

Status: Point in time view as at 26/06/2001.

Changes to legislation: Child Support, Pensions and Social Security Act 2000, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 15 June 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)

SCHEDULES

SCHEDULE 5

PENSIONS: MISCELLANEOUS AMENDMENTS AND ALTERNATIVE TO ANTI-FRANKING RULES

PART II

ALTERNATIVE TO ANTI-FRANKING RULES

Supplemental

- 17 (1) In this Part of this Schedule references to rights accruing to a member of a scheme before 6th April 1997 include references—
- (a) in relation to salary-related benefits, to rights accruing at any time in respect of service before that date; and
 - (b) in relation to benefits of any description, to rights that derive from any transfer of accrued rights or transfer payment and represent rights accruing under any other scheme before that date;
- and a reference in this Part of this Schedule to rights accruing on or after that date shall be construed accordingly.
- (2) For the purposes of this Part of this Schedule rights to money purchase benefits that are attributable to payments in respect of employment are rights accruing before 6th April 1997 in so far only as that employment was employment carried on before that date; and a reference in this Part of this Schedule to rights accruing on or after that date shall be construed accordingly.
- (3) In this Part of this Schedule—
- “the 1993 Act” means the ^{M1}Pension Schemes Act 1993;
 - “the 1995 Act” means the ^{M2}Pensions Act 1995; and
 - “salary-related benefits” means benefits that are not money purchase benefits.
- (4) Expressions defined for the purposes of the 1993 Act have the same meanings in this Part of this Schedule as they have in that Act.
- (5) Any power of the Secretary of State to make regulations under this Part of this Schedule shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The Secretary of State may by order make such modifications of paragraphs 14 to 16 as he considers appropriate.
- (7) An order under sub-paragraph (6) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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- (8) Subsections (2) to (5) of section 182 of the 1993 Act (supplemental provision in connection with powers to make subordinate legislation under that Act) shall apply—
- (a) to any power of the Secretary of State to make regulations under this Part of this Schedule, and
 - (b) to the power of the Secretary of State to make an order under subparagraph (6),
- as they apply to his powers to make regulations and orders under that Act.
- (9) In section 178(a) of the 1993 Act (regulations providing for who is to be treated as a manager of a scheme), for the words from “or Part III” to “1999” there shall be substituted “, Part III or IV of the Welfare Reform and Pensions Act 1999 or Part II of Schedule 5 to the Child Support, Pensions and Social Security Act 2000”.

Commencement Information

- II** Sch. 5 Pt. II partly in force at 12.2.2001; Sch. 5 Pt II not in force at Royal Assent see s. 86(2); Sch. 5 Pt. II in force for certain purposes at 12.2.2001 by S.I. 2000/3166, art. 2(5) (as amended by S.I. 2001/252, art. 3); Sch. 5 Pt. II in force insofar as not already in force at 6.4.2002 by S.I. 2001/2295, art. 2(b) (which was omitted by virtue of S.I. 2002/473, art. 2)

Marginal Citations

- M1** 1993 c. 48.
M2 1995 c. 26.

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