



Pension Schemes Act 1993

1993 CHAPTER 48

PART XI

GENERAL AND MISCELLANEOUS PROVISIONS

Modification powers

153 Power to modify certain provisions of this Act.

- (1) The Secretary of State may by regulations direct that Chapters II, III and IV of Part IV ^{F1}...shall have effect, in such cases as he may specify in the regulations, subject to such modifications as he may specify.
- (2) Regulations may modify Chapter I of Part IV—
 - (a) in its application to cases where an earner is for the time being, or has been, employed in pensionable service under, or in contracted-out employment by reference to, different schemes applying to the same employment;
 - (b) in such manner as the Secretary of State thinks fit for securing that the preservation requirements include requirements for provision to be made in a scheme as to the preservation of a member's benefit in the event of the scheme being wound up;
 - (c) without prejudice to paragraph (a) or (b), so that the preservation requirements apply with such modifications and exceptions as the Secretary of State considers to be necessary for particular cases or classes of case;and regulations under paragraph (a) may relate to service under or, as the case may be, by reference to different schemes at the same time, or at different times.
- ^{F2}(3)
- ^{F2}(4)
- (5) The Secretary of State may make regulations modifying ^{F3}... section 129 (so far as it applies to that Chapter) or section 144, in their application—

Status: Point in time view as at 01/12/2000.

Changes to legislation: Pension Schemes Act 1993, Part XI is up to date with all changes known to be in force on or before 23 July 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)

- (a) to any occupational pension scheme which applies to earners in employments under different employers;
- (b) to any occupational pension scheme of which there are no members who are in pensionable service under the scheme; ^{F4}or]
- (c) to any case where a partnership is the employer, or one of the employers, in relation to an occupational pension scheme; ^{F5}...
- ^{F5}(d)

^{F6}(6)

^{F6}(7)

- (8) The Secretary of State may by order provide that any enactment in Chapter II of Part VII which is specified in the order—
 - (a) shall not apply to persons or to employments of such classes as may be prescribed in the order; or
 - (b) shall apply to persons or employments of such classes as may be so prescribed subject, but without prejudice to paragraph (a), to such exceptions or modifications as may be so prescribed;

and in this subsection “employments” has the same meaning as in that Chapter.

Textual Amendments	
F1	Words in s. 153(1) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 39(a), Sch. 7 Pt. I ; S.I. 1997/664, art. 2(3), Sch. Pt. 2
F2	S. 153(3)(4) repealed (1.1.1996) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 39(b), Sch. 7 Pt. I ; S.I. 1995/3104, art. 2(3)
F3	Words in s. 153(5) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 39(c), Sch. 7 Pt. I ; S.I. 1997/664, art. 2(3), Sch. Pt. 2
F4	Word in s. 153(5)(b) inserted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 39(c) ; S.I. 1997/664, art. 2(3), Sch. Pt. 2
F5	S. 153(5)(d) and preceding word repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 39(c), Sch. 7 Pt. I ; S.I. 1997/664, art. 2(3), Sch. Pt. 2
F6	S. 153(6)(7) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 39(d), 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

154 Application of enactments as respects personal pension schemes.

- (1) Regulations may provide that any provision of this Act [^{F7}or of sections 22 to 26 and 40 of the Pensions Act 1995] which relates to occupational pension schemes (other than a provision to which subsection (2) applies) shall have effect in relation to personal pension schemes subject to prescribed modifications.
- (2) This subsection applies to section 66, section 111 so far as it relates to occupational pension schemes, (and Part VIII and section 153 so far as they have effect for the purposes of section 111 as it so relates), sections 117, 123 to 127, 155, 157, 160 and 161.

Status: Point in time view as at 01/12/2000.

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Textual Amendments

- F7** Words in s. 154(1) inserted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 3 para. 40**; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Commencement Information

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

Information about schemes

155 Requirement to give information to the Secretary of State or the Board for the purposes of certain provisions.

Regulations may require the furnishing by prescribed persons to the Secretary of State [^{F8}or the Inland Revenue]^{F9}... of such information as he [^{F10}or they require] for the purposes of ^{F11}... [^{F11}Part III], section 111 (and Part VIII and section 153 so far as they have effect for the purposes of section 111), section 117 and section 159 (so far as it relates to protected rights payments).

Textual Amendments

- F8** Words in s. 155 inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 59(a)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F9** Words in s. 155 repealed (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. 65(a), **Sch. 7 Pt. III**; S.I. 1996/778, art. 2(5)(a), Sch. Pt. 5; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F10** Words in s. 155 inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 59(b)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F11** Words in s. 155 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. 65(c)**; S.I. 1996/778, art. 2(5)(a), Sch. Pt. 5; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Commencement Information

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

156 Information as to guaranteed minimum pensions.

The Secretary of State [^{F12}or the Inland Revenue] may give—

- (a) the trustees or managers of an occupational pension scheme which is not a money purchase contracted-out scheme; and
- (b) such other persons as may be prescribed,

information as to the amount of the guaranteed minimum pension to which it appears to him [^{F13}or, as the case may be, to the Inland Revenue] that any person is immediately or prospectively entitled under the scheme or as to any other matter required for calculating that amount.

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Textual Amendments

- F12** Words in s. 156 inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(2)(a), [Sch. 1 para. 60\(a\)](#); [S.I. 1999/527](#), art. 2(b), Sch. 2 (with arts. 3-6)
- F13** Words in s. 156 inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(2)(a), [Sch. 1 para. 60\(b\)](#); [S.I. 1999/527](#), art. 2(b), Sch. 2 (with arts. 3-6)

Commencement Information

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

157 Power of Secretary of State to obtain information in connection with applications under s. 124.

- (1) Where an application is made to the Secretary of State under section 124 in respect of contributions to an occupational pension scheme or personal pension scheme falling to be made, by an employer, the Secretary of State may require—
 - (a) the employer to provide him with such information as the Secretary of State may reasonably require for the purpose of determining whether the application is well founded; and
 - (b) any person having the custody or control of any relevant records or other documents to produce for examination on behalf of the Secretary of State any such document in that person's custody or under his control which is of such a description as the Secretary of State may require.
- (2) Any such requirement shall be made in writing given to the person on whom the requirement is imposed and may be varied or revoked by a subsequent notice so given.
- (3) If a person refuses or wilfully neglects to furnish any information or produce any document which he has been required to furnish or produce by a notice under this section he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) If a person, in purporting to comply with a requirement of a notice under this section, knowingly or recklessly makes any false statement, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) This section shall be construed as if it were in Chapter II of Part VII.

Commencement Information

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

158 Disclosure of information between government departments etc.

- (1) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to the Inland Revenue shall prevent information obtained or held in connection with the assessment or collection of income tax from being disclosed—
 - (a) to the Secretary of State,
 - (b) to the Department of Health and Social Services for Northern Ireland, or

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- (c) to an officer of either of them authorised to receive such information, in connection with the operation of this Act (except Chapter II of Part VII and sections 157 and 161) or of any corresponding enactment of Northern Ireland legislation.

[^{F14}(1A) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to the Inland Revenue shall prevent information obtained or held for the purposes of Part III of this Act from being disclosed—

- (a) to the Secretary of State,
- (b) to the Department of Health and Social Services for Northern Ireland, or
- (c) to an officer of either of them authorised to receive such information, in connection with the operation of this Act or of any corresponding enactment of Northern Ireland legislation.]

^{F15}(2)

^{F15}(3)

- (4) In relation to persons who are carrying on or have carried on a trade, profession or vocation income from which is chargeable to tax under Case I or II of Schedule D, disclosure under subsection (1) relating to that trade, profession or vocation shall be limited to information about the commencement or cessation of, and employed earners engaged in, that trade, profession or vocation, but sufficient information may also be given to identify the persons concerned.

- (5) [^{F16}Subsections (1) and (1A)] extend only to disclosure by or under the authority of the Inland Revenue.

- (6) ^{F17}Subject to subsection (7), information which is the subject of disclosure to any person by virtue of subsection (1) [^{F18}or (1A)], ...shall not be further disclosed to any other person, except where the further disclosure is made—

- (a) to a person to whom disclosure could by virtue of this section have been made by or under the authority of the Inland Revenue; or
- (b) for the purposes of any civil or criminal proceedings in connection with the operation of this Act (except Chapter II of Part VII and sections 157 and 161); or
- (c) for the purposes of [^{F19}sections 17 to 62 of the ^{M1}Social Security Administration Act 1992][^{F19}Chapter II of Part I of the Social Security Act 1998] or any corresponding provisions of Northern Ireland legislation; ^{F20}... [^{F21}or
- (ca) for the purposes of Part II of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 or any corresponding provisions of Northern Ireland legislation.]

^{F20}(d)

- (7) The Secretary of State, [^{F22}and the Inland Revenue] may provide the Registrar with such information as he may request for the purposes of the register; and no obligation as to secrecy or confidentiality imposed by statute or otherwise on—

- (a) persons employed in the Department of Social Security, [^{F23}or]
- (b) persons employed in relation to the Inland Revenue, ^{F24}...

^{F24}(c)

shall prevent them from disclosing to the Registrar such information as is necessary for the purposes of the register.

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^{F25}(8)

Textual Amendments

- F14** S. 158(1A) inserted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 6 para. 7(2)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F15** S. 158(2)(3) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 66(a), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F16** Words in s. 158(5) substituted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 6 para. 7(3)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F17** Words in s. 158(6) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 66(b), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F18** Words in s. 158(6) inserted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 6 para. 7(4)(a)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F19** Words in s. 158(6)(c) substituted (5.7.1999 for specified purposes, 29.11.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), **Sch. 7 para. 129**; S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with arts. 3, 5, Sch. 12); S.I. 1999/3178, art. 2(1)(a)(2), Sch. 1 (with art. 4, Schs. 21-23)
- F20** S. 158(6)(d) and preceding word repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 66(b), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F21** S. 158(6)(ca) and preceding word inserted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 6 para. 7(4)(b)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F22** Words in s. 158(7) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 66(c)(i)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F23** Word in s. 158(7) inserted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 66(c)(ii)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F24** S. 158(7)(c) and preceding word repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 66(c)(iii), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F25** S. 158(8) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 66(d), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Commencement Information

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

Marginal Citations

- M1** 1992 c. 5.

[^{F26}158A] Other disclosures by the Secretary of State.

- (1) The Secretary of State may, in spite of any obligation as to secrecy or confidentiality imposed by statute or otherwise on him or on persons employed in the Department of Social Security, disclose any information received by him in connection with his functions under this Act or the Pensions Act 1995 to any person specified in the first column of the following Table if he considers that the disclosure would enable or assist the person to discharge the functions specified in relation to the person in the second column of the Table.

Status: Point in time view as at 01/12/2000.

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TABLE

<i>Persons</i>	<i>Functions</i>
The Treasury.	Functions under the Financial Services Act 1986.
The Bank of England.	[^{F27} Any of its functions].
[^{F28} The Financial Services Authority.	Functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989.]
The Regulatory Authority.	Functions under this Act or the Pensions Act 1995, or any enactment in force in Northern Ireland corresponding to either of them.
The Pensions Compensation Board.	Functions under the Pensions Act 1995 or any corresponding enactment in force in Northern Ireland.
The Friendly Societies Commission.	Functions under the enactments relating to friendly societies.
The Building Societies Commission.	Functions under the Building Societies Act 1986.
An inspector appointed by the Secretary of State.	Functions under section 94 or 177 of the Financial Services Act 1986.
A person authorised to exercise powers under section 106 of the Financial Services Act 1986.	Functions under that section.
A designated agency or transferee body or the competent authority (within the meaning of the Financial Services Act 1986).	Functions under the Financial Services Act 1986.
A recognised self-regulating organisation, recognised professional body, recognised investment exchange or recognised clearing house (within the meaning of the Financial Services Act 1986).	Functions in its capacity as an organisation, body, exchange or clearing house recognised under the Financial Services Act 1986.

[The Inland Revenue may, in spite of any obligation as to secrecy or confidentiality ^{F29}(1A) imposed by statute or otherwise on them or on their officers, disclose any information received by them in connection with their functions under Part III of this Act to any person specified in the first column of the Table in subsection (1) if they consider that the disclosure would enable or assist the person to discharge the functions specified in relation to the person in the second column of the Table.]

(2) The Secretary of State may by order—

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- (a) amend the Table in subsection (1) by—
 - (i) adding any person exercising regulatory functions and specifying functions in relation to that person,
 - (ii) removing any person for the time being specified in the Table, or
 - (iii) altering the functions for the time being specified in the Table in relation to any person, or
- (b) restrict the circumstances in which, or impose conditions subject to which, disclosure may be made to any person for the time being specified in the Table]

Textual Amendments

- F26** S. 158A inserted (6.4.1996) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), [Sch. 6 para. 9](#); S.I. 1996/778, art. 2(4), Sch. Pt. 4
- F27** Words in s. 158A(1) Table substituted (1.6.1998) by [Bank of England Act 1998 \(c. 11\)](#), s. 45, [Sch. 5 para. 69\(3\)](#); S.I. 1998/1120, art. 2
- F28** Words in s. 158A(1) Table inserted (1.6.1998) by [Bank of England Act 1998 \(c. 11\)](#), s. 45, [Sch. 5 para. 69\(3\)](#); S.I. 1998/1120, art. 2
- F29** S. 158A(1A) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 6 para. 8](#); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

Avoidance of certain transactions and provisions

159 Inalienability of guaranteed minimum pension and protected rights payments.

- (1) Where—
- (a) a person is entitled or prospectively entitled to a guaranteed minimum pension under an occupational pension scheme or to payments giving effect to protected rights under such a scheme; and
 - (b) his entitlement is in respect of his or another person's service in employment which was contracted-out by reference to that scheme;
- then—
- (i) every assignment of or charge on that pension or those payments, and
 - (ii) every agreement to assign or charge that pension or those payments,
- shall be void.
- (2) In subsection (1), the references to assignments of and agreements to assign a guaranteed minimum pension do not include references to any assignment of or agreement to assign a policy of insurance or annuity contract in accordance with conditions prescribed by regulations under section 19(4)(b).
- (3) Subsection (1) has effect whether or not the assignment, charge or agreement was made at a time when the employment was contracted-out employment or the scheme was a contracted-out scheme in relation to the employment.
- (4) Every assignment of or charge on and every agreement to assign or charge protected rights under a personal pension scheme or payments giving effect to such protected rights shall be void.

^{F30}(4A) Where a person—

- (a) is entitled or prospectively entitled as is mentioned in subsection (1), or

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- (b) is entitled to such rights or to such a payment as is mentioned in subsection (4), no order shall be made by any court the effect of which would be that he would be restrained from receiving anything the assignment of which is or would be made void by either of those subsections.
- (4B) Subsection (4A) does not prevent the making of an attachment of earnings order under the Attachment of Earnings Act 1971.]
- (5) On the bankruptcy of a person who—
- (a) is entitled or prospectively entitled as is mentioned in subsection (1), or
 - (b) is entitled to such rights or to such a payment as is mentioned in subsection (4), nothing shall pass to any trustee or other person acting on behalf of his creditors the assignment of which is or would be made void by either of those subsections.
- (6) In the application of this section to Scotland—
- (a) references to assignment shall be construed as references to assignation and “assign” shall be construed accordingly; and
 - (b) the reference to a person’s bankruptcy shall be construed as a reference to the sequestration of his estate or the appointment on his estate of a judicial factor under section 41 of the ^{M2}Solicitors (Scotland) Act 1980.

Textual Amendments

- F30** S. 159(4A)(4B) inserted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 3 para. 41**; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Modifications etc. (not altering text)

- C1** S. 159 excluded by 1985 c. 66, s. 36C(1) (as inserted (6.4.1996 for specified purposes) by Pensions Act 1995 (c. 26), **ss. 95(2)**, 180(1) (with s. 121(5)); S.I. 1996/778, art. 2(5)(a), Sch. Pt. 5)
- C2** S. 159 excluded by Insolvency Act 1986 (c. 45), **s. 342C(1)** (as inserted (6.4.1996 for specified purposes) by Pensions Act 1995 (c. 26), **ss. 95(1)**, 180(1) (with s. 121(5)); S.I. 1996/778, art. 2(5)(a), **Sch. Pt. 5**)
- C3** S. 159 excluded (11.11.1999 for specified purposes, 6.4.2002 in so far as not already in force) by Insolvency Act 1986 (c. 45), **s. 342C(2)** (as substituted by Welfare Reform and Pensions Act 1999 (c. 30), **ss. 15**, 89(5)(a); S.I. 2002/153, **art. 2(e)**)
- C4** S. 159 excluded (11.11.1999 for specified purposes) by 1985 c. 66, s. 36C(2) (as substituted by Welfare Reform and Pensions Act 1999 (c. 30), **ss. 16**, 89(5)(a); S.I. 2002/153, art. 2(f))
- C5** S. 159(4) excluded (27.6.1996 for specified purposes) by Pensions Act 1995 (c. 26), **ss. 166(5)(a)**, 180(1) (with s. 167(4)); S.I. 1996/1675, art. 3 (with arts. 4, 5)
- C6** S. 159(4)(4A) excluded (1.8.1996) by Pensions Act 1995 (c. 26), **ss. 166**, 180(1); S.I. 1996/1675, **art. 3(b)**
- C7** S. 159(4)(4A) excluded (11.11.1999 for specified purposes, 1.12.2000 in so far as not already in force) by Welfare Reform and Pensions Act 1999 (c. 30), **ss. 44(1)**, 89(5)(a); S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4

Commencement Information

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

Marginal Citations

- M2** 1980 c. 46.

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[^{F31}159A No forfeiture on bankruptcy of rights under personal pension schemes.

- (1) A person's rights under a personal pension scheme cannot be forfeited by reference to his bankruptcy.
- (2) For the purposes of this section—
 - (a) a person shall be treated as having a right under a personal pension scheme where—
 - (i) he is entitled to a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 (sharing of rights on divorce etc.),
 - (ii) he is so entitled as against the person responsible for the scheme (within the meaning of Chapter I of Part IV of that Act), and
 - (iii) the person so responsible has not discharged his liability in respect of the credit; and
 - (b) forfeiture shall be taken to include any manner of deprivation or suspension.]

Textual Amendments

F31 S. 159A inserted (11.11.1999 for specified purposes) by [Welfare Reform and Pensions Act 1999](#) (c. 30), **ss. 14(1)**, 89(5)(a); S.I. 2002/153, art. 2(d)

160 Terms of contracts of service or schemes restricting choice to be void.

- (1) Subject to such exceptions as may be prescribed—
 - (a) any term of a contract of service (whenever made) or any rule of a personal or occupational pension scheme to the effect that an employed earner must be a member—
 - (i) of a personal or occupational pension scheme,
 - (ii) of a particular personal or occupational pension scheme, or
 - (iii) of one or other of a number of particular personal or occupational pension schemes,
 shall be void; and
 - (b) any such term or rule to the effect that contributions shall be paid by or in respect of an employed earner—
 - (i) to a particular personal or occupational pension scheme of which the earner is not a member, or
 - (ii) to one or other of a number of personal or occupational pension schemes of none of which he is a member,
 shall be unenforceable for so long as he is not a member of the scheme or any of the schemes.
- (2) Subsection (1) shall not be construed so as to have the effect that an employer is required, when he would not otherwise be—
 - (a) to make contributions to a personal or occupational pension scheme; or
 - (b) to increase an employed earner's pay in lieu of making contributions to a personal or occupational pension scheme.

Status: Point in time view as at 01/12/2000.

Changes to legislation: Pension Schemes Act 1993, Part XI is up to date with all changes known to be in force on or before 23 July 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

161 Provisions excluding Chapter II of Part VII to be void.

Any provision in an agreement (whether a contract of employment or not) shall be void in so far as it purports—

- (a) to exclude or limit the operation of any provision of Chapter II of Part VII of this Act; or
- (b) to preclude any person from presenting a complaint to, or bringing any proceedings before, an industrial tribunal under that Chapter.

Commencement Information

II Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, art. 2

162 Removal of restrictions on friendly societies' pension business.

- (1) The Secretary of State may make such regulations as he thinks appropriate for enabling a friendly society to conduct group insurance business with a view to the establishment of occupational pension schemes or personal pension schemes.
- (2) The power to make regulations under this section shall extend to enabling friendly societies to conduct group insurance business freed from any restrictions of the relevant legislation as to the amounts which a member, or a person claiming through a member, is entitled to receive from any one or more societies or branches.
- (3) Regulations under this section may include such adaptations and modifications of the relevant legislation, and such other supplementary and incidental provisions, as the Secretary of State considers to be necessary or expedient for achieving the purposes referred to in subsection (1).
- (4) In this section—
 - (a) “the relevant legislation” means the ^{M3}Friendly Societies Act 1974, the ^{M4}Friendly Societies Act 1992 and section 464 of the ^{M5}Income and Corporation Taxes Act 1988;
 - (b) “friendly society”, has the same meaning as in the Friendly Societies Act 1992; and
 - (c) “group insurance business” means—
 - (i) in relation to a registered friendly society, group insurance business within the meaning of section 65A of the Friendly Societies Act 1974, and
 - (ii) in relation to an incorporated friendly society, group insurance business within the meaning of section 11 of the Friendly Societies Act 1992,and in this paragraph “registered friendly society” and “incorporated friendly society” have the same meaning as in that Act of 1992.

Status: Point in time view as at 01/12/2000.

Changes to legislation: Pension Schemes Act 1993, Part XI is up to date with all changes known to be in force on or before 23 July 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

M3 1974 c. 46.

M4 1992 c. 40.

M5 1988 c. 1.

163 Exemption of certain schemes from rule against perpetuities.

- (1) The rules of law relating to perpetuities shall not apply to the trusts of, or any disposition made under or for the purposes of a personal or occupational pension scheme at any time when this section applies to it.
- (2) This section applies to—
 - (a) a public service pension scheme;
 - (b) an occupational pension scheme which is a contracted-out scheme in relation to any employment;
 - (c) a personal pension scheme which is an appropriate scheme; and
 - (d) an occupational or personal pension scheme which satisfies prescribed requirements.
- (3) Subsection (1) applies whether the trusts or dispositions in question are created or made before or after this section first applies to the scheme, but this section does not validate with retrospective effect any trusts or dispositions which the rules of law relating to perpetuities (including, where applicable, section 3(1) of the ^{M6}Perpetuities and Accumulations Act 1964 (“wait and see”)) already require to be treated as void before this section applies to the scheme.
- (4) Regulations under subsection (2)(d) may require a scheme—
 - (a) to contain provisions in any prescribed form, or to any prescribed effect; or
 - (b) to have tax-exemption or tax-approval or to be such a scheme that it may be expected to qualify for tax-exemption or tax-approval.
- (5) Such regulations may be so framed that, in prescribed circumstances, the requirements can be treated as satisfied if application has been duly made to the Inland Revenue with a view to obtaining tax-approval for the scheme.
- (6) Regulations may include provision by which a scheme (other than a public service pension scheme) to which this section ceases to apply may nevertheless be treated as continuing to be a scheme to which it applies for a period of two years from its ceasing to be such a scheme, or for such longer period as the ^{F32}... [^{F32}Secretary of State]^{F32}... [^{F32}considers] to be reasonable in the case of a particular scheme.
- (7) If this section ceases to apply to a scheme, trusts created and dispositions made under it or for its purposes shall then again be subject to the rules of law relating to perpetuities as if this section had never applied to it.
- (8) Subsection (7) is without prejudice to any rights which vested while this section applied.

Status: Point in time view as at 01/12/2000.

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[^{F33}(9) Regulations may provide for a scheme, whose fund was registered under the ^{M7}Superannuation and other Trust Funds (Validation) Act 1927 immediately before the repeal of that Act took effect, to retain the benefit of that Act subject to prescribed conditions and either indefinitely or for a prescribed period.]

Textual Amendments

- F32** Word in s. 163(6) 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. 21**; S.I. 1996/778, art. 2(5)(a), **Sch. Pt. 5**; S.I. 1997/664, art. 2(3), **Sch. Pt. 2**
- F33** S. 163(9) omitted (temp. until the coming into force of what remains of 1973 c. 38, s. 69(7)) (7.2.1994) by virtue of Pension Schemes Act 1993 (c. 48), s. 193(2), **Sch. 9 paras. 1, 2** (with ss. 6(8), 164); S.I. 1994/86, **art. 2**

Commencement Information

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

Marginal Citations

- M6** 1964 c. 55.
M7 1927 c. 41.

Special classes of earner

164 Crown employment.

- (1) Subject to subsection (3), the following provisions shall apply to persons employed by or under the Crown in like manner as if such persons were employed by a private person—
- Chapter I of Part IV and the other provisions of this Act, so far as they relate to the preservation requirements;
 - the remaining provisions of this Act except for—
 - sections ^{F34}... ^{F35}... 153(2), 158(1) to (5), 162, 163, ^{F34}... and 176^{F34} ...;
 - Chapter II of Part VII and sections 157 and 161;
 - section 166 and the provisions mentioned in subsection (2).
- (2) A person who is employed by or under the Crown shall be treated as an employed earner for the purposes of sections 7, 9, 26 to 34, 38, 43 to 45 (so far as they relate to personal pension schemes), section 48 (so far as it relates to minimum contributions), section 50 (so far as it relates to personal pension schemes), section 54, sections 55 to 64 (so far as they relate to personal pension protected rights premiums), section 111 (and Part VIII and section 153 so far as they have effect for the purposes of section 111), sections 117, 154 and 155 and section 159 (so far as it relates to protected rights payments) and sections 160 and 166.
- (3) So far as subsection (1) relates to the provisions within paragraph (b) of that subsection, it does not apply to a person who is serving as a member of Her Majesty's forces.
- (4) Subject to subsections (3) and (5), a person who is serving as a member of Her Majesty's forces shall, while he is so serving, be treated for the purposes of the

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provisions within subsection (1)(b) and those within subsection (2) (except for sections 154 and 166) as an employed earner in respect of his membership of those forces.

- (5) The Secretary of State may make regulations modifying sections 41, 42, 46(1), 47(2) and (5) and 48 in such manner as he thinks proper, in their application to persons who are or have been members of Her Majesty's forces.

^{F36}(6)

- (7) For the purposes of this section Her Majesty's forces shall be taken to consist of such establishments and organisations as may be prescribed, being establishments and organisations in which persons serve under the control of the Defence Council.

Textual Amendments

- F34** Words in s. 164(1)(b)(i) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 5 para. 67, [Sch. 7 Pt. III](#); [S.I. 1997/664](#), art. 2(3), Sch. Pt. 2
- F35** Words in s. 164(1)(b)(i) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 6 para. 10, [Sch. 7 Pt. IV](#); [S.I. 1997/664](#), art. 2(3), Sch. Pt. 2
- F36** S. 164(6) repealed (22.8.1996) by [Employment Rights Act 1996 \(c. 18\)](#), s. 243, [Sch. 3 Pt. I](#) (with ss. 191-201)

Commencement Information

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

165 Application of certain provisions to cases with foreign element.

- (1) Regulations may modify the provisions mentioned in subsection (2) in such manner as the Secretary of State thinks proper, in their application to any person who is, or has been, or is to be—
- employed on board any ship, vessel, hovercraft or aircraft;
 - outside Great Britain at any prescribed time or in any prescribed circumstances; or
 - in prescribed employment in connection with continental shelf operations.
- (2) The provisions referred to in subsection (1) are—
- ^{F37}Part III], section 111 (and Part VIII and section 153 so far as they have effect for the purposes of section 111), sections 117, 154 and 155 and section 159 (so far as it relates to protected rights payments) and sections 160 and 166; and
 - sections 41 and 42, subsections (1), (6) and (7) of section 46 (and subsection (8) of that section so far as it has effect for the purposes of those subsections), and sections 47(2) and (5) and 48.
- (3) Subject to subsection (4), regulations under subsection (1) may in particular provide—
- for any of those provisions to apply to any such person, notwithstanding that it would not otherwise apply;
 - for any such provision not to apply to any such person, notwithstanding that it would otherwise apply;
 - for excepting any such person from the application of any such provision where he neither is domiciled nor has a place of residence in any part of Great Britain;

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- (d) for the taking of evidence, for the purposes of the determination of any question arising under any such provision, in a country or territory outside Great Britain, by a British consular official or such other person as may be determined in accordance with regulations.
- (4) Paragraph (b) of subsection (3) does not apply as respects the application of the provisions mentioned in subsection (2)(b) and paragraphs (a), (c) and (d) of that subsection do not apply as respects the application of those provisions to such persons as are mentioned in paragraph (b) or (c) of subsection (1).
- (5) Without prejudice to the generality of subsection (1)(c), regulations made by virtue of that subsection as respects any provision mentioned in subsection (2)(b) may provide for that provision to apply to such a person as is mentioned in that subsection notwithstanding that he does not fall within the description of an employed or self-employed earner or does not fulfil conditions as to residence or presence in Great Britain.
- (6) Without prejudice to the generality of section 153(2)(c), regulations may modify Chapter I of Part IV in relation to schemes with any overseas element, that is to say, schemes established, or relating to employment, or with parties domiciled, resident or carrying on business, in any part of the world outside the United Kingdom, or otherwise not confined in their operation to the United Kingdom.
- (7) Chapter II of Part VII and section 157 do not apply—
- (a) to employment where under his contract of employment the employee ordinarily works outside the territory of the member States, or
 - (b) to employment as master or as a member of the crew of a fishing vessel where the employee is remunerated only by a share in the profits or gross earnings of the vessel,
- and sections 124 and 125 do not apply to employment as a merchant seaman, but [^{F38}section 201 of the Employment Rights Act 1996] (power to extend employment protection legislation) applies to Chapter II of Part VII and section 157 as it does to the provisions of that Act.
- (8) In this section—
- “continental shelf operations” means any activities which, if paragraphs (a) and (d) of [^{F39}subsection (8) of section 11 of the Petroleum Act 1998] (application of civil law to certain off-shore activities) were omitted, would nevertheless fall within subsection (2) of that section; and
 - “employment as a merchant seaman” has the meaning given in [^{F40}section 199(5) of the Employment Rights Act 1996].

Textual Amendments

- F37** Words in s. 165(2)(a) substituted (6.4.1997) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 5 para. 68; S.I. 1997/664, art. 2\(3\), Sch. Pt. 2](#)
- F38** Words in s. 165(7) substituted (22.8.1996) by [Employment Rights Act 1996 \(c. 18\), s. 243, Sch. 1 para. 61\(4\)\(a\)](#) (with ss. 191-201)
- F39** Words in s. 165(8) substituted (15.2.1999) by [Petroleum Act 1998 \(c. 17\), s. 52\(4\), Sch. 4 para. 37](#) (with [Sch. 3 para. 5\(1\)](#)); [S.I. 1999/161, art. 2\(1\)](#)
- F40** Words in s. 165(8) substituted (22.8.1996) by [Employment Rights Act 1996 \(c. 18\), s. 243, Sch. 1 para. 61\(4\)\(b\)](#) (with ss. 191-201)

Status: Point in time view as at 01/12/2000.

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Commencement Information

II Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, art. 2

Reciprocity with other countries

166 Reciprocity with other countries.

- (1) For the purpose of giving effect—
- (a) to any agreement with the government of a country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to the purposes of this Act, or
 - (b) to any such agreement as it would be if it were altered in accordance with proposals to alter it which, in consequence of any change in the law of Great Britain, the government of the United Kingdom has made to the other government in question,
- Her Majesty may by Order in Council make provision for modifying or adapting this Act in its application to cases affected by the agreement or proposed alterations.
- (2) An Order in Council made by virtue of subsection (1) may, instead of or in addition to making specific modifications or adaptations, provide generally that this Act shall be modified to such extent as may be required to give effect to the provisions contained in the agreement or, as the case may be, alterations in question.
- (3) The modifications of this Act which may be made by virtue of subsection (1) include provision—
- (a) for securing that acts, omissions and events having effect for the purposes of the law of the country in respect of which the agreement is made have a corresponding effect for the purposes of this Act (but not so as to confer a right to a double benefit);
 - (b) for determining in cases where rights accrue both under this Act and under the law of that country, which of those rights is to be available to the person concerned; and
 - (c) for making any necessary financial adjustments.
- (4) An Order in Council made by virtue of subsection (1) which modifies or adapts any of the provisions referred to in section 164 may, in particular, provide for the Secretary of State to make payments for any period beginning on or after 6th April 1987 and may make provision with respect to any matters relating to payments so made.
- (5) References in this section to this Act do not include references to ^{F41}... Chapter I of Part IV, Chapter II of Part VII, Part VIII so far as it applies for the purposes of Chapter I of Part IV, sections ^{F42}... 153(2), 157, 158(1) to (5), 161, 162, 163, ^{F41}... and 176^{F41}....

Textual Amendments

F41 Words in s. 166(5) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 69, Sch. 7 Pt. III; S.I. 1997/664, art. 2(3), Sch. Pt. 2

F42 Words in s. 166(5) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 6 para. 11, Sch. 7 Pt. IV; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Status: Point in time view as at 01/12/2000.

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Commencement Information

II Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, art. 2

Application of provisions relating to social security administration

167 Application of general provisions relating to administration of social security.

- (1) The ^{M8}Social Security Administration Act 1992 shall apply as if references to that Act in the provisions mentioned in subsection (2) included references to the provisions referred to in section 164(1)(b) of this Act (in this section referred to as “the relevant provisions”).
- (2) The provisions referred to in subsection (1) are the following provisions of the ^{M8}Social Security Administration Act 1992—
section 116 (legal proceedings)
section 125 (regulations as to notification of deaths)
^{F43} ...
section 180 (payment of travelling expenses by the Secretary of State).
[^{F44}section 180A (payment of travelling expenses by Inland Revenue).]
- ^{F45}(3)
- (4) [^{F46}The references in section 59(2)(a) of the ^{M8} Social Security Administration Act 1992 (procedure regulations) and in section 61(1)(a) of that Act (regulations as to matters arising pending determinations) to Parts II to IV of the ^{M9}Social Security Contributions and Benefits Act 1992 and to Part I of that Act shall be taken respectively to include a reference to section 46 and a reference to sections 41 and 42 of this Act.]
- (5) Section 124 of the ^{M8}Social Security Administration Act 1992 (provisions relating to age, death and marriage) shall apply as if the information mentioned in subsection (1) of that section included information for the purposes of the relevant provisions.
- (6) Section 121 of the ^{M9}Social Security Contributions and Benefits Act 1992 (treatment of certain marriages) shall apply to the relevant provisions.

Textual Amendments

- F43** Words in s. 167(2) repealed (2.12.1999) by Northern Ireland Act 1998 (c. 47), ss. 100(2), 101(3), Sch. 15 (with s. 95); S.I. 1999/3209, art. 2, Sch.
- F44** Words in s. 167(2) inserted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), Sch. 7 para. 18(2); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F45** S. 167(3) repealed (5.7.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), Sch. 7 para. 18(3), Sch. 10 Pt. I; S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)
- F46** S. 167(4) repealed (5.7.1999 for specified purposes) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 130(2), Sch. 8; S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with arts. 3, 5, Sch. 12)

Commencement Information

II Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, art. 2

Status: Point in time view as at 01/12/2000.

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Marginal Citations

M8 1992 c. 5.

M9 1992 c. 4.

General provisions as to offences

168 Breach of regulations.

- [^{F47}(1) Regulations under any provision of this Act (other than Chapter II of Part VII) may make such provision as is referred to in subsection (2) or (4) for the contravention of any provision contained in regulations made or having effect as if made under any provision of this Act.
- (2) The regulations may provide for the contravention to be an offence under this Act and for the recovery on summary conviction of a fine not exceeding level 5 on the standard scale.
- (3) An offence under any provision of the regulations may be charged by reference to any day or longer period of time; and a person may be convicted of a second or subsequent offence under such a provision by reference to any period of time following the preceding conviction of the offence.
- (4) The regulations may provide for a person who has contravened the provision to pay to the Regulatory Authority, within a prescribed period, a penalty not exceeding an amount specified in the regulations; and the regulations must specify different amounts in the case of individuals from those specified in other cases and any amount so specified may not exceed the amount for the time being specified in the case of individuals or, as the case may be, others in section 10(2)(a) of the Pensions Act 1995.
- (5) Regulations made by virtue of subsection (4) do not affect the amount of any penalty recoverable under that subsection by reason of an act or omission occurring before the regulations are made.
- (6) Where—
- (a) apart from this subsection, a penalty under subsection (4) is recoverable from a body corporate or Scottish partnership by reason of any act or omission of the body or partnership as a trustee of a trust scheme, and
 - (b) the act or omission was done with the consent or connivance of, or is attributable to any neglect on the part of, any persons mentioned in subsection (7),
- such a penalty is recoverable from each of those persons who consented to or connived in the act or omission or to whose neglect the act or omission was attributable.
- (7) The persons referred to in subsection (6)(b)—
- (a) in relation to a body corporate, are—
 - (i) any director, manager, secretary, or other similar officer of the body, or a person purporting to act in any such capacity, and
 - (ii) where the affairs of a body corporate are managed by its members, any member in connection with his functions of management, and
 - (b) in relation to a Scottish partnership, are the partners.

Status: Point in time view as at 01/12/2000.

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- (8) Where the Regulatory Authority requires any person to pay a penalty by virtue of subsection (6), they may not also require the body corporate, or Scottish partnership, in question to pay a penalty in respect of the same act or omission.
- (9) A penalty under subsection (4) is recoverable by the Authority and any such penalty recovered by the Authority must be paid to the Secretary of State.
- (10) Where by reason of the contravention of any provision contained in regulations made, or having effect as if made, under this Act—
- (a) a person is convicted of an offence under this Act, or
 - (b) a person pays a penalty under subsection (4),
- then, in respect of that contravention, he shall not, in a case within paragraph (a), be liable to pay such a penalty or, in a case within paragraph (b), be convicted of such an offence.
- (11) In this section “contravention” includes failure to comply, and “Scottish partnership” means a partnership constituted under the law of Scotland.

Textual Amendments

- F47** Ss. 168 168A substituted for s. 168 (6.4.1996 for specified purposes, 1.6.1996 for specified purposes, 6.4.1997 in so far as not already in force) by [Pensions Act 1995 \(c. 26\)](#), **ss. 155(1)**, 180(1); S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**; S.I. 1996/1412, art. 2(2), **Sch. Pt. II**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**

Modifications etc. (not altering text)

- C8** [S. 168](#) applied (with modifications) (11.11.1999 for specified purposes, 1.12.2000 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), **ss. 45(2)**, 89(5)(a); S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. 4**

Commencement Information

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

168A Offence in connection with the Registrar

- (1) Any person who knowingly or recklessly provides the Registrar with information which is false or misleading in a material particular is guilty of an offence if the information—
- (a) is provided in purported compliance with a requirement under section 6, or
 - (b) is provided otherwise than as mentioned in paragraph (a) above but in circumstances in which the person providing the information intends, or could reasonably be expected to know, that it would be used by the Registrar for the purpose of discharging his functions under this Act.
- (2) Any person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to imprisonment or a fine, or both]

Status: Point in time view as at 01/12/2000.

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Textual Amendments

- F47** Ss. 168 168A substituted for s. 168 (6.4.1996 for specified purposes, 1.6.1996 for specified purposes, 6.4.1997 in so far as not already in force) by [Pensions Act 1995 \(c. 26\)](#), [ss. 155\(1\)](#), 180(1); S.I. 1996/778, art. 2(5)(a), [Sch. Pt. V](#); S.I. 1996/1412, art. 2(2), [Sch. Pt. II](#); S.I. 1997/664, art. 2(3), [Sch. Pt. II](#)

169 Offences by bodies corporate.

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Commencement Information

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

General provisions as to determinations and appeals

170 ^[F48] Determination of questions by Secretary of State.^[F48] Decisions and appeals

- ^[F48](1) Section 2 (use of computers) of the Social Security Act 1998 (“the 1998 Act”) applies as if, for the purposes of subsection (1) of that section, this Act were a relevant enactment.
- (2) ^[F53]It shall be for an officer of the Inland Revenue—
 - (a) to make any decision that falls to be made under or by virtue of Part III of this Act, other than a decision which under or by virtue of that Part falls to be made by the Secretary of State;
 - (b) to decide any issue arising in connection with payments under section 7 of the Social Security Act 1986 (occupational pension schemes becoming contracted-out between 1986 and 1993); and
 - (c) to decide any issue arising by virtue of regulations made under paragraph 15 of Schedule 3 to the Social Security (Consequential Provisions) Act 1992 (continuing in force of certain enactments repealed by the Social Security Act 1973).]
- (3) ^[F53]In the following provisions of this section a “relevant decision” means any decision which under subsection (2) falls to be made by an officer of the Inland Revenue, other than a decision under section 53 or 54.]
- (4) ^[F53]Sections 9 and 10 of the 1998 Act (revision of decisions and decisions superseding earlier decisions) apply as if—

Status: Point in time view as at 01/12/2000.

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- (a) any reference in those sections to a decision of the Secretary of State under section 8 of that Act included a reference to a relevant decision; and
 - (b) any other reference in those sections to the Secretary of State were, in relation to a relevant decision, a reference to an officer of the Inland Revenue.
- (5) Regulations may make provision—
- ^{F54}(a) generally with respect to the making of relevant decisions;
 - (b) with respect to the procedure to be adopted on any application made under section 9 or 10 of the 1998 Act by virtue of subsection (4); and
 - (c) generally with respect to such applications, revisions under section 9 and decisions under section 10;
- but may not prevent ^{F55}a revision under section 9 or decision under section 10] being made without such an application.
- (6) Section 12 of the 1998 Act (appeal to appeal tribunal) applies as if, for the purposes of subsection (1)(b) of that section, a relevant decision were a decision of the Secretary of State falling within Schedule 3 to the 1998 Act.
- (7) The following provisions of the 1998 Act (which relate to decisions and appeals)—
- sections 13 to 18,
 - sections 25 and 26,
 - section 28, and
 - Schedules 4 and 5,

shall apply in relation to any appeal under section 12 of the 1998 Act by virtue of subsection (6) above as if any reference to the Secretary of State were a reference to an officer of the Inland Revenue.]]

Textual Amendments

- F48** S. 170 substituted (4.3.1999 for specified purposes, 5.7.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 131](#); S.I. 1999/528, art. 2(a), Sch.; S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with arts. 3, 5, Sch. 12)
- S. 170 (as it has effect without the above substitution) amended (5.12.2005) by [The Civil Partnership \(Contracted-out Occupational and Appropriate Personal Pension Schemes\) \(Surviving Civil Partners\) Order 2005 \(S.I. 2005/2050\), art. 1\(3\), Sch. 1 para. 24](#)
- F49** Words in s. 170(1)(b) substituted (6.4.1997) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 5 para. 70\(a\)\(i\)](#); S.I. 1997/664, art. 2(3), Sch. Pt. 2 (with art. 4(2)(3))
- F50** Word in s. 170(1)(c) omitted (6.4.1997) by virtue of [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 5 para. 70\(a\)\(ii\), Sch. 7 Pt. III](#); S.I. 1997/664, art. 2(3), Sch. Pt. 2 (with art. 4(2)(3))
- F51** S. 170(1)(e) substituted for words (6.4.1997) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 5 para. 70\(a\)\(iii\)](#); S.I. 1997/664, art. 2(3), Sch. Pt. 2 (with art. 4(2)(3))
- F52** S. 170(7)(8) added (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. 70\(c\)](#); S.I. 1996/778, art. 2(5)(a), Sch. Pt. 5; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F53** S. 170(2)-(7) substituted (14.6.1999 for specified purposes, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), ss. 16\(2\), 28\(3\)](#); S.I. 1999/1662, art. 2(a)(b), Sch. Pts. 1, 2 (with art. 4)
- F54** S. 170(5)(a)-(c) substituted for s. 170(5)(a)(b) (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(4\)\(d\), Sch. 11 para. 22\(a\)](#)
- F55** Words in s. 170(5) substituted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(4\)\(d\), Sch. 11 para. 22\(b\)](#)

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Modifications etc. (not altering text)

- C9** S. 170 modified (temp.) (1.4.1999) by [The Social Security Contributions, etc. \(Decisions and Appeals Transitional Modifications\) Regulations 1999 \(S.I. 1999/978\)](#), regs. 1(1), 2(1), **Sch.** (with reg. 2(2))
- C10** S. 170: certain functions transferred (5.7.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), **ss. 16(1)**, 28(3); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)
- C11** S. 170(1) excluded (3.3.1999) by [The Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(Commencement No. 1 and Transitional Provisions\) Order 1999 \(S.I. 1999/527\)](#), **art. 4(6)**

Commencement Information

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

Marginal Citations

- M10** 1992 c. 5.
M11 1975 c. 75.
M12 1986 c. 50.

171 Questions arising in proceedings.

- (1) Where in any proceedings—
- (a) for an offence under this Act; or
 - (b) involving any question as to the payment of a [^{F56}contributions equivalent premium];
- [^{F57}any relevant decision as defined by section 170(3) is made by the Inland Revenue, the decision] shall be conclusive for the purpose of the proceedings.
- [^{F58}(2) If—
- (a) any such decision is necessary for the determination of the proceedings, and
 - (b) the decision of the Inland Revenue has not been obtained or an application with respect to the decision has been made under section 9 or 10 of the Social Security Act 1998,
- the decision shall be referred to the Inland Revenue to be made in accordance (subject to any necessary modifications) with Chapter II of Part I of that Act.
- (3) Subsection (1) does not apply where, in relation to the decision—
- (a) an appeal has been brought but not determined,
 - (b) an application for leave to appeal has been made but not determined,
 - (c) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired, or
 - (d) an application has been made under section 9 or 10 of that Act.
- (4) In a case falling within subsection (3) the court shall adjourn the proceedings until such time as the final decision is known and that decision shall be conclusive for the purposes of the proceedings.]

Textual Amendments

- F56** Words in s. 171(1)(b) substituted (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), **Sch. 5 para. 71**; S.I. 1997/664, art. 2(3), Sch. Pt. 2 (with art. 4(2)(3))

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- F57** Words in s. 171(1) substituted (5.7.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 7 para. 19(2)**; S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)
- F58** S. 171(2)(3)(4) substituted for s. 171(2)(3) (5.7.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 7 para. 19(3)**; S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

Commencement Information

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

^{F59}171A Reports by Inland Revenue.

- (1) The Inland Revenue shall prepare, either annually or at such times or intervals as may be prescribed, a report on the standards achieved by their officers in the making of decisions against which, by virtue of section 170(6), an appeal lies to an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998.
- (2) Any report under this section—
- (a) may be included in any annual report by the Inland Revenue of which a copy is laid before each House of Parliament, or
 - (b) may be annexed to any report of the Secretary of State under section 81 of the Social Security Act 1998.
- (3) A copy of every report under this section shall be laid before each House of Parliament, unless the report is included in, or annexed to, a report of which a copy is so laid.]

Textual Amendments

- F59** S. 171A inserted (5.7.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 7 para. 20**; S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

^{F60}172 Review of the Board's determinations.

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Extent Information

- E1** S. 172 extends to U.K. except s. 172(1)(2)(3) which extend only to G.B. see s. 192(2)

Textual Amendments

- F60** S. 172 repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 72, **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Commencement Information

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

^{F61}173 References and appeals from the Board.

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Textual Amendments

F61 S. 173 repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), [Sch. 5 para. 72](#), [Sch. 7 Pt. III](#); [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](#)

Financial provisions

174 Grants by the Board to advisory bodies etc.

- (1) The [^{F62}Regulatory Authority] may make grants on such terms and conditions as they think fit to any person or body of persons providing advice or assistance, or carrying out other prescribed functions, in connection with occupational or personal pensions.
- (2) The Secretary of State may pay the [^{F62}Regulatory Authority] such sums as he may think fit towards any expenditure of theirs in making grants under this section.

Textual Amendments

F62 Words in [s. 174](#) substituted (1.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), [Sch. 5 para. 73](#); [S.I. 1997/664](#), art. 2(2), [Sch. Pt. 1](#)

Commencement Information

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

175 [^{F63}Levies towards certain expenditure]

- [^{F63}(1) For the purpose of meeting expenditure—
- (a) under section 6,
 - (b) under Part X and section 174, or
 - (c) of the Regulatory Authority (including the establishment of the authority and, if the authority are appointed as Registrar under section 6 of this Act, their expenditure as Registrar),
- regulations may make provision for imposing levies in respect of prescribed occupational or prescribed personal pension schemes.
- (2) Any levy imposed under subsection (1) is payable to the Secretary of State by or on behalf of—
 - (a) the administrators of any prescribed public service pension scheme,
 - (b) the trustees or managers of any other prescribed occupational or prescribed personal pension scheme, or
 - (c) any other prescribed person,
 at prescribed rates and at prescribed times.
 - (3) Regulations made by virtue of subsection (1)—
 - (a) in determining the amount of any levy in respect of the Regulatory Authority, must take account (among other things) of any amounts paid to the Secretary

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- of State under section 168(4) of this Act or section 10 of the Pensions Act 1995, and
- (b) in determining the amount of expenditure in respect of which any levy is to be imposed, may take one year with another and, accordingly, may have regard to expenditure estimated to be incurred in current or future periods and to actual expenditure incurred in previous periods (including periods ending before the coming into force of this subsection).
- (4) Regulations may make provision for imposing a levy in respect of prescribed occupational pension schemes for the purpose of meeting expenditure of the Pensions Compensation Board (including the establishment of the Board).
- (5) Any levy imposed under subsection (4) is payable to the Board by or on behalf of—
- (a) the trustees of any prescribed occupational pension scheme, or
- (b) any other prescribed person,
- at prescribed times and at a rate, not exceeding the prescribed rate, determined by the Board.
- (6) In determining the amount of expenditure in respect of which any levy under subsection (4) is to be imposed, the Board, and regulations made by virtue of subsection (5), may take one year with another and, accordingly, may have regard to expenditure estimated to be incurred in current or future periods and to actual expenditure incurred in previous periods (including periods ending before the coming into force of this subsection).
- (7) Notice of the rates determined by the Board under subsection (5) must be given to prescribed persons in the prescribed manner.
- (8) An amount payable by a person on account of a levy imposed under this section shall be a debt due from him to the appropriate person, that is—
- (a) if the levy is imposed under subsection (1), the Secretary of State, and
- (b) if the levy is imposed under subsection (4), the Board,
- and an amount so payable shall be recoverable by the appropriate person accordingly or, if the appropriate person so determines, be recoverable by the Registrar on behalf of the appropriate person.
- (9) Without prejudice to the generality of subsections (1) and (4), regulations under this section may include provision relating to—
- (a) the collection and recovery of amounts payable by way of levy under this section, or
- (b) the circumstances in which any such amount may be waived.]

Textual Amendments

F63 S. 175 substituted (16.10.1996 for specified purposes, 1.4.1997 in so far as not already in force) by [Pensions Act 1995 \(c. 26\)](#), ss. **165**, 180(1); S.I. 1996/2637, art. 3(c); S.I. 1997/664, art. 2(2), Sch. Pt. 1

Modifications etc. (not altering text)

C12 S. 175(4)-(9) applied (with modifications) (11.11.1999 for specified purposes, 1.10.2000 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(5)(a), Sch. 1 para. 1(1)(2)(a); S.I. 2000/1047, art. 2(2)(c), Sch. Pt. 3

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Commencement Information

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

176 Fees for official services to schemes.

Where at the request of the trustees or managers of an occupational pension scheme or a personal pension scheme or of any employer of earners who are members of such a scheme, official services are provided in connection with the operation or administration of the scheme [^{F64}by the Secretary of State], the Secretary of State may require the payment of fees for the provision of those services.

Textual Amendments

F64 Words in s. 176 substituted (6.4.1997) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 5 para. 74; 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](#)

177 General financial arrangements.

- (1) Subject to the following provisions of this section, all expenses incurred by the Secretary of State [^{F65}or the Inland Revenue] under this Act shall be paid out of money provided by Parliament except so far as they may be required by any enactment to be paid or borne in some other way.
- (2) There shall be paid out of the National Insurance Fund—
 - [^{F66}(za) payments by the Inland Revenue under [^{F67}section 41(1D) or section 42A(2C) or (3)];]
 - (a) minimum contributions paid by the [^{F68}Inland Revenue] under section 43;
 - (b) payments by [^{F69}the Secretary of State] under section 124.
- (3) Subject to subsection (4), there shall be paid out of the National Insurance Fund into the Consolidated Fund—
 - (a) sums equal to the amount of any expenses incurred by the Secretary of State (or by persons acting on his behalf) in exercising his functions under Chapter II of Part VII and section 157;
 - (b) such sums as the Secretary of State may estimate to be the amount of the administrative expenses of the Secretary of State or any government department in carrying into effect the remaining provisions of this Act, other than—
 - (i) ^{F70}... Chapter I of Part IV and Part VIII so far as it applies for the purposes of that Chapter, sections ^{F71}... 153(2), 158(1) to (5), 162, 163, ^{F70}...and 176^{F70} ...;
 - (ii) sections 7, 9, 26 to 34, 38 and 50 (so far as they relate to personal pension schemes), section 54, ^{F72}... section 111 (and Part VIII and section 153 so far as they have effect for the purposes of section 111), sections 117, 154 and 155 and section 159 (so far as it relates to protected rights payments) and sections 160 and 166.

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- [^{F73}(c) such sums as the Inland Revenue may estimate to be the amount of their administrative expenses in exercising their functions under Part III.]
- (4) The sums payable under subsection (3)(b)—
- (a) shall be estimated in accordance with any directions given by the Treasury and (except in the case of functions relating to minimum contributions) shall exclude such categories of expenses as the Treasury may direct, or any enactment may require, to be so excluded; and
 - (b) shall be payable at such times and in such manner as the Treasury may direct.
- (5) There shall be paid into the Consolidated Fund—
- (a) subject to subsection (6), so far as it relates to payments out of money provided by Parliament, any sum recovered by the Secretary of State [^{F74}or the Inland Revenue] under or by virtue of the provisions within subsection (3)(b)(ii); and
 - (b) all fees paid to the Registrar.
- (6) So far as any such sum relates to a payment out of the National Insurance Fund, it shall be paid into that Fund.
- (7) There shall also be paid into the National Insurance Fund—
- (a) sums recovered under section [^{F75}41(1E), 42A(2D) or (5) or] 43(5) or (6);
 - ^{F76}(b)
 - (c) any sum recovered by the Secretary of State in exercising any right or pursuing any remedy which is his by virtue of section 127; and
 - (d) any sums received by [^{F77}the Inland Revenue] by way of such payments as are mentioned in paragraph 5(4) of Schedule 2.

Textual Amendments

- F65** Words in s. 177(1) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 61\(2\)](#); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F66** S. 177(2)(za) inserted (25.2.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), ss. 20\(1\)\(a\), 28\(2\)\(d\)](#)
- F67** Words in s. 177(2)(za) substituted (22.12.1999 for specified purposes, 6.4.2000 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(3\)\(a\), Sch. 9 para. 8\(2\)](#); S.I. 1999/3420, art. 2
- F68** Words in s. 177(2)(a) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 61\(3\)\(a\)](#); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F69** Words in s. 177(2)(b) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 61\(3\)\(b\)](#); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F70** Words in s. 177(3)(b)(i) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 5 para. 75\(a\)\(i\), Sch. 7 Pt. III](#); S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F71** Words in s. 177(3)(b)(i) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 6 para. 12, Sch. 7 Pt. IV](#); S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F72** Words in s. 177(3)(b)(ii) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 5 para. 75\(a\)\(ii\), Sch. 7 Pt. III](#); S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F73** S. 177(3)(c) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 61\(4\)](#); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

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- F74** Words in s. 177(5)(a) inserted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 61\(5\)](#); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F75** Words in s. 177(7)(a) substituted (22.12.1999 for specified purposes, 6.4.2000 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(3\)\(a\), Sch. 9 para. 8\(3\)](#); S.I. 1999/3420, art. 2
- F76** S. 177(7)(b) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\), s. 180\(1\), Sch. 5 para. 75\(b\), Sch. 7 Pt. III](#); S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F77** Words in s. 177(7)(d) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(2\)\(a\), Sch. 1 para. 61\(6\)](#); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

Commencement Information

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

Status:

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