

## SCHEDULES

### SCHEDULE 1

Section 2.

#### PROVISIONS THAT MAY BE INCLUDED IN REGULATIONS

- 1 Provision as to the administration of the Fund, as to the management and application of the assets of the Fund and as to the number, qualification and proceedings of the trustees of the Fund.
- 2 Provision authorising or requiring contributions and other sums to be paid into the Fund by or on behalf of persons in service to which section 2 of this Act applies, including provision for those contributions and sums to be paid by means of deductions from salary and, in the case of a person who does not draw a salary, provision for them to be paid out of money provided by Parliament.
- 3 Provision as to the circumstances in which there is to be entitlement to a pension payable out of the Fund, as to the conditions of any such entitlement, as to the persons to or for the benefit of whom such a pension is to be payable, as to the calculation of the amount of any such pension and as to the payment or commutation of any such pension.
- 4 Provision for the application of assets of the Fund in or towards the provision of pensions to be paid otherwise than out of the Fund and, in connection with any such provision, provision for the payment into the Fund out of money provided by Parliament of sums in addition to those paid into the Fund under section 3 of this Act.
- 5 Provision for the payment and receipt of transfer values by the trustees of the Fund (including provision for the payment of such values into the Consolidated Fund), and provision for the transfer and receipt by those trustees, in lieu of transfer values, of funds or policies of insurance.
- 6 Provision authorising service other than service to which section 2 of this Act applies to be taken into account, in addition to service to which that section does apply, for the purposes of any of the regulations.
- 7 Provision as to the circumstances and manner—
  - (a) in which amounts equal to some or all of the contributions and other sums paid by or on behalf of a person into the Fund may be repaid or paid to him; and
  - (b) in which any such amounts are to be paid out of the Consolidated Fund in respect of any transfer values paid into that Fund,and provision as to whether any repayment or payment made out of either Fund is to be made with or without interest.
- 8 Provision which, in relation to such cases, circumstances or persons as may be specified in or determined under the regulations, authorises any sum due to be paid out of the Fund in respect of a person who has died to be paid without probate or other proof of title.

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- 9 Provision rendering void any assignment (or, in Scotland, assignation) of or charge on, or any agreement to assign or charge, any pension which is or may become payable out of the Fund; and, without prejudice to paragraph 13 below, provision modifying the effect in relation to any such pension of so much of any enactment or subordinate legislation (whether passed or made before or after the passing of this Act) as relates to bankruptcy or, in Scotland, to the sequestration of a debtor's estate.
- 10 Provision conferring functions under the regulations on such persons as may be specified in or determined under the regulations.
- 11 Provision making the approval, satisfaction or opinion of persons on whom functions are conferred by or under the regulations material for the purposes of any provision of the regulations.
- 12 Provision which, with or without modifications, applies in relation to a pension payable out of the Fund so much of any enactment or subordinate legislation (whether passed or made before or after the passing of this Act) as relates to any other pension, being a pension payable out of money provided by Parliament.
- 13 Provision making such modifications of any enactment or subordinate legislation (whether passed or made before or after the passing of this Act) as the Leader of the House of Commons considers appropriate in consequence of any provision of the regulations.

## 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 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 Pensions (Increase) Act 1971 and sections 59 and 59A of the 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 Administration of Estates (Small Payments) Act 1965 in the enactments listed in Part I of Schedule 1 to the said Act of 1965.

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### *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 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 Parliamentary Pensions Act 1978 (as they have effect by virtue of sections 3(1) and 5(7) of the 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 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 Administration of Estates (Small Payments) Act 1965 in the enactments listed in Part I of Schedule 1 to the last-mentioned Act of 1965.

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### *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 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 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 Parliamentary Pensions Act 1978 and sections 3(4) to (6), 4(3) to (6), 5(1) and (2) and 6 of the Parliamentary Pensions etc. Act 1984.

## SCHEDULE 3

Section 6.

### CONSEQUENTIAL MODIFICATIONS AND SAVINGS

#### *The Superannuation (Miscellaneous Provisions) Act 1948*

- 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

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- 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;
  - (b) in relation to any office, if he is a participant under section 2 of the 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.

*The Income and Corporation Taxes Act 1970*

- 2 (1) In section 211(2) of the Income and Corporation Taxes Act 1970 (exemption from income tax of Parliamentary pension funds), for paragraph (b) there shall be substituted the following paragraph—
- “(b) the Parliamentary Contributory Pension Fund;”.
- (2) Subsection (1) of section 229 of the said Act of 1970 (annuity premiums of Ministers and other officers) shall have effect with the following amendments, that is to say—
- (a) in paragraph (b), for the words “elects not to be a participant under section 2 of the Parliamentary and other Pensions Act 1972” there shall be substituted the words “is not a participant in relation to that office in arrangements contained in the Parliamentary pension scheme but is a participant in relation to his membership of the House of Commons in any such arrangements”; and
  - (b) for the words from “(in accordance with any” to “that resolution)” there shall be substituted the words “and the salary which (in accordance with any such resolution as is mentioned in subsection (1B)(a) below)”;

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- (c) for the words from “In this subsection” onwards there shall be substituted the following subsections—

“(1A) In this section—

“Member’s pensionable salary” means a Member’s ordinary salary under any resolution of the House of Commons which, being framed otherwise than as an expression of opinion, is for the time being in force relating to the remuneration of Members or, if the resolution provides for a Member’s ordinary salary thereunder to be treated for pension purposes as being at a higher rate, a notional yearly salary at that higher rate;

“qualifying office” means an office mentioned in paragraph (b), (c) or (d) of subsection (2) of section 2 of the Parliamentary and other Pensions Act 1987;

“the Parliamentary pension scheme” has the same meaning as in that Act;

and, without prejudice to the power conferred by virtue of paragraph 13 of Schedule 1 to that Act, regulations under section 2 of that Act may make provision specifying the circumstances in which a person is to be regarded for the purposes of this section as being or not being a participant in relation to his Membership of the House of Commons, or in relation to any office, in arrangements contained in the Parliamentary pension scheme.

(1B) In subsection (1A) above “a Member’s ordinary salary”, in relation to any resolution of the House of Commons, means—

- (a) if the resolution provides for salary to be paid to Members at different rates according to whether or not they are holders of particular offices, or are in receipt of salaries or pensions as the holders or former holders of particular offices, a Member’s yearly salary at the higher or highest rate; and
- (b) in any other case, a Member’s yearly salary at the rate specified in or determined under the resolution.”

*The Pensions (Increase) Act 1971*

- 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 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 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—

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“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 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.

*Parliamentary and other Pensions Act 1972*

- 4 (1) In section 27 of the Parliamentary and other Pensions Act 1972 (pensions for dependants of Prime Minister or Speaker) for the words from “the provisions of sections 13 to 15” in subsection (1) to the end of subsection (2) there shall be substituted the words “the designated provisions shall have effect as if—
- (a) at the time of his death that person had been entitled in respect of service as a Member of the House of Commons to receive a pension payable under the provisions of the Parliamentary pension scheme out of the Parliamentary Contributory Pension Fund;
  - (b) the annual amount of that pension had been an amount equal to the annual amount of such pension calculated in accordance with subsection (3) or (in the case of a person who held office as Speaker) subsection (4) of section 26 of this Act as would have been payable to him at the time of his death if he had ceased to hold office immediately before his death and subsection (2) of that section and section 31 of this Act were disregarded; and
  - (c) references in the designated provisions to the trustees of the Fund were references to the Treasury.
- (2) For the purposes of subsection (1) above the designated provisions are such of the provisions contained in the Parliamentary pension scheme as—

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- (a) have effect for the purposes of, or in connection with, the payment out of the Parliamentary Contributory Pension Fund of a pension in respect of service as a Member of the House of Commons—
    - (i) to the widow or widower of a person with such service; or
    - (ii) for the benefit of any children of any person;
 and
  - (b) are designated for the purposes of this section by regulations made by the Leader of the House of Commons.
- (2A) The power to make regulations designating any provisions for the purposes of this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) After subsection (4) of the said section 27 there shall be inserted the following subsection—
- “(5) In this section—
- “children” includes adopted children, stepchildren and illegitimate children; and
  - “the Leader of the House of Commons” and “the Parliamentary pension scheme” have the same meanings as in the Parliamentary and other Pensions Act 1987.”
- (3) This paragraph shall not apply in relation to a person who, having held office as Prime Minister and First Lord of the Treasury or Speaker of the House of Commons, died before the coming into force of this paragraph; and in relation to such a person section 27 of the said Act of 1972, and the provisions applied by that section, shall have effect as if this Act had not been passed.
- (4) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this paragraph in the sums so charged and paid under section 27 of the said Act of 1972.

*The European Parliament (Pay and Pensions) Act 1979*

- 5 In section 8(1) of the European Parliament (Pay and Pensions) Act 1979 (interpretation), for the words “section 3(6) of the Parliamentary and other Pensions Act 1972” there shall be substituted the words “subsections (1A) and (1B) of section 229 of the Income and Corporation Taxes Act 1970”.

*The House of Commons Members' Fund and Parliamentary Pensions Act 1981*

- 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

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 Parliamentary Pensions Act 1981.	Section 4. 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).