



Pension Schemes Act 1993

1993 CHAPTER 48

PART IV

PROTECTION FOR EARLY LEAVERS

CHAPTER I

RESERVATION OF BENEFIT UNDER OCCUPATIONAL SCHEMES

78 Forfeiture, etc

- (1) Except so far as permitted by this section, a scheme must not contain any provision for forfeiture of short service benefit.
- (2) Provision may be made for forfeiture of the whole or part of any short service benefit by reference to an event occurring after it becomes payable if—
 - (a) long service benefit is also forfeited by reference to the event; and
 - (b) in the opinion of the Board the provision does not appear to discriminate against members entitled to short service benefit.
- (3) Provision may be made for forfeiture by reference to—
 - (a) the assignment or attempted assignment or, in Scotland, the assignation or attempted assignation of the benefit contrary to the provisions of the scheme;
 - (b) the member's bankruptcy or the sequestration of the member's estate or, in the case of benefit for a widow or widower or dependant of the member, the beneficiary's bankruptcy or the sequestration of the beneficiary's estate.
- (4) Such forfeiture as mentioned in subsection (3) may be by reference to an event occurring either before or after the benefit would otherwise be payable, if the same provision is made in relation to long service benefit.
- (5) Provision for forfeiture may be made—
 - (a) in a public service pension scheme, by reference to the member being convicted of an offence—

Status: This is the original version (as it was originally enacted).

- (i) committed by him before the benefit becomes payable and in connection with relevant employment, and
 - (ii) certified by a Minister of the Crown either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service;
 - (b) in any case, by reference to the member having been convicted of any offence committed before the benefit becomes payable, being—
 - (i) an offence of treason, or
 - (ii) one or more offences under the Official Secrets Acts 1911 to 1989 for which the member has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.
- (6) No scheme rule must operate so as to deprive any person of short service benefit by reference to—
- (a) failure by any person to make a claim for the benefit or for any payment due as benefit; or
 - (b) failure by any person, at any time after termination of pensionable service, to give any notice, or comply with any formality, required by the scheme as a condition of entitlement.
- (7) Subsection (6)(a) is not to prevent reliance on any enactment relating to the limitation of actions; and a scheme may provide for the right to receive any payment to be forfeited if it is not claimed within 6 years of the date on which it becomes due.