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STATUTORY INSTRUMENTS

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**1993 No. 3253**

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

**PART F**

**Pension Entitlement**

**Entitlement of pensioner Members**

**F1.**—(1) Subject to the provisions of these Regulations, a person who on or after 31st July 1984 has ceased to be a participating Member and who has reckonable service as a participating Member under Part E or under section 6 of the 1972 Act shall be entitled to receive a pension under this regulation as from the time when the following conditions are or were fulfilled in respect of him—

- (a) he is or was neither a Member of the House of Commons nor a candidate for election to it;
- (b) he is not or was not an office holder; and
- (c) he has or had attained the age of sixty-five years.

**Amount payable to pensioner Members**

**F2.**—(1) Subject to regulations F5, F6 and F7, G1 (Commutation), H1 (Early retirement) and J1 and J3 (Ill health pensions) and to paragraph (5) below, the annual amount of the pension payable to a person under regulation F1 shall be a sum equal to the aggregate of the amounts produced, in relation to each year or fraction of a year comprised in his aggregate period of reckonable service as a participating Member, by multiplying the relevant terminal salary by the appropriate fraction.

(2) In this regulation “the relevant terminal salary”—

- (a) in relation to a person who has been a participating Member for a period of twelve months or more, or for two or more periods amounting in the aggregate to more than twelve months, means the amount of a Member’s ordinary salary for the last twelve months (whether continuous or discontinuous) during which that person was a participating Member; and
- (b) in relation to a person who has been a participating Member, but whose actual period of service as a participating Member was less than twelve months, means an amount calculated by taking the aggregate amount of a Member’s ordinary salary for the period (whether continuous or discontinuous) for which he was a participating Member and multiplying it by the appropriate figure;

and in sub-paragraph (b) of this paragraph “the appropriate figure” in relation to a person, means the figure (whether being a whole number or not) by which the number of days comprised in his period of service as a Member of the House of Commons must be multiplied in order to be equal to a year.

(3) In paragraph (1) of this regulation “the appropriate fraction”, in relation to a year or part of a year comprised in a person’s aggregate period of reckonable service as a participating Member, means—

- (a) in the case of a year ending before 20th July 1983, one-sixtieth, or, if the period before that date includes a part of a year, a proportionate fraction of one-sixtieth; and
  - (b) in the case of a year beginning on or after 20th July 1983, one-fiftieth, or, if the period on or after that date includes a part of a year, a proportionate fraction of one-fiftieth.
- (4) For the purposes of paragraph (4) of this regulation, where a year or part of a year comprised in a person's aggregate period of reckonable service as a participating Member began before, but ended on or after, 20th July 1983—
- (a) so much of that year or part of a year as ended with 19th July 1983 shall be treated as a part of a year in relation to which sub-paragraph (a) of that paragraph applies; and
  - (b) the remainder of that year or part of a year shall be treated as part of a year in relation to which sub-paragraph (b) of that paragraph applies.
- (5) The annual amount of the pension payable under regulation F1 to a person who has been Prime Minister and First Lord of the Treasury or Speaker of the House of Commons shall be calculated in accordance with the provisions of regulation F4, but where regulation F4 applies in relation to such a pension—
- (a) every reference to a “participating office holder” shall be construed as a reference to a “participating Member”; and
  - (b) the reference to regulation D2 in paragraph (2)(a) of that regulation shall be construed as a reference to regulation D1.

#### **Entitlement of pensioner office holders**

**F3.**—(1) Subject to the provisions of these Regulations, a person who on or after 20th July 1983 has ceased to be a participating office holder and who has reckonable service as a participating office holder under Part E or under section 6 of the 1972 Act shall be entitled to receive a pension under this regulation as from the time when the conditions specified in paragraphs (a), (b) and (c) of regulation F1(1) are fulfilled in respect of him.

(2) The same person may be entitled to a pension under regulation F1 and to a pension under this regulation; and the amounts of the two pensions shall be cumulative.

#### **Amount payable to pensioner office holders**

**F4.**—(1) Subject to regulations F5, F6 and F7, to G1 (Commutation) and to H1 (Early Retirement), the provisions of this regulation shall have effect for the purpose of calculating the annual amount of a pension payable to a person under regulation F3.

(2) For each year of which the whole or any part was comprised in the person's aggregate period of reckonable service as a participating office holder the following amounts shall be calculated—

- (a) an amount equal to the sums deducted under regulation D2 or section 4 of the 1972 Act in respect of that year from the person's salary (within the meaning of that regulation or section), and
- (b) an amount equal to the aggregate amount which fell to be deducted under regulation D1 or section 3(2) of the 1972 Act from a participating Member's ordinary salary in respect of that year,

and for each such year there shall be calculated the amount (referred to in these Regulations, in relation to any such year, as “the contribution factor” for that year) which is equal to the amount calculated under sub-paragraph (a) divided by the amount calculated under sub-paragraph (b) of this paragraph.

(3) For each such year as is mentioned in paragraph (2) of this regulation a contribution credit shall be calculated by multiplying the appropriate fraction of the relevant terminal salary by the

amount of the contribution factor for that year; and, subject to regulation G1 the annual amount of the pension payable to the person under regulation F3 shall be an amount equal to the aggregate of the contribution credits calculated under this paragraph.

(4) In this regulation “the relevant terminal salary”—

- (a) if the person’s actual period of reckonable service as a participating office holder was twelve months or more, means the amount of a Member’s ordinary salary for the last twelve months (whether continuous or discontinuous) comprised in that actual period of reckonable service; and
- (b) if the person’s actual period of reckonable service as a participating office holder was less than twelve months, means an amount calculated by taking the amount of a Member’s ordinary salary for the period (whether continuous or discontinuous) which constituted that actual period of reckonable service and multiplying it by the appropriate figure;

and in sub-paragraph (b) of this paragraph “the appropriate figure” means the figure (whether being a whole number or not) by which the number of days comprised in the person’s actual period of reckonable service as a participating office holder must be multiplied in order to be equal to twelve months.

(5) In paragraph (3) of this regulation “the appropriate fraction” means—

- (a) in relation to the year beginning with 1st April 1984 and subsequent years, one-fiftieth;
- (b) in relation to the year beginning with 1st April 1982 and previous years, one-sixtieth; and
- (c) in relation to the year beginning with 1st April 1983—
  - (i) in the case of a person who held a qualifying office at some time in the period beginning with 1st April 1983 and ending with 19th July 1983 but did not hold such an office at any time in the period beginning with 20th July and ending with 31st March 1984, one-sixtieth;
  - (ii) in the case of a person who did not hold such an office at any time in the first of those periods but did hold such an office at some time in the second of those periods, one fiftieth; and
  - (iii) in the case of a person who held such an office at some time in each of those periods, nineteen-thousandths.

(6) In paragraphs (2), (3) and (5) of this regulation “year” (except in the expression “sixty-five years”) means a period of twelve months beginning with 1st April.

#### **Permitted maximum pensions: pensioners who joined before 1st June 1989**

The annual amount of the pension payable under regulation F1 or regulation F3 to a person who became a participant before 1st June 1989 shall not exceed whichever is the less of—

- (a) the amount equal to two-thirds of the multiple; or
- (b) such maximum pension as is calculated in respect of that person in accordance with the provisions of Schedule 2,

except to the extent that it is calculated by reference to so much (if any) of that person’s actual period of reckonable service as a participant as fell after he attained the age of sixty-five years.

#### **Permitted maximum pensions: pensioners who joined after 1st June 1989**

**F6.—**(1) The annual amount of the pension payable under regulation F1 or regulation F3 to a person who became a participant on or after 1st June 1989 shall not exceed whichever is the less of—

- (a) the amount equal to two-thirds of the multiple; or

- (b) such maximum pension as is calculated in respect of that person in accordance with the provisions of Schedule 2; or
- (c) the amount equal to two-thirds of the permitted maximum.

(2) In the case of a person who became a participant on or after 1st June 1989 and who is entitled to a pension both under regulation F1 and under regulations F3, the amount of the two pensions together shall not exceed two-thirds of the permitted maximum and, if they do, the pension payable under regulation F3 shall be reduced before the pension payable under regulation F1.

### Guaranteed minimum pensions

Notwithstanding any provision of these Regulations to the contrary, any person entitled to receive a pension under regulation F1 or regulation F3 (including an early retirement pension or an ill-health pension by virtue of Part H or Part J)—

- (a) shall be entitled to receive, subject to the provisions of regulation F8(3), from the age of sixty-five years in the case of a man and from the age of sixty years in the case of a woman, a pension payable for the remainder of his or her life, at a rate equivalent to a weekly rate of not less than the guaranteed minimum pension, unless his or her rights thereto are extinguished by payment of a contributions equivalent premium under section 42 of the Pensions Act 1975<sup>(1)</sup>; and
- (b) if the payment of the guaranteed minimum pension of that person is postponed in the circumstances to which section 33(3) of the Pensions Act 1975 applies, the guaranteed minimum pension of that person shall be increased to the extent, if any, specified in section 35(6) of the Pensions Act 1975 <sup>(2)</sup>.

### Duration of pensions

**F8.**—(1) Subject to the following provisions of this regulation, a pension under regulation F1 or regulation F3 (including an early retirement pension or an ill-health pension by virtue of Part H or Part J) shall continue for the life of the person to whom it is payable.

(2) Subject to paragraph (3) below no such pension shall be payable to a person in respect of any period during which he is a Member of the House of Commons or a candidate for election to that House, or in respect of any part of a period of tenure of a qualifying office other than a part in respect of which no salary is payable or in respect of which no salary is drawn.

(3) Where, in the case of any person, a pension under regulation F1 or regulation F3 or a pension under each of those regulations would, but for paragraph (2) above, be payable to him in respect of a period of tenure of a qualifying office during which he is neither a Member of the House of Commons nor a candidate for election to that House—

- (a) that paragraph shall not apply to that pension or either of those pensions in respect of any part of that period; but
- (b) the amount or aggregate amount payable to him in right of that pension or those pensions for any part of that period shall not exceed the amount, if any, by which the total salary payable to him for that part of that period falls short of the amount of a Member's ordinary salary for that period; and
- (c) if he is a participating office holder in respect of that period then, for the purpose of calculating the amount, if any, which would, apart from sub-paragraph (b) above, be

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(1) Section 42 was amended by the Social Security Act 1985 (c. 53), Schedule 5, paragraph 25(1) and by the Social Security Act 1986 (c. 50), Schedule 2, paragraph 6(1) and Schedule 10, paragraph 21.

(2) Section 35(6) was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), section 3(2) and subsections (6A) and (6B) were inserted by the Social Security Act 1986 (c. 50), section 9(2), which also by section 9(7) substituted a new section 37A.

payable to him in right of a pension under regulation F3 for any part of that period (but not for any other purpose, and in particular not for the purpose of recalculating at the end of that period the annual amount of the pension, if any, to which apart from sub-paragraph (b) above he is entitled under regulation F3), that period shall be deemed not to be a period of reckonable service as a participating office holder.

In this paragraph “salary” (except in the expression “a Member’s ordinary salary”) means salary payable to the office holder in respect of his tenure of that office.

(4) For the purposes of this regulation a person who ceases to be a Member in consequence of the dissolution of Parliament shall be treated as a candidate for election unless and until he gives notice in writing to the Trustees that he is not seeking re-election.

(5) The provisions of this regulation shall not apply for the purposes of calculating the amounts payable under regulations M2(3), M2(4)(b), M3(4), M4(2) or M7 (five year guarantee).