



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 [^{F1}or of sections 22 to 26 of the Pensions Act 1995]; ^{F2}...
- (b) who is to be treated as a trustee of a scheme for the purposes of ^{F3}... Chapter I of Part IV, Part VIII so far as it applies for the purposes of Chapter I of Part IV, sections ^{F4}... 153(2), 158(1) to (5), 162, 163, ^{F3}...and 176^{F3}....

Textual Amendments

- F1** Words in s. 178(a) inserted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 3 para. 43**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F2** Word in s. 178(a) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 3 para. 43, **Sch. 7 Pt.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
- F3** Words in s. 178(b) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 5 para. 76, **Sch. 7 Pt.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
- F4** Words in s. 178(b) repealed (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), Sch. 6 para. 13, **Sch. 7 Pt.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

Commencement Information

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

Status: Point in time view as at 11/11/1999.

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

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 the rules of a scheme applying to him in the earlier period of service—
 - (i) there was made a transfer of his accrued rights under that scheme (including any transfer credits allowed under the scheme) to another scheme applying to him in the later period of service; or
 - (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; and
 - (b) in consequence of the transfer of his accrued rights to the second 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.
- (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.

Commencement Information

II 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

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(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.

Commencement Information

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

181 General interpretation.

^{F5}(1) In this Act, unless the context otherwise requires—

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...

“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;

“appropriate scheme certificate” and references to an appropriate scheme shall be construed in accordance with section 7;

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“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;

“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;

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...

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

“contributions equivalent premium” has the meaning given in [^{F7}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;

[^{F8}“employed earner” has the same meaning as in section 2 of the Social Security Contributions and Benefits Act 1992;][^{F8}“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 emoluments chargeable to income tax under Schedule E;

“employer” means—

- (a) in the case of an employed earner employed under a contract of service, his employer;

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- (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”;
- ^{F9} ...
- “guaranteed minimum pension” has the meaning given in section 8(2);
- “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 [^{F10}section 1(1) of the Industrial Tribunals Act 1996];
- “the Inland Revenue” means the Commissioners of Inland Revenue;
- “insurance company” has the meaning given in section 96(1) of the ^{M4}Insurance Companies Act 1982;
- ^{F6} ...
- “linked qualifying service” has the meaning given in section 179;
- “long-term benefit” has the meaning given in section 20(2) of the ^{M5}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 widow or widower 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 [^{F11}which fall within section 181B];
- “money purchase contracted-out scheme” has the meaning given in section 8(1)(a)(ii);
- “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;
- [^{F12}“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);

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[^{F13}“pension debit” means a debit under section 29(1)(a) of the Welfare Reform and Pensions Act 1999;]

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...

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

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

“the prescribed equivalent” means the equivalent prescribed under sections 6(1) and 8(3) of the Social Security Contributions and Benefits Act 1992;

“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;

“the register” has the meaning given in section 6;

“the Registrar” has the meaning given in section 6;

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

[^{F14}“the Regulatory Authority” means the Occupational Pensions Regulatory Authority;]

“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;

[^{F15}“self-employed pension arrangement” means an approved personal pension scheme within the meaning of Chapter IV of Part XIV of the ^{M6}Income and Corporation Taxes Act 1988, being neither—

(a) a contract or scheme approved under Chapter III of that Part, nor

(b) a personal pension scheme within the meaning of this Act;]

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

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“tax-exemption” and “tax-approval” mean respectively exemption from tax and approval of the Inland Revenue, in either case under any such provision of the Income Tax Acts as may be prescribed;

“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 a transfer to that scheme of his

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accrued rights from another scheme (including any transfer credits allowed by that scheme);

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“voluntary contributions requirements” has the meaning given in section 111(2);

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

“working life” has the meaning given in paragraph 5(8) of Schedule 3 to the ^{M7}Social Security Contributions and Benefits Act 1992.

- (2) References to employers in the provisions of this Act (other than sections 123 to 127, 157, [^{F16}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 [^{F17}section] 6, Chapter I of Part IV, Part VIII so far as it applies for the purposes of Chapter I of Part IV, sections ^{F18}... 153(2), 158(1) to (5), 162, 163, ^{F19}... and 176^{F19}...) 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 6, 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 ^{F20}... 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

- F5** Words in s. 181(1) inserted (16.10.1996 for specified purposes, 6.4.1997 in so far as not already in force) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), [Sch. 3 para. 44\(a\)\(ii\)](#); [S.I. 1996/2637](#), art. 3(d); [S.I. 1997/664](#), art. 2(3), Sch. Pt. 2

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- F6** 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
- F7** 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
- F8** 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
- F9** 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)
- F10** 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)
- F11** 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
- F12** Words in s. 181(1) substituted (19.7.1995) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 17**
- F13** 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
- F14** Words in s. 181(1) inserted (6.4.1997) by Pensions Act 1995 (c. 26), **Sch. 3 para. 44(a)(ii)**; S.I. 1997/664, art. 2, **Sch. Pt. II**
- F15** 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
- F16** 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
- F17** Word in s. 181(3) substituted (6.4.1997) by Pensions Act 1995 (c. 26), s. 180(1), **Sch. 5 para. 77(b)**; S.I. 1997/664, art. 2(3), Sch. Pt. 2
- F18** 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
- F19** 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
- F20** 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

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 1982 c. 50.
M5 1992 c. 4.
M6 1988 c. 1.
M7 1992 c. 4.

[^{F21}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.

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- (3) A benefit which is a pension in payment falls within this section if—
- (a) 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
 - (b) 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

F21 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](#)

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