



# Pension Schemes Act 1993

## 1993 CHAPTER 48

### PART III

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

### CHAPTER III

#### TERMINATION OF CONTRACTED-OUT OR APPROPRIATE SCHEME STATUS: STATE SCHEME PREMIUMS

#### *Supervision of formerly certified schemes*

### 53 **Supervision: former contracted-out schemes.**

[<sup>F1</sup>(1) The [<sup>F2</sup>Inland Revenue] may direct the trustees or managers of the scheme, or the employer, to take or refrain from taking such steps as the [<sup>F2</sup>Inland Revenue] may specify in writing; and such a direction shall be final and binding on the person directed and any person claiming under him.

(1A) An appeal on a point of law shall lie to the High Court or, in Scotland, the Court of Session from a direction under subsection (1) at the instance of the trustees or managers or the employer, or any person claiming under them.

(1B) A direction under subsection (1) shall be enforceable—

- (a) in England and Wales, in a county court as if it were an order of that court, and
- (b) in Scotland, by the sheriff, as if it were an order of the sheriff and whether or not the sheriff could himself have given such an order]

[<sup>F3</sup>(1C) But where a direction under subsection (1) conflicts with a freezing order made by the Regulatory Authority under section 23 of the Pensions Act 2004 in relation to the scheme then, during the period for which the freezing order has effect, the direction to the extent that it conflicts with the freezing order—

*Status: Point in time view as at 06/04/2012. This version of this provision has been superseded.*

*Changes to legislation: Pension Schemes Act 1993, Section 53 is up to date with all changes known to be in force on or before 19 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) is not binding as described in subsection (1), and
- (b) is not enforceable as described in subsection (1B).]

<sup>F4</sup>(2) . . . . .

[<sup>F5</sup>(3) If a certificate has been issued under subsection (2) of section 50 and has not been cancelled under subsection (3) of that section, any liabilities in respect of such entitlement or rights as are referred to in section 52(2A)(a) <sup>F6</sup>... must, except in prescribed circumstances, be discharged (subject to any directions under subsection (1)) in a prescribed manner and within a prescribed period or such longer period as the [<sup>F2</sup>Inland Revenue] may allow].

<sup>F7</sup>(4) . . . . .

<sup>F7</sup>(5) . . . . .

#### **Textual Amendments**

- F1** S. 53(1)-(1B) substituted for s. 53(1) (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), **Sch. 5 para. 48(a)**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- F2** Words in s. 53 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. 52**; S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F3** S. 53(1C) inserted (6.4.2006) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), **Sch. 12 para. 10**; S.I. 2006/560, art. 2(3), Sch. Pt. 3
- F4** S. 53(2) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 5 para. 48(b), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- F5** S. 53(3) 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. 48(c)**; S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- F6** Words in s. 53(3) omitted (6.4.2012) by virtue of [The Pensions Act 2008 \(Abolition of Protected Rights\) \(Consequential Amendments\) \(No.2\) Order 2011 \(S.I. 2011/1730\)](#), arts. 1(2)(b), **5(12)**
- F7** S. 53(4)(5) repealed (6.4.1997) by [Pensions Act 1995 \(c. 26\)](#), s. 180(1), Sch. 5 para. 48(d), **Sch. 7 Pt. III**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**

#### **Modifications etc. (not altering text)**

- C1** S. 53 modified (6.4.2009) by [The Occupational Pension Schemes \(Contracting-out\) Regulations 1996 \(S.I. 1996/1172\)](#), **reg. 76A(3)** (as substituted by S.I. 2009/598, arts. 1, **3(7)**)

#### **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 06/04/2012. This version of this provision has been superseded.

**Changes to legislation:**

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