
STATUTORY INSTRUMENTS

1993 No. 3253

**The Parliamentary Pensions (Consolidation
and Amendment) Regulations 1993**

PART C

Membership

Membership for Members of the House of Commons

C1. Any person serving as a Member of the House of Commons shall be a participating Member in the principal scheme except the following—

- (a) any person who holds or who has held the office of Prime Minister and First Lord of the Treasury who has not exercised an option under regulation C2; and
- (b) the Speaker of the House of Commons if he has not exercised an option under regulation C2; and
- (c) any Member of that House who has exercised an option under regulation C4 not to be a participant in the principal scheme.

Membership for Prime Ministers and Speakers

C2.—(1) Any person who on or after 28th February 1991 holds or has held the office of—

- (a) Prime Minister and First Lord of the Treasury; or
- (b) the Speaker of the House of Commons

may exercise an option in writing to become a participating Member in the principal scheme.

(2) Subject to paragraphs (3) and (4) below, the effective date of the option is whatever date the Trustees shall determine to be the earliest practicable date after that on which they receive written notice of the exercise of the option.

(3) If in respect of a person entitled to exercise an option under paragraph (1) above the Trustees receive the written notice not more than three months after the date of the appointment or election of that person to that office, the effective date of the option is the date of that appointment or election; and he shall pay to the Trustees within twenty-eight days of his exercise of the option, or within such longer period as the Trustees may in their discretion determine, the sum certified by the Trustees as being the amount which would have been deducted from his salary under regulation D1 between the effective date of the option and the first date thereafter when a deduction from his salary under regulation D1 is made.

(4) If in respect of the person who on 28th February 1991 held the office of Prime Minister and First Lord of the Treasury, the Trustees receive the written notice not more than three months after the date when these Regulations come into force, the effective date of the option is 1st April 1993; and he shall pay to the Trustees within twenty-eight days of his exercise of the option, or within such longer period as the Trustees may in their discretion determine, the sum certified by the Trustees as being the amount which would have been deducted from his salary under the principal

scheme between 1st April 1993 and the first date thereafter when a deduction from his salary under regulation D1 is made.

Membership for Office Holders

C3.—(1) An office holder who—

- (a) has not at any time held the office of Prime Minister and First Lord of the Treasury; and
- (b) has not exercised an option under regulation C5; and
- (c) is either
 - (i) a participating Member; or
 - (ii) not a Member of the House of Commons

shall be a participating office holder in the principal scheme in respect of any period of tenure of a qualifying office.

(2) In these Regulations “period of tenure of a qualifying office” means any continuous period beginning on or after 1st April 1972 for which a person is—

- (a) the holder of one and the same qualifying office, or
- (b) the holder successively of two or more qualifying offices in respect of which the same salary is payable.

(3) In these Regulations “qualifying office” means any of the following offices—

- (a) the offices specified in Parts I to IV of Schedule 1 to the Ministerial and other Salaries Act 1975 (1), except the office of Prime Minister and First Lord of the Treasury;
- (b) the offices specified in Part I of Schedule 2 to that Act; and
- (c) the offices of Chairman of Ways and Means, Deputy Chairman of Ways and Means, Chairman of Committees of the House of Lords and Deputy Chairman of Committees of the House of Lords

and “office holder” means the holder of a qualifying office.

Right to opt out for Members of the House of Commons

C4.—(1) A participating Member who does not fall within subparagraphs (a) or (b) of regulation C1 may exercise an option in writing under this regulation not to be a participant in the principal scheme.

(2) Subject to paragraph (3) below, the effective opt-out date in respect of a Member is whatever date the Trustees shall determine to be the earliest practicable date after that on which they receive from him written notice of the exercise of the option.

(3) If the Trustees receive the written notice not more than three months after the date of a General Election or by-election at which the person was elected for the first time to membership of the House of Commons, the effective opt-out date is the date of that election and any contributions deducted from him since that election under regulation D1 and, if he is an office holder, under regulation D2, shall be repaid to him.

(4) A Member of the House of Commons who has exercised his right under paragraph (1) above to opt out of the principal scheme is referred to in these Regulations as “an opted-out Member”.

(1) 1975 c. 27.

Right to opt out for office holders.

C5.—(1) An office holder who is a participating Member or who is not a Member of the House of Commons may exercise an option in writing under this regulation not to be a participating office holder in the principal scheme.

(2) Subject to paragraph (3) below, the effective opt-out date in respect of an office holder is whatever date the Trustees shall determine to be the earliest practicable date after that on which they receive from him written notice of the exercise of the option.

(3) If the Trustees receive the written notice not more than twelve months after the date of commencement of a period of tenure of a qualifying office, the effective opt-out date is the date on which that period of tenure commenced and any contributions deducted from an office holder under regulation D2 in respect of that period of tenure shall be repaid to him.

(4) An office holder who has exercised an option under paragraph (1) above not to be a participating office holder or who has exercised the option under regulation C4(1) is referred to in these Regulations as an opted-out office holder.

Right to opt in for Members of the House of Commons

C6. An opted-out Member may apply to rejoin the principal scheme as a participating Member as from the date of any General Election or by-election at which he was elected to membership of the House of Commons (“the effective opt-in date”) by giving notice in writing to the Trustees within a period of three months beginning with the effective opt-in date provided that—

- (a) he pays to the Trustees within twenty-eight days of their acceptance of his application, or within such longer period as the Trustees may in their discretion determine, the sum certified by the Trustees as being the amount which would have been deducted from his salary under regulation D1 between the effective opt-in date and the first date thereafter when a deduction from his salary under regulation D1 is made; and
- (b) at the effective opt-in date, at least three months had elapsed since he was last elected to membership of the House of Commons.

Right to opt in for office holders

C7. An opted-out office holder who is either—

- (a) a participating Member; or
- (b) not a Member of the House of Commons,

may apply to rejoin the principal scheme as a participating office holder as from the date of commencement of a new period of tenure of a qualifying office (“the effective opt-in date”) by giving notice in writing to the Trustees within a period of twelve months beginning with the effective opt-in date provided that he pays to the Trustees within twenty-eight days of their acceptance of his application, or within such longer period as the Trustees may in their discretion determine, the sum certified by the Trustees as being the amount which would have been deducted from his salary under regulation D2 between the effective opt-in date and the first date thereafter when a deduction from his salary under regulation D2 is made.