



Pension Schemes Act 1993

1993 CHAPTER 48

PART XII

SUPPLEMENTARY PROVISIONS

Interpretation

178 Trustees and managers of schemes.

The Secretary of State may by regulations provide—

- (a) who is to be treated as a manager of an occupational pension scheme for any of the purposes of the provisions of this Act (except Chapter II of Part VII or section 157), the Social Security Acts 1975 to 1991, or Part VI of the ^{M1}Social Security Administration Act 1992 ^{F1F2}... [^{F3}, section 25D of the Matrimonial Causes Act 1973, section 12A of the Family Law (Scotland) Act 1985 [^{F4} or Part III or IV of the Welfare Reform and Pensions Act 1999][^{F4}, Part III or IV of the Welfare Reform and Pensions Act 1999 or Part II of Schedule 5 to the Child Support, Pensions and Social Security Act 2000].; ^{F5}...
- (b) who is to be treated as a trustee of a scheme for the purposes of ^{F6}... Chapter I of Part IV, Part VIII so far as it applies for the purposes of Chapter I of Part IV, [^{F7}Chapter I of Part IVA,] sections ^{F8}... 153(2), 158(1) to (5), 162, 163, ^{F6}...and 176 ^{F6}... [^{F9} or sections 22 [^{F10} to 26] of the Pensions Act 1995].

Textual Amendments

- F1** Words in s. 178(a) repealed (1.12.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 12 para. 40\(2\)\(a\), Sch. 13 Pt. III](#); S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4
- F2** Words in s. 178(a) repealed (1.3.2002 for specified purposes, 1.4.2002 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), Sch. 9 Pt. III\(2\)](#) (with s. 83(6)); S.I. 2002/437, art. 3(1)(H)(2)
- F3** Words in s. 178(a) inserted (1.12.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 12 para. 40\(2\)\(b\)](#); S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4

Status: Point in time view as at 01/11/2007.

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- F4** Words in s. 178(a) substituted (12.2.2001 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(b)(2), **Sch. 5 para. 17(9)** (with s. 83(6)); S.I. 2000/3166, art. 2(5) (as amended (28.3.2001) by S.I. 2001/1252, art. 3)
- F5** Word in s. 178(a) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 43, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F6** Words in s. 178(b) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 76, **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F7** Words in s. 178(b) inserted (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 12 para. 40(3)**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4
- F8** Words in s. 178(b) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 6 para. 13, **Sch. 7 Pt. IV**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F9** Words in s. 178(b) inserted (1.3.2002 for specified purposes, 1.4.2002 in so far as not already in force) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 47(5)**, 86(1)(b)(2) (with s. 83(6)); S.I. 2002/437, art. 3(1)(a)(2)
- F10** Words in s. 178(b) substituted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 29**; S.I. 2006/560, art. 2(3), Sch. Pt. 3

Commencement Information

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

Marginal Citations

- M1** 1992 c. 5.

179 Linked qualifying service.

- (1) Subject to subsections (2) to (4), for the purposes of this Act any period of an earner's service in an employment is linked qualifying service in relation to a later period of service (whether in the same or another employment) if—
- (a) under [^{F11}Chapter 4 or 5 of Part 4 or under the rules of a scheme] applying to him in the earlier period of service—
- ^{F12}(i) there was made a transfer of his rights (including any transfer credits allowed) under that scheme, or a transfer payment in respect of those rights, to, or to the trustees or managers of, another scheme applying to him in the later period of service;
- (ii) those rights were secured by a policy of insurance or an annuity contract and were subsequently transferred to another scheme applying to him in the later period of service; [^{F13}or]
- ^{F14}(iii) a cash equivalent (within the meaning of Chapter 4 of Part 4) or cash transfer sum (within the meaning of Chapter 5 of that Part) was paid in respect of him to the trustees or managers of another scheme applying to him in the later period of service; and]
- (b) in consequence of the transfer of his accrued rights to the second scheme, [^{F15}or the payment to the trustees or managers of that scheme,] there are (or were) allowed to him transfer credits under the rules of that other scheme.
- (2) For any service to be taken into account as linked qualifying service, it must be actual service and no regard shall be had to any scheme rule which provides for service to be treated for any purposes of benefit or otherwise as longer or shorter than it actually was.

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- (3) Only so much of the earlier period as is a period of service in respect of which there accrued under the first scheme any of the rights transferred to the second scheme shall be linked qualifying service in relation to the later period of service.
- (4) For the purposes of Chapter I of Part IV, as respects any case where the rules of the scheme provide—
- (a) that an earner is not entitled to become a member unless he satisfies specified conditions, but
 - (b) that, if he becomes a member, rights are to accrue to him in respect of periods of service before he satisfied any such conditions,
- regulations may provide for any such periods to be treated, in such cases and to such extent as may be prescribed, as linked qualifying service with later periods of service.

Textual Amendments

- F11** Words in s. 179(1)(a) substituted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 30(2)(a)**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6
- F12** S. 179(1)(a)(i) substituted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 30(2)(b)**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6
- F13** Word in s. 179(1)(a) substituted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 30(2)(c)**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6
- F14** S. 179(1)(a)(iii) inserted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 30(2)(d)**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6
- F15** Words in s. 179(1)(b) inserted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 30(3)**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6

Modifications etc. (not altering text)

- C1** S. 179 modified (27.4.2005) by The Occupational and Personal Pension Schemes (Pension Liberation) Regulations 2005 (S.I. 2005/992), regs. 1(1), **2(8)(9)**

Commencement Information

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

180 Normal pension age.

- (1) In this Act “normal pension age”, in relation to a scheme and a member’s pensionable service under it, means—
- (a) in a case where the scheme provides for the member only a guaranteed minimum pension, the earliest age at which the member is entitled to receive the guaranteed minimum pension on retirement from any employment to which the scheme applies; and
 - (b) in any other case, the earliest age at which the member is entitled to receive benefits (other than a guaranteed minimum pension) on his retirement from such employment.
- (2) For the purposes of subsection (1) any scheme rule making special provision as to early retirement on grounds of ill-health or otherwise is to be disregarded.

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Commencement Information

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

[^{F16}180A Insurer and long-term insurance business

- (1) In this Act “insurer” means—
- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, or
 - (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance.
- (2) In this Act “long term insurance business” means business which consists of the effecting or carrying out of contracts of long-term insurance.
- (3) This section must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.]

Textual Amendments

F16 [S. 180A](#) inserted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments and Repeals\) Order 2001 \(S.I. 2001/3649\)](#), arts. 1, **126**

181 General interpretation.

- (1) In this Act, unless the context otherwise requires—
- [^{F17}“abolition date” means the day appointed for the commencement of section 15(1) of the Pensions Act 2007;]
- ^{F18}
- “age”, in relation to any person, shall be construed so that—
- (a) he is over or under a particular age if he has or, as the case may be, has not attained that age;
 - (b) he is between two particular ages if he has attained the first but not the second;
- [^{F19}“appropriate scheme certificate” and references to an appropriate scheme shall be construed in accordance with section 7;][^{F19}“appropriate scheme” and “appropriate scheme certificate” are to be construed in accordance with section 181A;]
- ^{F18}
- “Category A retirement pension” and “Category B retirement pension” mean the retirement pensions of those descriptions payable under Part II of the ^{M2}Social Security Contributions and Benefits Act 1992;
- [^{F20}“civil recovery order” means an order under section 266 of the Proceeds of Crime Act 2002 or an order under section 276 imposing the requirement mentioned in section 277(3).]

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“contract of service” has the same meaning as in section 122(1) of the Social Security Contributions and Benefits Act 1992;

“contracted-out employment” shall be construed in accordance with section 8;

F18

“contracting-out certificate” and references to a contracted-out scheme and to contracting-out shall be construed in accordance with section 7 [F21] and section 181A];

“contributions equivalent premium” has the meaning given in [F22]section 55(2) ;

“earner” and “earnings” shall be construed in accordance with sections 3, 4 and 112 of the Social Security Contributions and Benefits Act 1992;

“earnings factors” shall be construed in accordance with sections 22 and 23 of the Social Security Contributions and Benefits Act 1992;

[F23]“employed earner” and “self-employed earner” have the meanings given by section 2 of the Social Security Contributions and Benefits Act 1992;]

“employee” means a person gainfully employed in Great Britain either under a contract of service or in an office (including an elective office) with [F24]general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)];

“employer” means—

- (a) in the case of an employed earner employed under a contract of service, his employer;
- (b) in the case of an employed earner employed in an office with emoluments—
 - (i) such person as may be prescribed in relation to that office; or
 - (ii) if no person is prescribed, the government department, public authority or body of persons responsible for paying the emoluments of the office;

“employment” includes any trade, business, profession, office or vocation and “employed” shall be construed accordingly except in the expression “employed earner”;

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[F26]“Financial Services Compensation Scheme” means the Financial Services Compensation Scheme referred to in section 213(2) of the Financial Services and Markets Act 2000.]

[F27]“the flat rate introduction year” has the meaning given by section 122 of the Social Security Contributions and Benefits Act 1992;]

“guaranteed minimum pension” has the meaning given in section 8(2);

[F17]“HMRC” means the Commissioners for Her Majesty's Revenue and Customs;]

“independent trade union” has the same meaning as in the ^{M3}Trade Union and Labour Relations (Consolidation) Act 1992;

“industrial tribunal” means a tribunal established or having effect as if established under [F28]section 1(1) of the Industrial Tribunals Act 1996];

“the Inland Revenue” means the Commissioners of Inland Revenue;

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“linked qualifying service” has the meaning given in section 179;

“long-term benefit” has the meaning given in section 20(2) of the ^{M4}Social Security Contributions and Benefits Act 1992;

“lower earnings limit” and “upper earnings limit” shall be construed in accordance with section 5 of the Social Security Contributions and Benefits Act 1992 and “current”, in relation to those limits, means for the time being in force;

“minimum contributions” shall be construed in accordance with sections 43 to 45;

“minimum payment” has the meaning given in section 8(2);

“modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly;

“money purchase benefits”, in relation to a member of a personal or occupational pension scheme or the [^{F30}widow, widower or surviving civil partner] of a member of such a scheme, means benefits the rate or amount of which is calculated by reference to a payment or payments made by the member or by any other person in respect of the member and [^{F31}which fall within section 181B];

[^{F32}“money purchase contracted-out scheme” has the meaning given in section 8(1)(a)(ii);][^{F32}“money purchase contracted-out scheme” is to be construed in accordance with section 181A;]

“money purchase scheme” means a pension scheme under which all the benefits that may be provided are money purchase benefits;

“normal pension age” has the meaning given in section 180;

“occupational pension scheme” has the meaning given in section 1;

[^{F33}“overseas arrangement” means a scheme or arrangement which—

- (a) has effect, or is capable of having effect, so as to provide benefits on termination of employment or on death or retirement to or in respect of earners;
- (b) is administered wholly or primarily outside Great Britain;
- (c) is not an appropriate scheme; and
- (d) is not an occupational pension scheme;]

[^{F34}“pension credit” means a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 or under corresponding Northern Ireland legislation;]

[^{F35}“pensionable age”—

- (a) so far as any provisions (other than sections 46 to 48) relate to guaranteed minimum pensions, means the age of 65 in the case of a man and the age of 60 in the case of a woman, and
- (b) in any other case, has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995]

“pensionable service” has the meaning given in section 70(2);

[^{F36}“pension debit” means a debit under section 29(1)(a) of the Welfare Reform and Pensions Act 1999;]

F18

F18

“personal pension scheme” has the meaning given in section 1;

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“prescribe” means prescribe by regulations and “prescribed” shall be construed accordingly;

F37

“the preservation requirements” has the meaning given in section 69(2);
“primary Class 1 contributions” and “secondary Class 1 contributions” have the same meanings as in the Social Security Contributions and Benefits Act 1992;

“protected rights” has the meaning given in section 10;

“public service pension scheme” has the meaning given in section 1;

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“regulations” means regulations made by the Secretary of State under this Act;

[^{F39}“the Regulatory Authority” means the Pensions Regulator;]

“resources”, in relation to an occupational pension scheme, means the funds out of which the benefits provided by the scheme are payable from time to time, including the proceeds of any policy of insurance taken out, or annuity contract entered into, for the purposes of the scheme;

“rights”, in relation to accrued rights (within the meaning of section 73, 136 or 179) or transfer credits, includes rights to benefit and also options to have benefits paid in a particular form or at a particular time;

[^{F40}“safeguarded rights” has the meaning given in section 68A;]

F41

“short service benefit” has the meaning given in section 71(2);

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F42

“tax week” means one of the successive periods in a tax year beginning with the first day of that year and every seventh day thereafter, the last day of a tax year (or, in a leap year, the last two days) being treated accordingly as a separate tax week;

“tax year” means the 12 months beginning with 6th April in any year;

“trade or business”, in relation to a public or local authority, includes the exercise and performance of the powers and duties of the authority;

“transfer credits” means rights allowed to an earner under the rules of an occupational pension scheme by reference to [^{F43}—

(a) a transfer to the scheme of, or transfer payment to the trustees or managers of the scheme in respect of, any of his rights (including transfer credits allowed) under another occupational pension scheme or a personal pension scheme, other than rights attributable (directly or indirectly) to a pension credit, or

(b) a cash transfer sum paid under Chapter 5 of Part 4 in respect of him, to the trustees or managers of the scheme;]

F18

[^{F27}“the upper accrual point” has the meaning given by section 122 of the Social Security Contributions and Benefits Act 1992;]

F44

“week” means a period of seven days beginning with Sunday;

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- [^{F45}“working life”, in relation to a person, means the period beginning with the tax year in which the person attains the age of 16 and ending with—
- (a) the tax year before the one in which the person attains the age of 65 in the case of a man or 60 in the case of a woman, or
 - (b) if earlier, the tax year before the one in which the person dies.]
- (2) References to employers in the provisions of this Act (other than sections 123 to 127, 157, [^{F46}and 160] (“the excluded provisions”)) are to be treated, in relation to persons within the application of an occupational pension scheme and qualifying or prospectively qualifying for its benefits, as including references to persons who in relation to them and their employment are treated by regulations as being employers for the purposes of those provisions.
- (3) Subject to any such regulations, references to an employer in any of the provisions of this Act (other than the excluded provisions or ^{F47}... Chapter I of Part IV, Part VIII so far as it applies for the purposes of Chapter I of Part IV, sections ^{F48}... 153(2), 158(1) to (5), 162, 163, ^{F49}... and 176^{F49}...) shall, in relation to an earner employed in an office with emoluments, be construed as references to—
- (a) such person as may be prescribed in relation to that office; or
 - (b) if no person is prescribed, the government department, public authority or body of persons responsible for paying the emoluments of that office.
- (4) Regulations may for any purpose of any provision of this Act (other than the excluded provisions or section ^{F50}... 27, 28, 29, 31, 32, 43, 44, 111, 160, 164, 165 or 169) prescribe the persons who are to be regarded as members or prospective members of an occupational pension scheme and as to the times at which and the circumstances in which a person is to be treated as becoming, or as ceasing to be, a member or prospective member.
- (5) In sections 165 and 166—
- (a) references to the United Kingdom include references to the territorial waters of the United Kingdom; and
 - (b) references to Great Britain include references to the territorial waters of the United Kingdom adjacent to Great Britain.
- (6) Any reference in section 185 or 186 to an order or regulations under this Act includes a reference to an order or regulations made under any provision of an enactment passed after this Act and directed to be construed as one with it; but this subsection applies only so far as a contrary intention is not expressed in the enactment so passed, and shall be without prejudice to the generality of any such direction.
- (7) In the application of section 158 ^{F51}... to Northern Ireland any reference to a government department is to be taken to be, or to include (as the context may require), a Northern Ireland department.

Textual Amendments

- F17** Words in s. 181(1) inserted (26.9.2007 for specified purposes) by [Pensions Act 2007 \(c. 22\)](#), ss. 15(4), 30(2)(b)(3), [Sch. 4 para. 34\(2\)\(a\)](#) (with [Sch. 4 Pt. 3](#))
- F18** Words in s. 181(1) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), [Sch. 5 para. 77\(a\)\(i\)](#), [Sch. 7 Pt. III](#); [S.I. 1997/664](#), art. 2(3), [Sch. Pt. 2](#)
- F19** Words in s. 181(1) substituted (26.9.2007 for specified purposes) by [Pensions Act 2007 \(c. 22\)](#), ss. 15(4), 30(2)(b)(3), [Sch. 4 para. 34\(2\)\(b\)](#) (with [Sch. 4 Pt. 3](#))

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- F20** Words in s. 181(1) inserted (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 22(6)**; S.I. 2003/120, art. 2, Sch. (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- F21** Words in s. 181(1) inserted (26.9.2007 for specified purposes) by Pensions Act 2007 (c. 22), ss. 15(4), 30(2)(b)(3), **Sch. 4 para. 34(2)(c)** (with Sch. 4 Pt. 3)
- F22** Words in s. 181(1) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 77(a)(ii)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F23** Words in s. 181(1) substituted (11.11.1999 for specified purposes, 25.4.2000 in so far as not already in force) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(5)(a), **Sch. 2 para. 3(1)**; S.I. 2000/1047, art. 2(2)(b), Sch. Pt. 2
- F24** Words in s. 181(1) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 723, **Sch. 6 para. 222** (with Sch. 7)
- F25** Words in s. 181(1) repealed (1.1.1996) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 44(a)(i), **Sch. 7 Pt. I**; S.I. 1995/3104, art. 2(3)
- F26** Words in s. 181(1) inserted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **127(a)**
- F27** Words in s. 181(1) inserted (26.9.2007) by Pensions Act 2007 (c. 22), s. 30(3), **Sch. 1 para. 38**
- F28** Words in s. 181(1) substituted (22.8.1996) by Employment Tribunals Act 1996 (c. 17), s. 46, **Sch. 1 para. 11** (with s. 38)
- F29** Words in s. 181(1) repealed (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **127(b)**
- F30** Words in s. 181(1) 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. 18**
- F31** Words in s. 181(1) substituted (retrospective to 1.1.1997) by Pensions Act 2011 (c. 19), s. **29(1)(7)**, 38(4); S.I. 2014/1683, art. 2
- F32** Words in s. 181(1) substituted (26.9.2007 for specified purposes) by Pensions Act 2007 (c. 22), ss. 15(4), 30(2)(b)(3), **Sch. 4 para. 34(2)(d)** (with Sch. 4 Pt. 3)
- F33** Words in s. 181(1) inserted (1.1.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(b)(2), **Sch. 5 para. 2(3)** (with s. 83(6)); S.I. 2000/3166, art. 2(3)(b)(ii)
- F34** Words in s. 181(1) inserted (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 12 para. 41(a)**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4
- F35** Words in s. 181(1) substituted (19.7.1995) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 17**
- F36** Words in s. 181(1) inserted (11.11.1999 for specified purposes) by Welfare Reform and Pensions Act 1999 (c. 30), ss. **32(5)**, 89(5)(a); S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4
- F37** Words in s. 181(1) repealed (6.4.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(3)(c), **Sch. 13 Pt. VI**; S.I. 1999/3420, art. 4(e)
- F38** Words in s. 181(1) repealed (6.4.2005) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 13** (with s. 313); S.I. 2005/695, art. 2(7), **Sch. 1**
- F39** Words in s. 181(1) substituted (6.4.2005) by Pensions Act 2004 (c. 35), ss. **7(2)(a)**, 322(1) (with s. 313); S.I. 2005/275, art. 2(7), Sch. Pt. 7
- F40** Words in s. 181(1) inserted (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 12 para. 41(b)**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4
- F41** Words in s. 181(1) repealed (11.11.1999 for specified purposes, 25.4.2000 in so far as not already in force) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(5)(a), Sch. 2 para. 3(2)(c), **Sch. 13 Pt. I**; S.I. 2000/1047, art. 2(2)(b), Sch. Pt. 2
- F42** Words in s. 181(1) omitted (6.4.2006) by virtue of The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **7(7)**
- F43** Words in s. 181(1) substituted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 31**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6
- F44** Words in s. 181(1) repealed (6.4.2006) by Pensions Act 2004 (c. 35), ss. 267(3), 322(1), **Sch. 13** (with s. 313); S.I. 2006/560, art. 2(3), **Sch. Pt. 3**
- F45** Words in s. 181(1) substituted (6.4.2005) by Pensions Act 2004 (c. 35), ss. **282**, 322(1) (with s. 313); S.I. 2005/275, art. 2(7), Sch. Pt. 7

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Changes to legislation: Pension Schemes Act 1993, Part XII is up to date with all changes known to be in force on or before 05 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)

- F46** Words in s. 181(2) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 3 para. 44(b)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F47** Words in s. 181(3) repealed (6.4.2005) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 13** (with s. 313); S.I. 2005/695, art. 2(7), Sch. 1
- F48** Words in s. 181(3) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 6 para. 14, **Sch. 7 Pt. IV**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F49** Words in s. 181(3) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 77(b), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F50** Words in s. 181(4) repealed (6.4.2005) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 13** (with s. 313); S.I. 2005/695, art. 2(7), Sch. 1
- F51** Words in s. 181(7) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 77(c), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Modifications etc. (not altering text)

- C2** S. 181(1) modified (27.4.2005) by The Occupational and Personal Pension Schemes (Pension Liberation) Regulations 2005 (S.I. 2005/992), regs. 1(1), **2(5)(7)**
- C3** S. 181(1) modified (temp.) (27.4.2005) by The Occupational and Personal Pension Schemes (Pension Liberation) Regulations 2005 (S.I. 2005/992), regs. 1(1), **2(4)(6)**

Commencement Information

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

Marginal Citations

- M2** 1992 c. 4.
- M3** 1992 c. 52.
- M4** 1992 c. 4.

[^{F52}181A Interpretation of references to money purchase contracted-out schemes or appropriate schemes after abolition date

- (1) This section applies for the interpretation of this Act on and after the abolition date.
- (2) An occupational pension scheme was a money purchase contracted-out scheme at a time before the abolition date if, at that time, the scheme was contracted-out by virtue of satisfying section 9(3) (as it then had effect).
- (3) A money purchase contracted-out scheme was, at a time before the abolition date, a contracted-out scheme in relation to an earner's employment if it was, at that time, specified in a contracting-out certificate in relation to that employment; and references to the contracting-out of a scheme are, in relation to a money purchase contracted-out scheme, references to its inclusion in such a certificate.
- (4) Any reference to a contracting-out certificate is, in relation to a money purchase contracted-out scheme, a reference to a certificate issued by virtue of section 7, as it had effect before the abolition date, in relation to the employment of an earner in employed earner's employment which was contracted-out by reference to that scheme.
- (5) Any certificate so issued that was, at a time before the abolition date, in force in respect of an employed earner's employment is to be taken as conclusive that the employment was, at that time, contracted-out employment.
- (6) A personal pension scheme was an appropriate scheme at a time before the abolition date if, at that time, there was in force a certificate issued under section 7(1)(b) (as it

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then had effect) stating that the scheme was an appropriate scheme; and “appropriate scheme certificate” means such a certificate.

- (7) Any appropriate scheme certificate in force in relation to a scheme at any time before the abolition date is to be taken as conclusive that the scheme was, at that time, an appropriate scheme.]

Textual Amendments

F52 S. 181A inserted (26.9.2007 for specified purposes) by Pensions Act 2007 (c. 22), ss. 15(4), 30(2)(b)(3), Sch. 4 para. 35 (with Sch. 4 Pt. 3)

[^{F53}181B Money purchase benefits: supplementary

- (1) This section applies for the purposes of the definition of “money purchase benefits” in section 181(1).
- (2) A benefit other than a pension in payment falls within this section if its rate or amount is calculated solely by reference to assets which (because of the nature of the calculation) must necessarily suffice for the purposes of its provision to or in respect of the member.
- (3) A benefit which is a pension in payment falls within this section if—
- its provision to or in respect of the member is secured by an annuity contract or insurance policy made or taken out with an insurer, and
 - at all times before coming into payment the pension was a benefit falling within this section by virtue of subsection (2).
- (4) For the purposes of subsection (2) it is immaterial if the calculation of the rate or amount of the benefit includes deductions for administrative expenses or commission.
- (5) In this section references to a pension do not include income withdrawal or dependants' income withdrawal (within the meaning of paragraphs 7 and 21 of Schedule 28 to the Finance Act 2004).]

Textual Amendments

F53 S. 181B inserted (retrospective to 1.1.1997) by Pensions Act 2011 (c. 19), s. 29(2)(7), 38(4); S.I. 2014/1683, art. 2

Subordinate legislation etc.

182 Orders and regulations (general provisions).

- (1) Any power under this Act to make regulations or orders (except a power of ^{F54}... the court to make orders) and the powers to make rules under sections 149(2) and 152(1) shall be exercisable by statutory instrument.
- (2) Except in so far as this Act otherwise provides, any power conferred by it to make an Order in Council, regulations or an order (except an order under section 153(8)) may be exercised—

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- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition,

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and any power to make an Order in Council, regulations or an order for the purposes of any one provision of this Act shall be without prejudice to any power to make an Order in Council, regulations or an order for the purposes of any other provision.
- (3) Any power conferred by it to make an Order in Council, regulations or an order shall include power to make such incidental, supplementary, consequential or transitional provision as appears to Her Majesty or the authority making the regulations or order to be expedient for the purposes of the Order in Council, regulations or order.
- (4) Any power conferred by this Act to make an order shall include power to vary or revoke any such order by a subsequent order.
- (5) Any power conferred on the Secretary of State by any provision of this Act to make any regulations or order (except an order under section 153(8)), where the power is not expressed to be exercisable with the consent of the Treasury, shall if the Treasury so direct be exercisable only in conjunction with them.

Textual Amendments

F54 Words in s. 182(1) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 78, **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Modifications etc. (not altering text)

C4 S. 182(2)-(5) applied (12.2.2001 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(b)(2), **Sch. 5 para. 17(8)** (with s. 83(6)); S.I. 2000/3166, art. 2(5) (as amended (28.3.2001) by S.I. 2001/1252, art. 3)

Commencement Information

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

183 Sub-delegation.

- (1) Without prejudice to any specific provisions in this Act, a power conferred by this Act to make an Order in Council, regulations or an order (other than regulations and orders made under ^{F55}... Chapter I of Part IV, Part VIII so far as it applies for the purposes of

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Chapter I of Part IV, sections ^{F56}... 153(2), 158(1) to (5), 162, 163, ^{F55}... and 176^{F55}... includes power to provide for a person to exercise a discretion in dealing with any matter.

^{F57}(2)

(3) Regulations under section 27(3), 63(2), [^{F58}, 97(1) [^{F59}, 101AF(1)] and 101I] may provide that the values there mentioned shall be calculated and verified^{F60} ...—

- (a) in such manner as may, in the particular case, be approved—
 - (i) by a prescribed person;
 - (ii) by a person with prescribed professional qualifications or experience;
or
 - (iii) by a person approved by the Secretary of State; or
- (b) in accordance with guidance prepared [^{F61}and from time to time revised] by a prescribed body.

^{F62} ...
^{F62}
^{F62}

Textual Amendments

- F55** Words in s. 183(1) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 79, **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F56** Words in s. 183(1) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 6 para. 15(a), **Sch. 7 Pt. IV**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F57** S. 183(2) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 79, **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F58** Words in s. 183(3) substituted (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 12 para. 42**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. 4
- F59** Word in s. 183(3) inserted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 32**; S.I. 2005/3331, art. 2(6), Sch. Pt. 6
- F60** Words in s. 183(3) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 45(b), **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F61** Words in s. 183(3)(b) inserted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 6 para. 15(b)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F62** Words in s. 183(3) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 45(c), **Sch. 7 Pt. I**; 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**

184 Consultation with Social Security Advisory Committee about regulations under s. 36(6).

- (1) Subject to section 173 of the ^{M5}Social Security Administration Act 1992 (cases where consultation not required), where the Secretary of State proposes to make regulations under section 36(6), he shall refer the proposals, in the form of draft regulations or otherwise, to the Social Security Advisory Committee (“the Committee”).
- (2) The Committee shall consider any proposals referred to it by the Secretary of State under subsection (1) and shall make to the Secretary of State a report containing such

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recommendations with respect to the subject-matter of the proposals as the Committee thinks appropriate.

- (3) If after receiving a report of the Committee the Secretary of State lays before Parliament regulations which comprise the whole or part of the subject-matter of the proposals referred to the Committee, he shall lay with the regulations a copy of the Committee’s report and a statement showing—
 - (a) the extent (if any) to which he has in framing the regulations given effect to the Committee’s recommendations; and
 - (b) in so far as effect has not been given to them, his reasons why not.

<p>Commencement Information</p> <p>II Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, art. 2</p> <hr/> <p>Marginal Citations</p> <p>M5 1992 c. 5.</p>

185 Consultations about other regulations.

- (1) ^{F63}Subject to subsection (2), before the Secretary of State makes”, and for the words from “refer the proposals” to the end there is substituted “consult such persons as he may consider appropriate] any regulations for the purposes of Parts I to VI, Chapter ^{F64}... III of Part VII, Part VIII, IX or X or section 153, 154, 155, 156, 160, 162, 163, 174 or 175 of this Act he shall refer the proposals, in the form of draft regulations or otherwise, to the Board.
- (2) Subsection (1) does not apply to—
 - (a) regulations prescribing actuarial tables; or
 - (b) regulations made for the purpose only of consolidating other regulations revoked by them; or
 - (c) regulations under section 36(6).
 - ^{F65}(d) regulations in the case of which the Secretary of State considers consultation inexpedient because of urgency, or
 - (e) regulations which—
 - (i) state that they are consequential upon a specified enactment, and
 - (ii) are made before the end of the period of six months beginning with the coming into force of that enactment,]

^{F66}(3)

^{F66}(4)

- (5) In relation to any regulations required or authorised under this Act to be made by the Secretary of State in conjunction with the Treasury, any reference in ^{F67}subsection (1)] to the Secretary of State shall be construed as a reference to him and the Treasury acting jointly.

^{F68}(6)

- (7) The power of the Secretary of State to make regulations under section 162 of this Act shall be exercisable only after consultation with the ^{F69}Financial Services Authority

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or, if the matter concerns section 464 of the Income and Corporation Taxes Act 1988, the Commissioners of the Inland Revenue].

- (8) The power of the Secretary of State to make regulations under [F70 section 170(5)] shall be exercisable only after consultation with the [F71 Administrative Justice and Tribunals Council].
- (9) Before making any regulations under paragraph 7 of Schedule 2 the Secretary of State shall consult with such bodies concerned with employments of the class in question as appear to him fairly to represent the interests of the employers and earners in those employments.

Textual Amendments

- F63** Words in s. 185(1) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 80(a)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F64** Words in s. 185(1) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 46, **Sch. 7 Pt. I**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F65** S. 185(2)(d)(e) added (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 80(b)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F66** S. 185(3)(4) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 80(c), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F67** Words in s. 185(5) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 80(d)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F68** S. 185(6) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 80(e), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F69** Words in s. 185(7) substituted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **128**
- F70** Words in s. 185(8) substituted (11.11.1999) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(4) (d), **Sch. 11 para. 23**
- F71** Words in s. 185(8) substituted (1.11.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 8 para. 32**; S.I. 2007/2709, art. 3(b)(i)

Commencement Information

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

186 Parliamentary control of orders and regulations.

- (1) Subject to subsections (2) and (3), a statutory instrument which contains (whether alone or with other provisions) any regulations or order made under this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1) shall not apply to any order which under any provision of this Act is required to be laid before Parliament after being made or is subject to a requirement that a draft of the instrument shall be laid before and approved by a resolution of each House of Parliament or to any order made under section 193 or paragraph 1 of Schedule 9.
- (3) Subject to subsection (4), a statutory instrument which contains (whether alone or with other provisions)—
- regulations made by virtue of section 49, or
 - an order under section 153(8), or

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- (c) regulations made by virtue of subsection (1)(a) of section 165 applying such provisions as mentioned in subsection (2)(b) of that section, [^{F72}or
 - (d) regulations made by virtue of section 168(2)]
- shall not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4) Subsection (3) does not apply to such regulations as mentioned in paragraph (a) or (c) of that subsection if—
- (a) they are made for the purpose only of consolidating regulations which they revoke, or
 - (b) so far as they are made under powers conferred by the provisions mentioned in that paragraph, they only replace provisions of previous regulations with new provisions to the same effect.
- (5) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of section 184(3)^{F73}... shall be deemed to be satisfied as respects either House of Parliament if a copy of the report and the statement in question are laid before that House not later than the second day on which the House sits after the laying of the regulations.

Textual Amendments

F72 S. 186(3)(d) and preceding word inserted (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(2)**, 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**

F73 Words in s. 186(5) repealed (6.4.1997) by *Pensions Act 1995 (c. 26)*, s. 180(1), Sch. 5 para. 81, **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

^{F74}187 Northern Ireland Constitution Act 1973: “reserved matters”.

Textual Amendments

F74 S. 187 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.

Commencement Information

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

Supplemental provisions

188 Repeals.

- (1) The enactments specified in Parts I, II and III of Schedule 5 are repealed to the extent specified in the third column.

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- (2) The subordinate legislation specified in Part IV of that Schedule is revoked to the extent specified in the third column.
- (3) The repeals and revocations have effect subject to any relevant savings in Schedule 6.

Commencement Information

- I2** S. 188(1) in force at 7.2.1994 for specified purposes by S.I. 1994/86, art. 2
I3 S. 188(2)(3) in force at 7.2.1994 by S.I. 1994/86, art. 2

189 Transitional provisions and savings.

- (1) Schedule 6 (which makes transitional provision and contains savings in connection with the repeals and revocations made by this Act) shall have effect.
- (2) Nothing in that Schedule affects the general operation of section 16 of the ^{M6}Interpretation Act 1978 (general savings implied on repeal).

Commencement Information

- I4** S. 189 in force at 7.2.1994 by S.I. 1994/86, art. 2

Marginal Citations

- M6** 1978 c.30.

190 Prospective and consequential amendments.

Schedule 7 (which re-enacts or makes consequential amendments of provisions which make prospective amendments of enactments including those repealed by this Act, so that the re-enacted or amended provisions prospectively amend this Act and other enactments) and Schedule 8 (which makes other consequential amendments) shall have effect, subject to any relevant transitional provisions in Schedule 6.

Commencement Information

- I5** S. 190 in force at 7.2.1994 for specified purposes by S.I. 1994/86, art. 2

191 Transitory modifications.

Schedule 9 (which makes transitory modifications of this Act pending the commencement of the provisions there mentioned) shall have effect.

192 Extent.

- (1) Where any enactment repealed or amended by this Act extends to any part of the United Kingdom, the repeal or amendment extends to that part, except that the repeals in Part III of Schedule 5 do not extend to Northern Ireland.
- (2) The following provisions of this Act extend to Northern Ireland—

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[^{F75}section 1],

^{F76}
...

[^{F77}section 145 (except subsections (4A) to (4C)] and (5)(b)),

[^{F78}section 145A (except subsection (6)(b)),]

section 154 (as it has effect for the purposes of provisions extending to Northern Ireland),

^{F79}
...

section 179,

sections 181 to 183 (as they have effect for those purposes),

sections 185 and 186 (as they have effect for those purposes),

section 187,

sections 188 to 191 (as they have effect for those purposes, but subject to subsection (1)),

this section,

section 193,

paragraph 17 of Schedule 6.

(3) Except as provided by subsection (2), this Act does not extend to Northern Ireland.

Textual Amendments

- F75** Words in s. 192(2) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 82**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F76** Words in s. 192(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
- F77** Words in s. 192(2) substituted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 33(a)**; S.I. 2006/560, art. 2(3), Sch. Pt. 3
- F78** Words in s. 192(2) inserted (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), **Sch. 12 para. 33(b)**; S.I. 2006/560, art. 2(3), Sch. Pt. 3
- F79** Words in s. 192(2) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 82, **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), Sch. Pt. 2

193 Short title and commencement.

- (1) This Act may be cited as the Pension Schemes Act 1993.
- (2) Subject to the provisions of Schedule 9, this Act shall come into force on such day as the Secretary of State may by order appoint.
- (3) As respects the coming into force of—
- (a) Part II of Schedule 5 and section 188(1) so far as it relates to it; or
 - (b) Schedule 7 and section 190 so far as it relates to it,

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an order under subsection (2) may appoint different days from the day appointed for the other provisions of this Act or different days for different purposes.

Status:

Point in time view as at 01/11/2007.

Changes to legislation:

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