



# Pension Schemes Act 1993

## 1993 CHAPTER 48

### PART XII

#### SUPPLEMENTARY PROVISIONS

##### *Interpretation*

#### **181 General interpretation.**

- (1) In this Act, unless the context otherwise requires—
- “accrued rights premium” has the meaning given in section 55(6)(a);
  - “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;
  - “the Board” means the Occupational Pensions Board;
  - “Category A retirement pension” and “Category B retirement pension” mean the retirement pensions of those descriptions payable under Part II of the <sup>M1</sup>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;
  - “contracted-out protected rights premium” has the meaning given in section 55(6)(c);
  - “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 section 55(6)(e);

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“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;

“employed earner” has the same meaning as in 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;
- (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”;

[<sup>F1</sup>“equal access requirements” has the meaning given in section 118(1);]

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

“independent trade union” has the same meaning as in the <sup>M2</sup>Trade Union and Labour Relations (Consolidation) Act 1992;

“industrial tribunal” means a tribunal established or having effect as if established under section 128 of the <sup>M3</sup>Employment Protection (Consolidation) Act 1978;

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

“insurance company” has the meaning given in section 96(1) of the <sup>M4</sup>Insurance Companies Act 1982;

“limited revaluation premium” has the meaning given in section 55(6)(g);

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

“long-term benefit” has the meaning given in section 20(2) of the <sup>M5</sup>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 which are not average salary benefits;

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“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;

“pensionable age” has the same meaning as in section 122 of the Social Security Contributions and Benefits Act 1992;

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

“pensioner’s rights premium” has the meaning given in section 55(6)(b);

“personal pension protected rights premium” has the meaning given in section 55(6)(d);

“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;

“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;

“self-employed pension arrangement” means an approved personal pension scheme within the meaning of Chapter IV of Part XIV of the <sup>M6</sup>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);

“state scheme premium” means a state scheme premium under Chapter III of Part III or under any corresponding provision in force in Northern Ireland;

“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

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

“transfer premium” has the meaning given in section 55(6)(f);

“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 <sup>M7</sup>Social Security Contributions and Benefits Act 1992.

- (2) References to employers in the provisions of this Act (other than sections 123 to 127, 157, 160 and section 137 so far as it relates to the voluntary contributions requirements (“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 sections 2 to 6, Chapter I of Part IV, Part VIII so far as it applies for the purposes of Chapter I of Part IV, sections 136 to 138, 139(2) and (3), 140, 141, 142(1) to (4), 143, 153(2), 158(1) to (5), 162, 163, 172, 173 and 176 and Schedule 1) 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.

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- (7) In the application of section 158 and Schedule 1 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.

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**Textual Amendments**

- F1** Definition in s. 181(1) repealed (*prosp.*) by 1993 c. 48, ss. 188, 190, 193(2), **Sch. 5Pt. II**, Sch. 7 para. 3(i).

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**Commencement Information**

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

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**Marginal Citations**

- M1** 1992 c. 4.  
**M2** 1992 c. 52.  
**M3** 1978 c. 44.  
**M4** 1982 c. 50.  
**M5** 1992 c. 4.  
**M6** 1988 c. 1.  
**M7** 1992 c. 4.

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