



Pensions Act 1995

1995 CHAPTER 26

PART IV

MISCELLANEOUS AND GENERAL

Official and public service pensions

170 Pensions for dependants of the Prime Minister etc

- (1) Section 27 of the Parliamentary and Other Pensions Act 1972 (application of certain provisions with modifications in relation to the Prime Minister and the Speaker) is amended as follows.
- (2) For subsection (1)(b) (amount by reference to which dependant's pension calculated) there is substituted—
 - “(b) for the purposes of that scheme, that person's basic or prospective pension were of an amount equal to his section 26 entitlement”.
- (3) After subsection (1) there is inserted—
 - “(1A) For the purposes of subsection (1)(b), the amount of a person's section 26 entitlement—
 - (a) where at the time of his death he was entitled to receive a pension under section 26 of this Act (whether or not, by virtue of subsection (2) of that section, the pension was payable), is the annual amount of the pension to which he was entitled under that section at the time when he ceased to hold that office or (if later) on 28th February 1991, and
 - (b) where at the time of his death he held office as Prime Minister and First Lord of the Treasury or as Speaker of the House of Commons, is the annual amount of the pension to which he would have been entitled under that section if he had ceased to hold office immediately before his death,

Status: This is the original version (as it was originally enacted).

but in either case, any provision which deems such a pension to have begun on a day earlier than the day referred to in section 8(2) of the Pensions (Increase) Act 1971 shall be disregarded.”

- (4) For the purposes of the Pensions (Increase) Act 1971, a pension payable under section 27 of the Parliamentary and Other Pensions Act 1972 in respect of a person who ceased to hold the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons before 28th February 1991 shall be deemed to have begun on that date.
- (5) Where a person—
- (a) is entitled to receive a pension under that section by reason of the death of a person who, at any time before the commencement of this section, held the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons, and
 - (b) the amount of that pension determined in accordance with subsection (6) is greater than the amount of the pension determined in accordance with subsections (1) to (4),
- it shall be determined in accordance with subsection (6).
- (6) The annual amount of the pension shall be determined as if—
- (a) subsections (1) to (3) had not been enacted, and
 - (b) for the purposes of the Pensions (Increase) Act 1971, the pension had begun on the day following the date of the death.
- (7) This section has effect, and shall be treated as having had effect, in relation to any person who becomes entitled to a pension payable under section 27 of the Parliamentary and Other Pensions Act 1972 on or after 15th December 1994.

171 Equal treatment in relation to official pensions

- (1) Section 3 of the Pensions (Increase) Act 1971 (qualifying conditions for pensions increase) is amended as follows.
- (2) In subsection (2)(c), “is a woman who” is omitted.
- (3) In subsection (10)—
- (a) for “woman is in receipt of a pension” there is substituted “person is in receipt of a pension the whole or any part of”, and
 - (b) for “woman and that pension” there is substituted “person and that pension or part”.
- (4) In subsection (11)—
- (a) for “woman's” there is substituted “person's”, and
 - (b) for “woman” there is substituted “person”,
and accordingly for “she” there is substituted “he”.
- (5) This section shall have effect, and shall be deemed to have had effect, in relation to pensions commencing after 17th May 1990, and in relation to so much of any such pension as is referable to service on or after that date.

172 Information about public service schemes

- (1) In prescribed circumstances, the Secretary of State may provide information to any prescribed person in connection with the following questions—
- (a) whether an individual who during any period—
 - (i) has been eligible to be an active member of an occupational pension scheme under the Superannuation Act 1972, but
 - (ii) has instead made contributions to a personal pension scheme,has suffered loss as a result of a contravention which is actionable under section 62 of the Financial Services Act 1986 (actions for damages in respect of contravention of rules etc. made under the Act), and
 - (b) if so, what payment would need to be made to the occupational scheme in respect of the individual to restore the position to what it would have been if the individual had been an active member of the occupational scheme throughout the period in question,
- and may impose on that person reasonable fees in respect of administrative expenses incurred in providing that information.
- (2) Where—
- (a) such an individual as is mentioned in subsection (1) is admitted or readmitted as an active member of an occupational pension scheme under the Superannuation Act 1972, or
 - (b) a payment is made to the Secretary of State in respect of such an individual for the purpose mentioned in paragraph (b) of that subsection,
- the Secretary of State may impose on any prescribed person reasonable fees in respect of administrative expenses incurred in connection with the admission, readmission or payment.
- (3) In the case of an occupational pension scheme under section 1 of the Superannuation Act 1972 (superannuation of civil servants), the references in subsections (1) and (2) to the Secretary of State shall be read as references to the Minister for the Civil Service, or such person as may be prescribed.
- (4) In the case of an occupational pension scheme under section 7 of the Superannuation Act 1972 (superannuation of persons employed in local government etc.), the references in subsections (1) and (2) to the Secretary of State shall be read as references to a prescribed person.
- (5) In this section—
- “prescribed” means—
 - (i) in the case of a scheme made under section 1 of the Superannuation Act 1972, prescribed by a scheme made by the Minister for the Civil Service, or
 - (ii) in any other case, prescribed by regulations made by the Secretary of State, and
 - “active member”, in relation to an occupational pension scheme, has the same meaning as in Part I.