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STATUTORY INSTRUMENTS

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**1993 No. 3253**

**The Parliamentary Pensions (Consolidation  
and Amendment) Regulations 1993**

**PART R**

**Miscellaneous and Supplemental**

**Application of pensions**

**R1.**—(1) A pension under these Regulations or under Part I of the 1972 Act or under Part II of the 1965 Act shall not be assignable or chargeable with debts or other liabilities.

(2) Section 142 of the Mental Health Act 1983<sup>(1)</sup> (which enables pay or pension of a person who is incapacitated by mental disorder from managing his affairs to be applied for the benefit of himself or his dependants instead of being paid to him) shall have effect in relation to any such pension as if it were payable directly out of moneys provided by Parliament.

**Payments due to deceased persons**

**R2.**—(1) Where on the death of any person there is due to the deceased or his personal representatives from the Trustees a sum which (if any part of it due by way of interest is disregarded) does not exceed the amount of the limit for the time being specified by virtue of orders made from time to time under section 6 of the Administration of Estates (Small Payments) Act 1965,<sup>(2)</sup> probate or other proof of the title of the personal representatives of the deceased may be dispensed with, and the Trustees may pay the whole or any part of that sum to those representatives or to the person, or to or among any one or more of any persons, appearing to the Trustees to be beneficially entitled to the personal or movable estate of the deceased.

(2) Any person to whom a payment is made under the preceding paragraph, and not the Trustees, shall thereafter be liable to account for the amount paid to him under that paragraph.

(3) If the Trustees receive notice in writing of any claim against the estate of the deceased at any time before they have made a full payment under paragraph (1) above, then, except where the sum to be paid appears to them to be bona vacantia, they shall not make any, or (as the case may be) any further, payment under that paragraph to any person other than the personal representatives of the deceased until the claim is satisfied or withdrawn.

**Deferred Rights**

**R3.**—(1) Subject to regulation R4, in the case of any person who has accrued pension rights in the Fund which are not attributable to or derived from the reckonable service of a person who has made contributions to the Fund after the coming into force of these Regulations, these Regulations

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<sup>(1)</sup> 1983 c. 20.

<sup>(2)</sup> 1965 c. 32. Relevant amendments were made to Section 6 by the Parliamentary and other Pensions Act 1972 (c. 48), section 24(4) and by the Parliamentary and other Pensions Act 1987 (c. 45), section 6(2) and Schedule 4.

shall apply in relation to any such benefit as is specified by paragraph (2), subject also, however, to the modifications and supplementary provisions contained in Schedules 8 to 14.

(2) The specified benefits referred to in paragraph (1) are those pensions and other benefits which have not come into payment before the coming into force of these Regulations.

#### **Protection against adverse alterations**

**R4.**—(1) Without prejudice to paragraph (2), where the Trustees are of the opinion that, in relation to such a benefit as is specified by paragraph (2) of regulation R3, the provisions of these Regulations (as modified and supplemented in pursuance of that regulation) are materially different from the corresponding provisions of the enactments and regulations revoked by regulation R5(1), the Trustees may, if satisfied that it would be just to do so, determine that regulation R3 shall not apply in relation to that benefit, and in any such case the said enactments and regulations shall have effect in relation thereto as though they had not been so revoked.

(2) Where a person has ceased to be a Member of the House of Commons or to hold a qualifying office before these Regulations come into force and these Regulations put him in a worse position in relation to an accrued right than he would have been in apart from the Regulations, he or (where he has died) persons who are or may become entitled by virtue of that right to or to the benefit of any pension, or a person acting on behalf of that person or those persons, may opt for the accrued rights to remain unaffected by these Regulations.

#### **Revocations, savings and transitional provisions**

**R5.**—(1) Subject as hereinafter provided, the enactments and regulations specified in column (1) of Part I and Part II of Schedule 7 are revoked to the extent mentioned in column (3).

(2) The enactments and regulations so specified shall continue to have effect in relation to any pension or other benefit which has come into payment thereunder before the coming into force of these Regulations.

(3) The revocations have effect subject to the savings in Part III of Schedule 7.

(4) The provisions of Part III of Schedule 7 do not affect the general operation of section 16 of the Interpretation Act 1978(3) (general savings to be implied on a revocation).

(5) Part IV of Schedule 7 has effect with respect to transitional matters in connection with the coming into force of these Regulations.