
Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Supplementary provision. (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)

Meaning of “accrued right”

- 20 (1) This paragraph applies for the interpretation of paragraph 19.
- (2) “Accrued right”, in relation to a provision of the new scheme, means a right (including a contingent right) or entitlement to or in respect of a pension or future pension payable out of the Fund which has accrued in respect of service before the provision comes into force.
- (3) Where the new scheme is a scheme under paragraph 12, in this paragraph “service” means service as a member of the House of Commons.
- (4) Where the new scheme is a scheme under paragraph 16, in this paragraph “service” means service to which that paragraph applies.

Commencement Information

II Sch. 6 para. 20 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(b)(i)

Power to make consequential amendments

- 21 (1) The Minister for the Civil Service may by order make such modifications of any enactment or subordinate legislation (whenever passed or made) as the Minister considers appropriate in consequence of any provision of a scheme made by the IPSA or the Minister for the Civil Service under this Part of this Schedule.
- (2) In sub-paragraph (1) the reference to subordinate legislation does not include a scheme made by the IPSA or the Minister for the Civil Service under this Part of this Schedule.
- (3) An order under this paragraph is to be made by statutory instrument.
- (4) A statutory instrument containing an order under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament (subject to sub-paragraph (5)).
- (5) A statutory instrument containing an order made under this paragraph in consequence only of a scheme under paragraph 12 is subject to annulment in pursuance of a resolution of the House of Commons.

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Commencement Information

I3 Sch. 6 para. 21 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(b)(i)

Interpretation etc

- 22 (1) A scheme made by the IPSA under paragraph 8 or 12 may amend or revoke any previous scheme made by the IPSA under that paragraph.
- (2) A scheme made by the Minister for the Civil Service under paragraph 16 may amend or revoke any previous scheme made by the Minister under that paragraph.
- (3) For the purposes of this Schedule “member”—
- (a) in relation to a scheme under paragraph 12, means a person with service as a member of the House of Commons who, in respect of that service, has a right or entitlement under the scheme to a pension or future pension payable out of the Fund, and
 - (b) in relation to a scheme under paragraph 16, means a person with service to which that paragraph applies who, in respect of that service, has a right or entitlement under the scheme to a pension or future pension payable out of the Fund.
- (4) In this Part of this Schedule—
- “the Fund” means the Parliamentary Contributory Pension Fund;
 - “the IPSA” means the Independent Parliamentary Standards Authority;
 - “member-nominated trustee” has the meaning given by paragraph 2;
 - “modifications” includes additions, alterations and omissions (and related expressions are to be read accordingly);
 - “pension” includes gratuity;
 - “subordinate legislation” has the same meaning as in the Interpretation Act 1978.

Commencement Information

I4 Sch. 6 para. 22 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(b)(i)

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