



Parliamentary and other Pensions Act 1987

1987 CHAPTER 45

An Act to provide for the continuance in existence of the Parliamentary Contributory Pension Fund; to confer power on the Leader of the House of Commons to make regulations with respect to that Fund and with respect to the application of the assets of that Fund in or towards the provision of pensions; to amend Mr Speaker King's Retirement Act 1971; and for connected purposes. [15th May 1987]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

II Act not in force at Royal Assent see [s. 7\(2\)](#); Act wholly in force at 24 May 1989

^{F1} 1 Continuance of Fund.

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Textual Amendments

F1 [S. 1](#) omitted (24.10.2011) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [s. 52](#), [Sch. 6 para. 43\(a\)](#) (with [Sch. 6 para. 44](#)); [S.I. 2011/2485](#), [art. 2\(1\)](#)

2 Power to provide for pensions.

^{F2}(1)

^{F2}(2)

Changes to legislation: There are currently no known outstanding effects for the Parliamentary and other Pensions Act 1987. (See end of Document for details)

^{F2}(3)

^{F2}(4)

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^{F2}(8)

- (9) Schedule 2 to this Act shall have effect for the purpose of treating the enactments and subordinate legislation which relate to the Fund and the payment of pensions out of the Fund and which are in force immediately before the coming into force of this section as if they were contained in regulations made under this section.

^{F3}(10)

Subordinate Legislation Made

P1 S. 2(1)(4) power exercised by [S.I.1991/609](#).

Textual Amendments

F2 S. 2(1)-(8) omitted (24.10.2011) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 43\(b\)](#) (with [Sch. 6 para. 44](#)); [S.I. 2011/2485](#), art. 2(1)

F3 S. 2(10) omitted (24.10.2011) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 43\(b\)](#) (with [Sch. 6 para. 44](#)); [S.I. 2011/2485](#), art. 2(1)

Modifications etc. (not altering text)

C1 S. 2 restricted by Ministerial and other [Pensions and Salaries Act 1991 \(c. 5, SIF 89\)](#), s. 2(2)
S. 2: transfer of functions (1.4.1995) by [S.I. 1995/269](#), art. 3, [Sch. para. 15](#)

^{F4}3 Exchequer contributions to Fund.

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Textual Amendments

F4 S. 3 omitted (24.10.2011) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 6 para. 43\(c\)](#) (with [Sch. 6 para. 44](#)); [S.I. 2011/2485](#), art. 2(1)

Modifications etc. (not altering text)

C2 S. 3: transfer of functions conferred (1.4.1995) by [S.I. 1995/269](#), art. 3, [Sch. para. 15](#)

4 Amendment of Mr Speaker King's Retirement Act 1971.

- (1) Subsection (2) of section 1 of Mr Speaker King's ^{M1}Retirement Act 1971 shall have effect as from the coming into force of this subsection as if the annuity which would have been payable to Una, the late Lady Maybray-King, if she had survived the late Lord Maybray-King were required to be paid, during her life, to Sheila, Lady Maybray-King, his widow.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary and other Pensions Act 1987. (See end of Document for details)

- (2) In the proviso to the said subsection (2) (application of terms and conditions applying under Part I of the Parliamentary and other Pensions Act 1972), for the words from “Part I” onwards there shall be substituted the words “ the parliamentary pension scheme (within the meaning of the Parliamentary and other Pensions Act 1987) ”.
- (3) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this section in the sums so charged and paid under the said Act of 1971.

Marginal Citations

M1 1971 c. 13.

5 Interpretation.

- (1) In this Act, except in so far as the context otherwise requires—
 - “the Fund” means the Parliamentary Contributory Pension Fund;
 - “the Leader of the House of Commons” means the Minister of the Crown who is for the time being designated as Leader of the House of Commons by the Prime Minister and First Lord of the Treasury;
 - “modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;
 - “the Parliamentary pension scheme” means the provisions of any regulations made under section 2 above or of any enactment or subordinate legislation which by virtue of this Act has effect as if it were contained in regulations so made;
 - “pension” includes gratuity;
 - “subordinate legislation” has the same meaning as in the ^{M2}Interpretation Act 1978.
- (2) For the purposes of this Act a person shall be treated as a Member of the House of Commons at any time if, at that time, a salary is or was payable to him under
 - [^{F5}(a) section 4 of the Parliamentary Standards Act 2009, or
 - (b) in relation to a time before that section was in force, the resolutions of the House of Commons then in force relating to the remuneration of its members.]

Textual Amendments

F5 Words in s. 5(2) substituted (24.5.2011) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 9](#); S.I. 2011/1274, art. 2(b)

Marginal Citations

M2 1978 c. 30.

6 Minor and consequential modifications, savings and repeals.

- (1) Schedule 3 to this Act, which in connection with the provisions of this Act makes certain modifications and savings, shall have effect.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary and other Pensions Act 1987. (See end of Document for details)

- (2) Subject to section 3(6) above and Schedules 2 and 3 to this Act, the enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

7 Short title, commencement and extent.

- (1) This Act may be cited as the Parliamentary and other Pensions Act 1987.
- (2) This Act shall come into force on such day as the Leader of the House of Commons may by order made by statutory instrument appoint, and different days may be so appointed for different provisions or for different purposes.
- (3) This Act extends to Northern Ireland.

Modifications etc. (not altering text)

C3 Power of appointment conferred by s. 7(2) fully exercised: [S.I. 1987/1311](#), 1989/892

Changes to legislation: There are currently no known outstanding effects for the
Parliamentary and other Pensions Act 1987. (See end of Document for details)

SCHEDULES

F⁶SCHEDULE 1

Section 2.

Textual Amendments

- F6** Sch. 1 omitted (24.10.2011) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\), s. 52](#), [Sch. 6 para. 43\(d\)](#) (with [Sch. 6 para. 44](#)); S.I. 2011/2485, art. 2(1)

SCHEDULE 2

Section 2.

EXISTING ENACTMENTS ETC. CONTINUED IN FORCE

Enactments

- 1 (1) Notwithstanding the repeals made by this Act, on and after the appointed day the existing enactments shall have effect, subject to the following provisions of this Schedule, as if they were contained in regulations made under and in accordance with section 2 of this Act and could be modified accordingly.
- (2) In any enactment contained in Part I of the ^{M3}Parliamentary and other Pensions Act 1972, as that enactment has effect under sub-paragraph (1) above, any reference to section 31 of that Act shall have effect as a reference to the provisions, as from time to time modified by virtue of paragraph 3 of Schedule 3 to this Act, of the ^{M4}Pensions (Increase) Act 1971 and sections 59 and 59A of the ^{M5}Social Security Pensions Act 1975.
- (3) In subsection (1) of section 24 of the said Act of 1972 (payments due to deceased persons), as it has effect under sub-paragraph (1) above, the reference to the amount payments in excess of which cannot (except in so far as they are due by way of interest) be made under that subsection shall have effect as a reference to the amount of the limit for the time being specified by virtue of orders made from time to time under section 6 of the ^{M6}Administration of Estates (Small Payments) Act 1965 in the enactments listed in Part I of Schedule 1 to the said Act of 1965.

Marginal Citations

- M3** 1972 c. 48.
M4 1971 c. 56.
M5 1975 c. 60.
M6 1965 c. 32.

*Changes to legislation: There are currently no known outstanding effects for the
 Parliamentary and other Pensions Act 1987. (See end of Document for details)*

Subordinate legislation

- 2 Where any of the existing enactments contains any power to make subordinate legislation, that power shall cease to have effect on the appointed day, but on and after that day any subordinate legislation which was made under that power and is in force immediately before that day shall have effect, with the necessary modifications, as if it were contained in regulations made under and in accordance with section 2 of this Act and could be modified accordingly.

Commencement and transitional provisions

- 3 (1) Where for the purpose of determining the enactments and subordinate legislation which have effect under paragraphs 1 and 2 above it is necessary to take account of any modifications or successive modifications of any enactment or subordinate legislation as originally enacted or made—
- (a) neither paragraph 1 nor paragraph 2 above shall apply in relation to any commencement or transitional provision or saving made in connection with any such modifications; but
 - (b) notwithstanding the repeals made by this Act, on and after the appointed day any such provision or saving (whether contained in, or in subordinate legislation made under, any existing enactment or not) shall continue to have effect, in so far as it relates to any enactment or subordinate legislation which has effect under paragraph 1 or 2 above, for the purpose of determining the cases, circumstances or persons in relation to which that enactment or subordinate legislation so has effect.
- (2) On and after the appointed day so much of any enactment or subordinate legislation as, notwithstanding its modification by any other enactment or subordinate legislation, is continuing immediately before that day to have effect, in relation to particular cases, circumstances or persons—
- (a) by virtue of any commencement or transitional provision or saving made in connection with any such modifications as are mentioned in sub-paragraph (1) above; or
 - (b) by virtue of section 36(2) of the ^{M7}Parliamentary and other Pensions Act 1972 (transitional provisions),
- shall continue to have effect in accordance with the provision or saving, or with the said section 36(2), as if it too were contained in regulations made under and in accordance with section 2 of this Act and could be modified accordingly.
- (3) Sub-paragraph (2) above shall apply to the provisions of section 8 of the ^{M8}Parliamentary Pensions Act 1978 (as they have effect by virtue of sections 3(1) and 5(7) of the ^{M9}Parliamentary Pensions etc. Act 1984) as it applies to the other enactments repealed by virtue of the said section 3(1).
- (4) In subsection (2) of section 14 of the ^{M10}Ministerial Salaries and Members Pensions Act 1965 (payments due to deceased persons), as it has effect under sub-paragraph (2) above, the reference to the amount payments in excess of which cannot (except in so far as they are due by way of interest) be made under that subsection shall have effect as a reference to the amount of the limit for the time being specified by virtue of orders made from time to time under section 6 of the ^{M11}Administration of Estates (Small Payments) Act 1965 in the enactments listed in Part I of Schedule 1 to the last-mentioned Act of 1965.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary and other Pensions Act 1987. (See end of Document for details)

Marginal Citations

M7 1972 c. 48.

M8 1978 c. 56.

M9 1984 c. 52.

M10 1965 c. 11.

M11 1965 c. 32.

Supplemental

- 4 (1) Anything done before the appointed day under or for the purposes of any provision which by virtue of this Schedule has effect as if it were contained in regulations made under section 2 of this Act shall have effect on and after that day as if it had been done under or for the purposes of that provision as so contained.
- (2) Subject to any regulations made under section 2 of this Act, any reference in any enactment or subordinate legislation, or in any deed or other instrument or document, to any provision which by virtue of this Schedule has effect as if it were contained in regulations so made shall have effect, so far as necessary for the purposes of or in connection with the provisions of this Schedule, as a reference to the corresponding provision having effect as if so contained.
- (3) Where any period of time specified in any enactment or subordinate legislation having effect under this Schedule as if it were contained in regulations made under section 2 of this Act is current on the appointed day, this Schedule shall have effect in relation to that period as if the appointed day had been before the period began to run.

Interpretation

- 5 In this Schedule —
- “the appointed day” means the day on which section 2 of this Act comes into force;
- “commencement or transitional provision” includes so much of any provision as provides for, or is to be construed as providing for, any enactment or subordinate legislation to come into force only with effect from a particular time or only in relation to particular cases, circumstances or persons; and
- “the existing enactments” means the following enactments as they have effect immediately before the appointed day, namely—
- (a) the enactments contained in Part I of the ^{M12}Parliamentary and other Pensions Act 1972 (including Schedules 1 and 2), other than sections 1(1) to (4) and (7), 5, 23 and 24(4);
- (b) sections 30, 33 and 35 of the said Act of 1972; and
- (c) without prejudice to section 20(2) of the ^{M13}Interpretation Act 1978 (references to enactments) in its application in relation to paragraphs (a) and (b) above, sections 2 to 5, 6(2), 7, 11, 12(8) and 18(2) and (3) of the ^{M14}Parliamentary Pensions Act 1978 and sections 3(4) to (6), 4(3) to (6), 5(1) and (2) and 6 of the ^{M15}Parliamentary Pensions etc. Act 1984.

*Changes to legislation: There are currently no known outstanding effects for the
 Parliamentary and other Pensions Act 1987. (See end of Document for details)*

Marginal Citations

- M12** 1972 c. 48.
- M13** 1978 c. 30.
- M14** 1978 c. 56.
- M15** 1984 c. 52.

SCHEDULE 3

Section 6.

CONSEQUENTIAL MODIFICATIONS AND SAVINGS

The ^{M16}Superannuation (Miscellaneous Provisions) Act 1948

Marginal Citations

- M16** 1948 c. 33.

- 1 (1) For the purposes of section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 (pensions of persons transferring to different employment) a person's service—
- (a) as a Member of the House of Commons of the United Kingdom during any period in respect of which he is a participant in relation to his membership of that House in arrangements contained in the Parliamentary pension scheme; or
 - (b) as the holder of an office mentioned in subsection (2)(b), (c) or (d) of section 2 of this Act during any period in respect of which he is a participant in relation to that office in any such arrangements; or
 - (c) as a Member of the House of Commons of the United Kingdom or the holder of an office so mentioned during any period in respect of which his service was treated as employment by virtue of section 23 of the Parliamentary and other Pensions Act 1972; or
 - (d) as a Member of the House of Commons of Northern Ireland,
- shall be treated as employment within the meaning of the said Act of 1948, whether or not it would be so treated apart from this paragraph.
- (2) Without prejudice to the power conferred by virtue of paragraph 13 of Schedule 1 to this Act, regulations under section 2 of this Act may make provision specifying the circumstances in which any person is to be regarded for the purposes of this paragraph as being a participant in relation to his membership of the House of Commons of the United Kingdom, or in relation to any office, in arrangements contained in the Parliamentary pension scheme.
- (3) In relation to any time before the coming into force of the first regulations to be made containing any such provision as is mentioned in sub-paragraph (2) above a person shall be treated as a participant in arrangements contained in the Parliamentary pension scheme—
- (a) in relation to his Membership of the House of Commons, if he is a Member of that House;

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(b) in relation to any office, if he is a participant under section 2 of the ^{M17}Parliamentary and other Pensions Act 1972, as that section has effect by virtue of Schedule 2 to this Act.

(4) Nothing in this Act shall affect the validity of any rules which are in force at the coming into force of this paragraph under section 2 of the said Act of 1948 or which have effect under section 36(4) of the Parliamentary and other Pensions Act 1972 as if they were so in force.

Marginal Citations

M17 1972 c. 48.

^{F72}

Textual Amendments

F7 Sch.3 paras. 2, 5 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844, Sch. 30 para. 6(1), **Sch. 31**

The ^{M18}Pensions (Increase) Act 1971

Marginal Citations

M18 1971 c. 56.

3 (1) In section 5(3) of the Pensions (Increase) Act 1971 (power to modify Act in relation to certain official pensions), the reference to the provisions of that Act and of sections 59 and 59A of the ^{M19}Social Security Pensions Act 1975 shall include a reference to those provisions as they have effect in consequence of the following provisions of this paragraph.

(2) Notwithstanding the repeal by this Act of Part I and section 34(1) of the ^{M20}Parliamentary and other Pensions Act 1972, section 19(2)(a) of the said Act of 1971 shall continue to have effect, after the coming into force of the repeal, with the amendment made by the said section 34(1).

(3) In Schedule 2 to the said Act of 1971, for paragraph 3A there shall be substituted the following paragraph—

“3A A pension which under the Parliamentary pension scheme (within the meaning of the Parliamentary and other Pensions Act 1987) is payable out of the Parliamentary Contributory Pension Fund.”

(4) Without prejudice to paragraph 4 of Schedule 2 to this Act—

(a) any regulations made under section 5(3) of the said Act of 1971 which immediately before the day on which this paragraph comes into force have effect in relation to pensions payable under any enactment the effect of which is continued under Schedule 2 to this Act shall have effect on and after that day, with the necessary modifications, as if they had effect in relation to

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- pensions payable under the corresponding provision of the Parliamentary pension scheme; and
- (b) any increases made before that day under the said Act of 1971 and sections 59 and 59A of the Social Security Pensions Act 1975 shall be taken into account in determining the amount of any pension which was being paid before that day and continues to be paid on and after that day under that scheme.
- (5) Subject to any regulations made under section 2 of this Act, the provisions of the said Act of 1971 and of the said sections 59 and 59A shall not be taken into account in calculating any amount—
- (a) in accordance with subsection (1) of section 8 of the Parliamentary and other Pensions Act 1972 (alternative calculation of pension by reference to the 1965 Act), as that subsection has effect by virtue of Schedule 2 to this Act; or
 - (b) for the purposes of subsection (2) of section 25 of the said Act of 1972 (meaning of “basic or prospective pension or pensions”), as that subsection so has effect.

Marginal Citations
M19 1975 c. 60.
M20 1972 c. 48.

M21 Parliamentary and other Pensions Act 1972

Marginal Citations
M21 1972 c. 48.

F8₄

Textual Amendments
F8 Sch. 3 para. 4 repealed (25.4.2013) by Public Service Pensions Act 2013 (c. 25), s. 41(1)(b), **Sch. 11 para. 7** (with Sch. 11 para. 8)

F9₅

Textual Amendments
F9 Sch.3 paras. 2, 5 repealed by Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844, Sch. 30 para. 6(1), **Sch. 31**

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The ^{M22}House of Commons Members' Fund and Parliamentary Pensions Act 1981

Marginal Citations

M22 1981 c. 7.

- 6 In section 1(5)(b) of the House of Commons Members' Fund and Parliamentary Pensions Act 1981 (disqualification from benefit of certain office holders and persons receiving pensions), for the words from "a qualifying office" to "that Act" there shall be substituted the words "an office mentioned in paragraph (b), (c) or (d) of section 2(2) of the Parliamentary and other Pensions Act 1987 or is in receipt of a pension under the Parliamentary and other Pensions Act 1972."

SCHEDULE 4

Section 6.

REPEALS

Chapter	Short title	Extent of repeal
1965 c. 32.	The Administration of Estates (Small Payments) Act 1965.	In section 6(1)(b), the words from "section 14(2)" to "1972".
1972 c. 48.	The Parliamentary and other Pensions Act 1972.	Part I. Section 30. In section 31, subsection (1), in subsection (4) the words "and by section 22(3) of the Act of 1978" and subsection (5). Sections 33 and 34. In section 35(1), the definitions of "the Act of 1978", "contribution", "effective resolution" and "interest". Section 36(1), (2) and (4). Schedules 1 to 4.
1975 c. 72.	The Children Act 1975.	In Schedule 3, paragraph 77.
1976 c. 48.	The Parliamentary and other Pensions Act 1976.	Sections 1 to 4.
1978 c. 56.	The Parliamentary Pensions Act 1978.	The whole Act.
1981 c. 7.	The House of Commons Members' Fund and	Section 4.

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	Parliamentary Pensions Act 1981.	
		Section 5(2).
1983 c. 20.	The Mental Health Act 1983.	In Schedule 4, paragraph 31.
1984 c. 52.	The Parliamentary Pensions etc. Act 1984.	Sections 1 to 11.
		Section 15(2)(a).
		Section 16.
		The Schedule.
1986 c. 50.	The Social Security Act 1986.	In section 17(3), paragraph (f).

Changes to legislation:

There are currently no known outstanding effects for the Parliamentary and other Pensions Act 1987.