



# Pension Schemes Act 1993

## 1993 CHAPTER 48

### PART VIII

#### RELATIONSHIP BETWEEN REQUIREMENTS AND SCHEME RULES

#### 129 Overriding requirements.

- (1) Subject to subsection (2), the provisions of Chapters II, III and IV of Part IV, [<sup>F1</sup>Chapters I and II of Part IVA,]<sup>F2</sup> ... section 110(1), <sup>F2</sup> ... and any regulations made <sup>F2</sup> ... under section 113 or 114 <sup>F2</sup> ... override any provision of a scheme to which they apply to the extent that it conflicts with them.
- (2) Chapter II of Part IV (as it applies to occupational pension schemes), [<sup>F3</sup>and Chapter III of that Part] do not override a protected provision of a scheme<sup>F4</sup> ....
- (3) In subsection (2) “protected provision” means—
  - <sup>F5</sup>(a) .....
  - <sup>F6</sup>(b) .....
  - (c) any provision of a scheme which is included in it for the purpose of effecting a transfer of rights or liabilities authorised by regulations under section 20(1);
  - (d) any provision of a scheme to the extent that it deals with commutation, suspension or forfeiture of the whole or part of a pension; and
  - (e) any provision of a scheme whereby, as respects so much of a [<sup>F7</sup>widow's, widower's or surviving civil partner's] pension as exceeds the guaranteed minimum pension—
    - (i) no pension or a pension at a reduced rate is payable if the earner and the [<sup>F8</sup>widow, widower or surviving civil partner] married [<sup>F9</sup>or, as the case may be, formed a civil partnership] not more than six months before the earner's death;
    - (ii) the whole or any part of the pension is not paid to the [<sup>F8</sup>widow, widower or surviving civil partner], but instead comparable benefits are provided for one or more dependants of the deceased earner; or

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- (iii) no pension, or a pension at a reduced rate, is payable to the [<sup>F8</sup>widow, widower or surviving civil partner] (or, where a provision such as is mentioned in sub-paragraph (ii) operates, to another dependant of the deceased earner) who was more than ten years younger than the deceased earner.
- (4) For the purposes of the application of Chapter II of Part IV to schemes which are not contracted-out, subsection (3) shall have effect with the omission—
- (a) from paragraph (c), of the words from “authorised” to the end; and
  - (b) from paragraph (e), of the words from “as respects” to “guaranteed minimum pension”.

#### Textual Amendments

- F1** Words in s. 129(1) inserted (1.12.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 12 para. 39\(2\)](#); S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4
- F2** Words in s. 129(1) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 3 para. 31(a), [Sch. 7 Pt. I](#); S.I. 1997/664, art. 2(3), Sch. Pt. II
- F3** Words in s. 129(2) substituted (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), [Sch. 3 para. 31\(b\)](#); S.I. 1997/664, art. 2(3), Sch. Pt. II
- F4** Words in s. 129(2) repealed (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), [Sch. 13](#); S.I. 2005/695, art. 2(7), Sch. 1
- F5** S. 129(3)(a) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 3 para. 31(c), [Sch. 7 Pt. I](#); S.I. 1997/664, art. 2(3), Sch. Pt. II
- F6** S. 129(3)(b) repealed (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), [Sch. 13](#); S.I. 2005/695, art. 2(7), Sch. 1
- F7** Words in s. 129(3)(e) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 15\(a\)](#)
- F8** Words in s. 129(3)(e) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 15\(b\)](#)
- F9** Words in s. 129(3)(e)(i) inserted (5.12.2005) by [The Civil Partnership \(Miscellaneous and Consequential Provisions\) Order 2005 \(S.I. 2005/3029\)](#), art. 1(2)(c), [Sch. 1 para. 2](#)

#### Commencement Information

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

### 130 Extra-statutory benefits.

It is hereby declared that—

- (a) nothing in Part III precludes an occupational pension scheme from providing benefits that are more favourable than those required for contracting-out purposes and, in particular, nothing in section 16(3) is to be taken as preventing the scheme from providing increases above the alternative minima there mentioned; and
- (b) nothing in the provisions of Chapter II or IV of Part IV precludes a scheme from being framed or managed more favourably to beneficiaries than is called for by those provisions.

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**Commencement Information**

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

**131 Relationship of preservation requirements and scheme rules.**

It is hereby declared that nothing in Chapter I of Part IV—

- (a) applies with direct effect to any scheme, or to the rights or liabilities of any person in, under or by virtue of a scheme; or
- (b) precludes a scheme from being so framed as to provide benefits on any ampler scale, or (subject to any express provision made in that Chapter) payable at any earlier time or otherwise more favourable to beneficiaries, than is called for by the preservation requirements.

**Commencement Information**

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

**132 Duty to bring schemes into conformity with indirectly-applying requirements.**

Where the rules of an occupational pension scheme to which the preservation requirements,<sup>F10</sup> ... or the voluntary contributions requirements apply or the rules of a personal pension scheme to which the voluntary contributions requirements apply do not comply with those requirements it shall be the responsibility of—

- (a) the trustees and managers of the scheme; or
- (b) in the case of a public service pension scheme, the Minister, government department or other person or body concerned with its administration,

to take such steps as are open to them for bringing the rules of the scheme into conformity with those requirements.

**Textual Amendments**

**F10** Words in s. 132 repealed (1.1.1996) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 3 para. 32, Sch. 7 Pt. I; S.I. 1995/3104, art. 2\(3\)](#)

**Commencement Information**

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

**<sup>F11</sup>133 Advice of the Board as to conformity of schemes with requirements.**

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**Textual Amendments**

**F11** Ss. 133-135 repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 5 para. 64, Sch. 7 Pt. III; S.I. 1997/664, art. 2\(3\), Sch. Pt. II](#)

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**F11 134 Determination of questions whether schemes conform with requirements.**

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<p><b>Textual Amendments</b></p> <p><b>F11</b> Ss. 133-135 repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 64, <b>Sch. 7 Pt. III</b>; S.I. 1997/664, art. 2(3), <b>Sch. Pt. II</b></p>
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**F11 135 Persons competent to make applications under s. 134.**

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<p><b>Textual Amendments</b></p> <p><b>F11</b> Ss. 133-135 repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 64, <b>Sch. 7 Pt. III</b>; S.I. 1997/664, art. 2(3), <b>Sch. Pt. II</b></p>
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