



Pension Schemes Act 1993

1993 CHAPTER 48

PART III

CERTIFICATION OF PENSION SCHEMES AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS AND DUTIES

CHAPTER I

CERTIFICATION

Cancellation, variation, surrender and refusal of certificates

34 Cancellation, variation, surrender and refusal of certificates.

(1) Regulations shall provide for the cancellation, variation or surrender of any contracting-out certificate or appropriate scheme certificate, or the issue of an amended certificate—

(a) ^{F1}...

^{F1}in the case of a contracting-out certificate—

(i) on any change of circumstances affecting the treatment of an employment as contracted-out employment, or

(ii) where the scheme is a salary related contracted-out scheme and the certificate was issued on or after the principal appointed day, if any employer of persons in the description or category of employment to which the scheme in question relates, or the actuary of the scheme, fails to provide the [^{F2}Secretary of State][^{F2}Inland Revenue], at prescribed intervals, with such documents as may be prescribed for the purpose of verifying that the conditions of section 9(2B) are satisfied]

(b) in the case of an appropriate scheme certificate, on any relevant change of circumstances.

Status: Point in time view as at 25/02/1999. This version of this provision has been superseded.

Changes to legislation: Pension Schemes Act 1993, Section 34 is up to date with all changes known to be in force on or before 30 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)

- (2) Regulations may enable the ^{F3}... [^{F2}Secretary of State][^{F2}Inland Revenue] to cancel or vary a contracting-out certificate where—
 - (a) ^{F3} ... [^{F4}he has][^{F4}they have] reason to suppose that any employment to which it relates ought not to be treated as contracted-out employment in accordance with the certificate; and
 - (b) the employer does not show that it ought to be so treated.
- (3) Where—
 - (a) by or by virtue of any provision of this Part the contracting-out of a scheme in relation to an employment depends on the satisfaction of a particular condition, or
 - (b) by or by virtue of any provision of sections 26 to 32 a scheme’s being an appropriate scheme depends on the satisfaction of a particular condition,
 the continued contracting-out of the scheme or, as the case may be, the scheme’s continuing to be an appropriate scheme shall be dependent on continued satisfaction of the condition; and if the condition ceases to be satisfied, that shall be a ground (without prejudice to any other) for the cancellation or variation of the contracting-out or appropriate scheme certificate.
- (4) A contracting-out certificate in respect of any employment may be withheld or cancelled by the [^{F2}Secretary of State][^{F2}Inland Revenue] if [^{F5}he considers][^{F5}they consider] that there are circumstances which make it inexpedient that the employment should be or, as the case may be, continue to be, contracted-out employment by reference to the scheme, notwithstanding that the relevant scheme is one that [^{F5}he][^{F5}they] would otherwise treat as proper to be contracted-out in relation to all earners in that employment.
- (5) An appropriate scheme certificate may be withheld or cancelled by the [^{F2}Secretary of State][^{F2}Inland Revenue] if [^{F6}he considers][^{F6}they consider] that there are circumstances which make it inexpedient that the scheme should be or continue to be an appropriate scheme, notwithstanding that [^{F6}he][^{F6}they] would otherwise issue such a certificate or not cancel such a certificate.

^{F7}(6)

(7) ^{F8} ...

^{F8}

^{F8}

^{F8}Without prejudice to the previous provisions of this section, failure of a scheme to comply with any requirements prescribed by virtue of section 25(2) shall be a ground on which the [^{F2}Secretary of State][^{F2}Inland Revenue] may, in respect of any employment to which the scheme relates, cancel a contracting-out certificate]

- (8) Except in prescribed circumstances, no cancellation, variation or surrender of a contracting-out certificate or appropriate scheme certificate shall have effect from a date earlier than that on which the cancellation, variation or surrender is made.

Textual Amendments

F1 S. 34(1)(a) 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. 37\(a\); S.I. 1996/778, art. 2\(5\)\(a\), Sch. Pt. 5; S.I. 1997/664, art. 2\(3\), Sch. Pt. 2](#)

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- F2** Words in s. 34 substituted (25.2.1999 for specified purposes) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 45(2)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F3** Words in s. 34(2)(a) 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
- F4** Words in s. 34(2)(a) substituted (25.2.1999 for specified purposes) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 45(3)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F5** Words in s. 34(4) substituted (25.2.1999 for specified purposes) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 45(4)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F6** Words in s. 34(5) substituted (25.2.1999 for specified purposes) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 45(4)**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F7** S. 34(6) 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. 37(b), **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
- F8** S. 34(7) 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. 37(c)**; S.I. 1996/778, art. 2(5)(a), Sch. Pt. 5; S.I. 1997/664, art. 2(3), Sch. Pt. 2

Modifications etc. (not altering text)

- C1** Pt. III applied (with modifications) (6.4.1997) by The Occupational Pension Schemes (Mixed Benefit Contracted-out Schemes) Regulations 1996 (S.I. 1996/1977), regs. 1(1), **2(4)(a)-(f)**
- C2** Pt. III applied (with modifications) (6.4.1997) by The Contracting-out (Transfer and Transfer Payment) Regulations 1996 (S.I. 1996/1462), regs. 1(1), 12, 13, **Sch. 2** (with reg. 14, Sch. 4)
- C3** Pt. III: power to modify conferred (1.6.1996 for specified purposes, 6.4.1997 in so far as not already in force) by Pensions Act 1995 (c. 26), **ss. 149(1)**, 180(1); S.I. 1996/778, **art. 2(6)**; S.I. 1997/664, art. 2(3), **Sch. Pt. 2**
- C4** S. 34(1)(a) extended (6.4.1997) by Occupational Pension Schemes (Contracting-out) Regulations 1996 (S.I. 1996/1172), regs. 1(1), **12(3)**, 13(2), 14
- C5** S. 34(2) extended (6.4.1997) by Occupational Pension Schemes (Contracting-out) Regulations 1996 (S.I. 1996/1172), regs. 1(1), **12(3)**, 13(2), 14
- C6** S. 34(8) extended (6.4.1997) by Occupational Pension Schemes (Contracting-out) Regulations 1996 (S.I. 1996/1172), regs. 1(1), **12(3)**, 13(2), 14

Commencement Information

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

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