
Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Cross Heading: Protection of accrued rights. (See end of Document for details)

SCHEDULES

SCHEDULE 6

PARLIAMENTARY AND OTHER PENSIONS

PART 1

PARLIAMENTARY AND OTHER PENSIONS

SUPPLEMENTARY PROVISION

Protection of accrued rights

- 19 (1) This paragraph applies where—
- (a) the IPSA makes a scheme under paragraph 12, or
 - (b) the Minister for the Civil Service makes a scheme under paragraph 16, (the “new scheme”).
- (2) The new scheme must not make any provision in relation to an accrued right which puts (or might put) a person in a worse position than the person would have been in apart from the provision.
- (3) Sub-paragraph (2) does not apply if—
- (a) the trustees of the Fund consent to the new scheme making the provision, and
 - (b) the person making the new scheme is satisfied that the consent requirement is met.
- (4) The consent requirement is met if under the new scheme the provision has effect in relation to an accrued right only with the written consent, given in accordance with sub-paragraph (5), of—
- (a) the person (“P”) in respect of whose service the right has accrued, or
 - (b) if P is dead, the persons (“the survivors”) who because of the accrued right are entitled, or may become entitled, to a pension or the benefit of any pension.
- (5) Consent is given in accordance with this sub-paragraph if it is given after the person making the scheme has given P (or the survivors)—
- (a) information in writing which adequately explains the nature of the provision and its effect,
 - (b) notice in writing that they may make representations about the provision,
 - (c) an adequate opportunity to make such representations, and
 - (d) notice in writing that the provision has effect in relation to the accrued right only with their written consent.

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- (6) Consent may be given by a person acting on behalf of P (or the survivors); and the references in sub-paragraph (5) to P (or the survivors) include a person acting on their behalf.
- (7) In sub-paragraph (4)(a) “service” means—
- (a) where the new scheme is a scheme under paragraph 12, service as a member of the House of Commons, and
 - (b) where the new scheme is a scheme under paragraph 16, service to which that paragraph applies.

Commencement Information

II Sch. 6 para. 19 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(b)(i)

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