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**Changes to legislation:** There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999, Cross Heading: Pension Schemes Act 1993 (c.48). (See end of Document for details)

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## SCHEDULES

### SCHEDULE 12

#### CONSEQUENTIAL AMENDMENTS

#### PART I

#### AMENDMENTS CONSEQUENTIAL ON PARTS III AND IV

#### *Pension Schemes Act 1993 (c.48)*

28 The Pension Schemes Act 1993 has effect subject to the following amendments.

F129 .....

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**Textual Amendments**

**F1** Sch. 12 para. 29 repealed (6.4.2009) by Pensions Act 2008 (c. 30), s. 149(1), Sch. 11 Pt. 2; S.I. 2009/82, art. 2(2)(g)

F230 .....

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**Textual Amendments**

**F2** Sch. 12 para. 30 repealed (6.4.2009) by Pensions Act 2008 (c. 30), s. 149(1), Sch. 11 Pt. 2; S.I. 2009/82, art. 2(2)(g)

31 (1) Section 83 is amended as follows.

(2) In subsection (1), before “benefits”, in both places, there is inserted “relevant”.

(3) After that subsection there is inserted—

“(1A) The following are relevant benefits for the purposes of subsection (1)—

- (a) any benefits payable otherwise than by virtue of rights which are attributable (directly or indirectly) to a pension credit, and
- (b) in the case of a salary related occupational pension scheme, any benefits payable by virtue of such rights, to the extent that the rights involve the member being credited by the scheme with notional pensionable service.”

(4) At the end there is inserted—

“(4) For the purposes of this section, an occupational pension scheme is salary related if—

- (a) it is not a money purchase scheme, and

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(b) it does not fall within a prescribed class.”

32 In section 85, after “73(2)(b)” there is inserted “ or 101D(2)(b) ”.

33 In section 93, after subsection (1) there is inserted—

“(1ZA) In subsection (1), references to accrued rights to benefit do not include rights which are attributable (directly or indirectly) to a pension credit.”

34 In section 93A, after subsection (1) there is inserted—

“(1A) In subsection (1), the reference to benefits which have accrued does not include benefits which are attributable (directly or indirectly) to a pension credit.”

35 In section 94, after subsection (1A) there is inserted—

“(1B) In subsection (1), references to benefits which have accrued do not include benefits which are attributable (directly or indirectly) to a pension credit.”

36 In section 96, there is inserted at the end—

“(4) Where a member of an occupational pension scheme or a personal pension scheme—

(a) is entitled to give a notice under section 101F(1) to the trustees or managers of the scheme, or

(b) would be entitled to do so, but for section 101G(1),  
he may not, if the scheme so provides, make an application to them under section 95 unless he also gives them a notice under section 101F(1).”

37 (1) Section 98 is amended as follows.

(2) In subsection (5)—

(a) after “part of the” there is inserted “ relevant ”, and

(b) for “any of the benefits mentioned in that section” there is substituted “ benefits ”.

(3) In subsection (8), after “this section” there is inserted—

““relevant benefits” means any benefits not attributable (directly or indirectly) to a pension credit; and”.

38 (1) Section 100 is amended as follows.

(2) In subsection (1), for “subsection (2)” there is substituted “ subsections (2) and (2A) ”.

(3) After subsection (2) there is inserted—

“(2A) If the making of the application depended on the giving of a notice under section 101F(1), the application may only be withdrawn if the notice is also withdrawn.”

39 (1) Section 129 is amended as follows.

(2) In subsection (1), after “Part IV,” there is inserted “ Chapters I and II of Part IVA, ”.

<sup>F3</sup>(3) .....

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**Textual Amendments**

**F3** Sch. 12 para. 39(3) repealed (6.4.2006) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 13; S.I. 2006/560, art. 2(3), Sch. Pt. 3

- 40 (1) Section 178 is amended as follows.
- (2) In paragraph (a)—
- (a) the words “or of” are omitted, and
  - (b) at the end there is inserted “, section 25D of the <sup>M1</sup>Matrimonial Causes Act 1973, section 12A of the <sup>M2</sup>Family Law (Scotland) Act 1985 or Part III or IV of the Welfare Reform and Pensions Act 1999. ”
- (3) In paragraph (b), after “Part IV,” there is inserted “ Chapter I of Part IVA, ”.

**Marginal Citations**

**M1** 1973 c. 18.  
**M2** 1985 c. 37.

- 41 In section 181(1)—
- (a) after the definition of “occupational pension scheme” there is inserted—  
““pension credit” means a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 or under corresponding Northern Ireland legislation;”, and
- <sup>F4</sup>(b) .....

**Textual Amendments**

**F4** Sch. 12 para. 41(b) repealed (6.4.2009) by Pensions Act 2008 (c. 30), s. 149(1), Sch. 11 Pt. 2; S.I. 2009/82, art. 2(2)(g)

- 42 In section 183(3), for “and 97(1)” there is substituted “, 97(1) and 101I ”.

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