



Pension Schemes Act 1993

1993 CHAPTER 48

PART VI

FURTHER REQUIREMENTS FOR PROTECTION OF SCHEME MEMBERS

111 Voluntary contributions.

- (1) Except in such cases as may be prescribed, and except so far as is necessary to ensure that an occupational pension scheme or a personal pension scheme has, or may be expected to qualify for, tax-exemption or tax-approval, the rules of the scheme—
 - (a) must not prohibit, or allow any person to prohibit, the payment by a member of voluntary contributions;
 - (b) must not impose, or allow any person to impose, any upper or lower limit on the payment by a member of voluntary contributions;
 - (c) must secure that any voluntary contributions paid by a member are to be used by the trustees or managers of the scheme to provide additional benefits for or in respect of him; and
 - (d) must secure that the value of the additional benefits is reasonable, having regard—
 - (i) to the amount of the voluntary contributions; and
 - (ii) to the value of the other benefits under the scheme.
- (2) The requirements specified in this section are in this Act referred to as “the voluntary contributions requirements”.
- (3) This section does not apply in relation to any pension payable under the ^{M1}Judicial Pensions and Retirement Act 1993, the ^{M2}Judicial Pensions Act 1981 or the ^{M3}Sheriffs’ Pensions (Scotland) Act 1961; and accordingly none of the provisions of this Act shall, in so far as it has effect in relation to the voluntary contributions requirements, apply to any such pension.

Status: Point in time view as at 06/04/1997.

Changes to legislation: Pension Schemes Act 1993, Part VI is up to date with all changes known to be in force on or before 11 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)

Commencement Information

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

Marginal Citations

M1 [1993 c. 8.](#)

M2 [1981 c. 20.](#)

M3 [1961 c. 42.](#)

^{F1}112 Restrictions on investment of scheme’s resources in employer-related assets.

Textual Amendments

F1 [S. 112](#) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 3 para. 26, [Sch. 7 Pt. I](#); [S.I. 1997/664, art. 2\(3\)](#), Sch. Pt. 2

Commencement Information

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

113 Disclosure of information about schemes to members etc.

- (1) The Secretary of State may by regulations specify requirements to be complied with in the case of an occupational pension scheme or a personal pension scheme with respect to keeping the persons mentioned in subsection (2) informed—
 - (a) of its constitution;
 - (b) of its administration and finances;
 - (c) of the rights and obligations that arise or may arise under it; and
 - (d) of any other matters that appear to the Secretary of State to be relevant to occupational pension schemes or personal pension schemes in general or to schemes of a description to which the scheme in question belongs.
- (2) The persons referred to in subsection (1) are—
 - (a) members and, in the case of an occupational pension scheme, prospective members of the scheme;
 - (b) spouses of members and, in the case of an occupational pension scheme, of prospective members;
 - (c) persons within the application of the scheme and qualifying or prospectively qualifying for its benefits;
 - (d) in the case of an occupational pension scheme, independent trade unions recognised to any extent for the purposes of collective bargaining in relation to members and to prospective members of the scheme.
- (3) Without prejudice to the generality of section 182(2), the regulations may distinguish between—
 - (a) cases in which information is to be given as of course; and
 - (b) cases in which information need only be given on request or in other prescribed circumstances.

Status: Point in time view as at 06/04/1997.

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- (4) The regulations shall make provision for referring to an industrial tribunal any question whether an organisation is such a trade union as is mentioned in subsection (2)(d).

Commencement Information

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

114 Additional documents for members etc. and Registrar.

- [^{F2}(1) Without prejudice to the generality of the power conferred on him by section 113(1), the Secretary of State may by regulations require the trustees of an occupational pension scheme or, if there are no trustees, the managers—
- (a) to obtain at such times as may be prescribed documents to which this subsection applies; and
 - (b) to make copies of them available to the persons specified in section 113(2).
- (2) In relation to any scheme, the documents to which subsection (1) applies are—
- (a) its audited accounts;
 - (b) an auditor's statement about contributions under it;
 - (c) an actuarial valuation of its assets in relation to its liabilities; and
 - (d) an actuary's statement concerning such aspects of any such valuation as may be prescribed.
- (3) The Secretary of State may by regulations—
- (a) prescribe the persons who may act as auditors or actuaries for the purposes of this section; or
 - (b) provide that the persons who may so act shall be—
 - (i) persons with prescribed professional qualifications or experience; or
 - (ii) persons approved by the Secretary of State.
- (4) The Secretary of State may by regulations make provision as to the form and content of any such document as is mentioned in subsection (2).]

Textual Amendments

F2 [S. 114](#) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 3 para. 27, [Sch. 7 Pt. I](#); [S.I. 1997/664, art. 2\(3\)](#), Sch. Pt. 2 (with art. 7)

Commencement Information

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

115 Powers as respects failure to comply with information requirements.

- (1) If the trustees or managers of an occupational pension scheme or a personal pension scheme, having made default in complying with regulations under section 113 or 114(1)(b), fail to make good the default within 14 days after the service on them of a notice requiring them to do so, an order may be made under this subsection.
- (2) The Secretary of State may by regulations specify forms for notices under subsection (1).

Status: Point in time view as at 06/04/1997.

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- (3) An order under subsection (1) is an order directing the trustees or managers to make good the default within such time as may be specified in the order.
- (4) The power to make such an order shall be exercisable by the appropriate court on the application of any person mentioned in subsection (5).
- (5) The persons referred to in subsection (4) are—
- (a) the Secretary of State;
 - (b) any person authorised by the Secretary of State to make an application under this section; and
 - (c) any aggrieved person.
- (6) In this section “the appropriate court” means—
- (a) in England and Wales, a county court; and
 - (b) in Scotland, the sheriff.
- (7) An application to the sheriff shall be made by summary application.
- (8) An order under this section may provide that all costs (or, in Scotland, expenses) of and incidental to the application shall be borne personally by any of the trustees or managers of the scheme.

Commencement Information

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

^{F3}116 Regulations as to auditors.

Textual Amendments

F3 [S. 116](#) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 3 para. 28, [Sch. 7 Pt. I](#); [S.I. 1997/664, art. 2\(3\)](#), Sch. Pt. 2

Commencement Information

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

117 Regulations as to form and content of advertisements.

Regulations may be made relating to the form and content of advertisements and such other material as may be prescribed issued by or on behalf of the trustees or managers of a personal or occupational pension scheme for the purposes of the scheme.

Commencement Information

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

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F⁴118 Equal access requirements.

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Textual Amendments

F4 S. 118 repealed (1.1.1996) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 3 para. 29, [Sch. 7 Pt. I](#); [S.I. 1995/3104](#), art. 2(3)

Commencement Information

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

Status:

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