Conversion of Guaranteed Minimum Pensions\) Act 2022 \(c. 33\)](#), [ss. 1\(8\)\(c\)](#), 3(4)(a)

Modifications etc. (not altering text)

- C1** S. 38A extended (S.) (16.11.2015) by [Pension Schemes Act 2015 \(c. 8\)](#), [ss. 81](#), 89(1)(d) (with s. 87); S.I. 2015/1851, reg. 2(b)

39 General power to make regulations. **E+W+S**

Schedule 2 shall have effect for enabling regulations to be made in relation to the operation and administration of this Part, and Part I of that Schedule has effect as respects occupational pension schemes^{F5}...

Textual Amendments

- F5** Words in s. 39 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\(7\)](#)

Commencement Information

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

Changes to legislation:

Pension Schemes Act 1993, Cross Heading: General regulations as to administration of Part III is up to date with all changes known to be in force on or before 11 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 46(1A)(1B) inserted by [2008 c. 30 s. 103\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 103(2)(4)(5) repealed (1.10.2014) without ever being in force by [2014 c. 19, Sch. 12 para. 96\(a\)](#); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- s. 46(1A) words substituted by [2011 c. 19 Sch. 3 para. 10](#)
- s. 71(1A) inserted by [2015 c. 8 s. 39\(2\)\(b\)](#)
- s. 82A inserted by [2015 c. 8 Sch. 1 para. 2](#)
- s. 83(1A)-(1AC) substituted for s. 83(1A) by [2015 c. 8 Sch. 1 para. 3](#)
- s. 84-84F substituted for s. 84 by [2015 c. 8 Sch. 1 para. 4](#)
- s. 85A inserted by [2015 c. 8 Sch. 1 para. 5](#)
- s. 86A86B inserted by [2015 c. 8 Sch. 1 para. 6](#)
- s. 94(2A)(a)(viii) inserted by [2014 c. 19 Sch. 17 para. 20\(2\)\(a\)](#)
- s. 94(2A)(b)(vi) inserted by [2014 c. 19 Sch. 17 para. 20\(2\)\(b\)](#)
- s. 101AI(8)(a)(viii) inserted by [2014 c. 19 Sch. 17 para. 20\(3\)\(a\)](#)
- s. 101AI(8)(b)(vi) inserted by [2014 c. 19 Sch. 17 para. 20\(3\)\(b\)](#)
- s. 113(4)(4A) substituted for s. 113(4) by [2015 c. 8 s. 38\(5\)](#)
- s. 145(1A)-(1C) inserted by [2004 c. 35 Sch. 12 para. 23](#)
- s. 146(6A) inserted by [2004 c. 35 Sch. 12 para. 24\(b\)](#)
- s. 175A inserted by [2008 c. 30 Sch. 10 para. 1](#)
- s. 185(2)(ca) inserted by [2018 c. 10 s. 19\(5\)](#)
- s. 186(3)(ba) inserted by [2015 c. 8 Sch. 1 para. 7](#)
- s. 186(3)(za) inserted by [2008 c. 30 s. 103\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 103(2)(4)(5) repealed (1.10.2014) without ever being in force by [2014 c. 19, Sch. 12 para. 96\(a\)](#); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- Sch. 3 para. A1 and cross-heading inserted by [2015 c. 8 Sch. 1 para. 8](#)