

*Changes to legislation:* There are currently no known outstanding effects for the  
Constitutional Reform and Governance Act 2010, Part 3. (See end of Document for details)

## SCHEDULES

### SCHEDULE 6 **U.K.**

#### PARLIAMENTARY AND OTHER PENSIONS

#### PART 3 **U.K.**

##### AMENDMENTS, TRANSITIONAL PROVISION ETC

##### *Pensions (Increase) Act 1971 (c. 56)*

- 35 (1) Part 1 of Schedule 2 is amended as follows.
- (2) For paragraph 3A substitute—
- “3A A pension which, under a scheme under paragraph 12 or 16 of Schedule 6 to the Constitutional Reform and Governance Act 2010, is payable out of the Parliamentary Contributory Pension Fund.”
- (3) In paragraph 3B for “an order” substitute “ a scheme ”.

#### Commencement Information

- I1** Sch. 6 para. 35(1)(2) in force at 24.10.2011 by S.I. 2011/2485, **art. 2(1)(2)(c)(i)**
- I2** Sch. 6 para. 35(3) in force at 1.11.2013 by S.I. 2013/2826, **art. 2(b)(i)** (with art. 3)

##### *Parliamentary and other Pensions Act 1972 (c. 48)*

<sup>F136</sup> .....

#### Textual Amendments

- F1** Sch. 6 paras. 36, 37 repealed (25.4.2013) by **Public Service Pensions Act 2013 (c. 25)**, s. 41(1)(b), **Sch. 11 para. 7** (with **Sch. 11 para. 8**)

<sup>F137</sup> .....

#### Textual Amendments

- F1** Sch. 6 paras. 36, 37 repealed (25.4.2013) by **Public Service Pensions Act 2013 (c. 25)**, s. 41(1)(b), **Sch. 11 para. 7** (with **Sch. 11 para. 8**)

##### *European Parliament (Pay and Pensions) Act 1979 (c. 50)*

- 38 (1) Section 4 (pensions) is amended as follows.

*Changes to legislation: There are currently no known outstanding effects for the  
 Constitutional Reform and Governance Act 2010, Part 3. (See end of Document for details)*

- (2) In subsection (1)—
- (a) for “Leader of the House of Commons may by order make” substitute “IPSA may make a scheme containing”, and
  - (b) for “by the order” substitute “in the scheme”.
- (3) In subsection (2)—
- (a) for “orders” substitute “a scheme”, and
  - (b) for “order” substitute “scheme”.
- (4) In subsection (3)—
- (a) for “an order” substitute “a scheme”, and
  - (b) in paragraphs (d) and (g) for “order” substitute “scheme”.
- (5) In subsection (3A), for “An order” substitute “A scheme”.
- (6) For subsection (4) substitute—
- “(4) Before making a scheme under this section the IPSA must consult—
- (a) the Treasury,
  - (b) the Minister for the Civil Service,
  - (c) persons it considers to represent those likely to be affected by the scheme,
  - (d) the Government Actuary, and
  - (e) any other person it considers appropriate.
- (4A) The IPSA must send to the Speaker of the House of Commons for laying before both Houses of Parliament—
- (a) any scheme made by it under this section, and
  - (b) a statement of the reasons for making the scheme.
- (4B) When the scheme and the statement of reasons have been laid, the IPSA must publish them in a way it considers appropriate.”
- (7) For subsection (5) substitute—
- “(5) The IPSA must from time to time prepare a report on the operation of any provisions in force under this section, and send it to the Speaker of the House of Commons for laying before both Houses of Parliament.”
- (8) After subsection (7) insert—
- “(8) A scheme made by the IPSA under this section may amend or revoke any previous scheme made by the IPSA under this section.”

**Commencement Information**

**I3** Sch. 6 para. 38 in force at 1.11.2013 by S.I. 2013/2826, art. 2(b)(ii) (with art. 3)

- 39 (1) Section 6 (block transfer into another pension scheme) is amended as follows.
- (2) In subsection (1)—
- (a) for “Leader of the House of Commons may by order” substitute “IPSA may, with the consent of the Treasury and the Minister for the Civil Service”, and

*Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 3. (See end of Document for details)*

- (b) for “the order” substitute “ the direction ”.
- (3) In subsection (2)—
  - (a) for “making an order” substitute “ giving a direction ”,
  - (b) for “Leader of the House of Commons” substitute “ IPSA ”,
  - (c) for “he” (in both places) substitute “ it ”,
  - (d) for “make such an order” substitute “ give such a direction ”, and
  - (e) for “the order” substitute “ the direction ”.
- (4) In subsection (4), in the definition of “the relevant pension provisions”—
  - (a) for “an order” substitute “ a direction ”,
  - (b) for “orders” substitute “ a scheme ”, and
  - (c) for “order is made” substitute “ direction is given ”.

**Commencement Information**

**I4** Sch. 6 para. 39 in force at 1.11.2013 by S.I. 2013/2826, art. 2(b)(ii) (with art. 3)

- 40 (1) Section 7 (expenses and receipts) is amended as follows.
- (2) In subsection (1)(c) (expenses and receipts)—
  - (a) for “any order” substitute “ a scheme ”, and
  - (b) omit the words from “or of any” to the end.
- (3) In subsection (1)(d) for “an order” substitute “ a direction ”.

**Commencement Information**

**I5** Sch. 6 para. 40 in force at 1.11.2013 by S.I. 2013/2826, art. 2(b)(ii) (with art. 3)

- 41 (1) Section 8 is amended as follows.
- (2) In subsection (1) (interpretation)—
  - (a) after the definition of “electoral region” insert—

““the IPSA” means the Independent Parliamentary Standards Authority;” and
  - (b) omit the definition of “the Leader of the House of Commons”.
- (3) Omit subsection (2).

**Commencement Information**

**I6** Sch. 6 para. 41 in force at 1.11.2013 by S.I. 2013/2826, art. 2(b)(ii) (with art. 3)

*House of Commons Members' Fund and Parliamentary Pensions Act 1981 (c. 7)*

- 42 In section 1 (entitlement to payments out of House of Commons Members' Fund)—
  - (a) in subsection (5)(b) for “paragraph (b), (c) or (d) of section 2(2) of the Parliamentary and other Pensions Act 1987” substitute “ subsection (5A) ”, and

*Changes to legislation: There are currently no known outstanding effects for the  
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- (b) after subsection (5) insert—
- “(5A) The offices are—
- (a) the offices mentioned in paragraph 16(2)(a), (b), (d) or (e) of Schedule 6 to the Constitutional Reform and Governance Act 2010;
  - (b) the offices of Chairman of Ways and Means and Deputy Chairman of Ways and Means.”

**Commencement Information**

**I7** Sch. 6 para. 42 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(c)(ii)

*Parliamentary and other Pensions Act 1987 (c. 45)*

- 43 Omit—
- (a) section 1,
  - (b) section 2(1) to (8) and (10),
  - (c) section 3, and
  - (d) Schedule 1.

**Commencement Information**

**I8** Sch. 6 para. 43 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(c)(ii)

- 44 (1) The existing regulations have effect (subject to any provision in an order under section 51 of this Act)—
- (a) so far as they relate to matters which could be contained in a scheme made by the IPSA under paragraph 8, as if they were a scheme made by the IPSA under that paragraph,
  - (b) so far as they relate to matters which could be contained in a scheme made by the IPSA under paragraph 12, as if they were a scheme made by the IPSA under that paragraph, and
  - (c) so far as they relate to matters which could be contained in a scheme made by the Minister for the Civil Service under paragraph 16, as if they were a scheme made by the Minister under that paragraph.
- (2) An order under section 51 or 52 of this Act may provide for any provision of the existing regulations which—
- (a) relates to one or more of the matters listed in paragraph 8(1), but
  - (b) could not be contained in a scheme under paragraph 8,
- to have effect as if contained in a scheme under that paragraph.
- (3) If it does so a scheme under paragraph 8 may—
- (a) revoke the provision;
  - (b) amend it so that it makes provision which may be contained in a scheme under that paragraph (but not otherwise amend it).
- (4) An order under section 51 or 52 of this Act may provide for any provision of the existing regulations which—

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*Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 3. (See end of Document for details)*

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- (a) relates to service as a member of the House of Commons, but
  - (b) could not be contained in a scheme under paragraph 12,  
to have effect as if contained in a scheme under that paragraph.
- (5) If it does so a scheme under paragraph 12 may—
- (a) revoke the provision;
  - (b) amend it so that it makes provision which may be contained in a scheme under that paragraph (but not otherwise amend it).
- (6) An order under section 51 or 52 of this Act may provide for any provision of the existing regulations which—
- (a) relates to service to which paragraph 16 applies, but
  - (b) could not be contained in a scheme under that paragraph,  
to have effect as if contained in a scheme under that paragraph.
- (7) If it does so a scheme under paragraph 16 may—
- (a) revoke the provision;
  - (b) amend it so that it makes provision which may be contained in a scheme under that paragraph (but not otherwise amend it).
- (8) “The existing regulations” means the regulations under section 2 of the Parliamentary and other Pensions Act 1987 in force immediately before the date specified in an order made by a Minister of the Crown by statutory instrument.
- (9) An order under sub-paragraph (8) may specify different dates for different purposes.

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**Modifications etc. (not altering text)**

**C1** Sch. 6 para. 44(8): 24.10.2011 specified date by [S.I. 2011/2485](#), art.3

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**Commencement Information**

**I9** Sch. 6 para. 44 in force at 24.10.2011 by [S.I. 2011/2485](#), **art. 2(1)(2)(c)(ii)** (with [art. 3](#))

*Ministerial and other Pensions and Salaries Act 1991 (c. 5)*

45 Omit section 6.

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**Commencement Information**

**I10** Sch. 6 para. 45 in force at 24.10.2011 by [S.I. 2011/2485](#), **art. 2(1)(2)(c)(ii)**

*Pensions Act 2004 (c. 35)*

46 In section 249A(3)(c) (schemes to which section 249A does not apply) for “section 2 of the Parliamentary and other Pensions Act 1987 (c. 45)” substitute “paragraph 8, 12 or 16 of Schedule 6 to the Constitutional Reform and Governance Act 2010”.

*Changes to legislation: There are currently no known outstanding effects for the  
 Constitutional Reform and Governance Act 2010, Part 3. (See end of Document for details)*

**Commencement Information**

**I11** Sch. 6 para. 46 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(c)(ii)

*Parliamentary Standards Act 2009 (c. 13)*

- 47 (1) In section 5(9) (MPs' allowances scheme does not affect pensions) for “the Parliamentary and other Pensions Act 1987 (c. 45)” substitute “ Schedule 6 to the Constitutional Reform and Governance Act 2010 ”.
- (2) In paragraph 18 of Schedule 1 (IPSA's administration and regulation functions), after sub-paragraph (2) insert—
- “(3) The IPSA's functions under the following provisions are also regulation functions—
- (a) sections 3, 4 and 6 of the European Parliament (Pay and Pensions) Act 1979 (but not any function relating to the administration of a scheme under section 3 or 4);
- (b) paragraphs 2 to 5, 8, 9, 11, 12 and 15 of Schedule 6 to the Constitutional Reform and Governance Act 2010 (but not any function relating to the administration of a scheme under paragraph 8 or 12).”
- (3) In paragraph 29(2) of Schedule 1 (interpretation) in the definition of “regulation functions” after “18(2)” insert “ and (3) ”.

**Commencement Information**

**I12** Sch. 6 para. 47(1) in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(c)(iii)

**I13** Sch. 6 para. 47(2) in force at 24.10.2011 for specified purposes by S.I. 2011/2485, art. 2(1)(2)(c)(iv)

**I14** Sch. 6 para. 47(2) in force at 1.11.2013 in so far as not already in force by S.I. 2013/2826, art. 2(b)(iii) (with art. 3)

**I15** Sch. 6 para. 47(3) in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(c)(v)

- 48 (1) An order under section 13 of the Parliamentary Standards Act 2009 may make the provision mentioned in section 13(6) (provision for transfer schemes) in connection with this Schedule (as well as in connection with that Act).
- (2) But for this purpose—
- (a) the reference in section 13(6)(a) to matters dealt with by the rules is to be treated as a reference to matters which could be dealt with by a scheme under paragraph 8 or 12;
- (b) section 13(6)(b) and (c) does not apply to property, rights and liabilities, or documents and information, held by or on behalf of the trustees of the Fund.
- (3) Section 13(7) of that Act applies to a scheme made by virtue of section 13(6) and this paragraph.

**Commencement Information**

**I16** Sch. 6 para. 48 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(c)(vi)

*Changes to legislation: There are currently no known outstanding effects for the  
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### *Trustees of the Fund*

- 49 (1) This paragraph applies if, under an order under section 52, paragraph 2 comes into force for the purpose of making an appointment under paragraph 2(1)(a) or (b) before it comes into force for other purposes.
- (2) The reference in paragraph 2(1)(a) or (b) to the persons who are already trustees of the Fund is to the persons who are trustees of the Fund by virtue of section 1 of the Parliamentary and other Pensions Act 1987.

#### **Commencement Information**

**I17** Sch. 6 para. 49 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(c)(vi)

- 50 (1) In this paragraph “the transitional period” means the period of six months beginning with the day on which paragraph 2 comes into force (other than for the purpose of making an appointment under paragraph 2(1)(a) or (b)).
- (2) During the transitional period—
- (a) paragraph 2(1) applies as if for paragraph (c) there were substituted—
- “(c) the persons who (by virtue of section 1 of the Parliamentary and other Pensions Act 1987) are the trustees of the Fund immediately before the beginning of the transitional period.”, and
- (b) paragraph 5 applies to persons who are trustees of the Fund because of paragraph (a) as if they were member-nominated trustees.
- (3) But if a person who is a trustee of the Fund immediately before the beginning of the transitional period is appointed under paragraph 2(1)(a) or (b) that person is not to be treated as being a trustee of the Fund because of sub-paragraph (2)(a).
- (4) The trustees of the Fund must make arrangements (the “transitional arrangements”) for 8 persons to be nominated and selected as member-nominated trustees before the end of the transitional period.
- (5) Those persons become member-nominated trustees immediately after the end of the transitional period.
- (6) Only persons who are trustees of the Fund immediately before the beginning of the transitional period may be nominated and selected as member-nominated trustees under the transitional arrangements.
- (7) But if it is not possible to secure 8 member-nominated trustees from among those persons, the deficiency may be supplied by other persons.
- (8) At the end of the transitional period any persons who—
- (a) immediately before the end of that period, are trustees of the Fund because of sub-paragraph (2)(a), but
- (b) have not been nominated and selected as member-nominated trustees, cease to be trustees of the Fund.

#### **Commencement Information**

**I18** Sch. 6 para. 50 in force at 24.10.2011 by S.I. 2011/2485, art. 2(1)(2)(c)(vi)

**Changes to legislation:**

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