



# Pension Schemes Act 1993

## 1993 CHAPTER 48

### PART I

#### PRELIMINARY

#### 1 Categories of pension schemes.

[<sup>F1</sup>(1)] In this Act, unless the context otherwise requires—

[<sup>F2</sup>“occupational pension scheme” means a pension scheme—

(a) that—

- (i) for the purpose of providing benefits to, or in respect of, people with service in employments of a description, or
- (ii) for that purpose and also for the purpose of providing benefits to, or in respect of, other people,

is established by, or by persons who include, a person to whom subsection (2) applies when the scheme is established or (as the case may be) to whom that subsection would have applied when the scheme was established had that subsection then been in force, and

(b) that has its main administration in the United Kingdom or outside the [<sup>F3</sup>EEA states],

or a pension scheme that is prescribed or is of a prescribed description;]

[<sup>F2</sup>“personal pension scheme” means a pension scheme that—

- (a) is not an occupational pension scheme, and
- (b) is established by a person within <sup>F4</sup>... section 154(1) of the Finance Act 2004;]

“public service pension scheme” means an occupational pension scheme established by or under an enactment or the Royal prerogative or a Royal charter, being a scheme—

- (a) all the particulars of which are set out in, or in a legislative instrument made under, an enactment, Royal warrant or charter, or

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- (b) which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department [<sup>F5</sup>or by the Scottish Ministers],

and includes any occupational pension scheme established, with the concurrence of the Treasury, by or with the approval of any Minister of the Crown [<sup>F6</sup>or established by or with the approval of the Scottish Ministers] and any occupational pension scheme prescribed by regulations made by the Secretary of State and the Treasury jointly as being a scheme which ought in their opinion to be treated as a public service pension scheme for the purposes of this Act.

[<sup>F7</sup>(2) This subsection applies—

- (a) where people in employments of the description concerned are employed by someone, to a person who employs such people,
  - (b) to a person in an employment of that description, and
  - (c) to a person representing interests of a description framed so as to include—
    - (i) interests of persons who employ people in employments of the description mentioned in paragraph (a), or
    - (ii) interests of people in employments of that description.
- (3) For the purposes of subsection (2), if a person is in an employment of the description concerned by reason of holding an office (including an elective office) and is entitled to remuneration for holding it, the person responsible for paying the remuneration shall be taken to employ the office-holder.
- (4) In the definition in subsection (1) of “occupational pension scheme”, the reference to a description includes a description framed by reference to an employment being of any of two or more kinds.
- (5) In subsection (1) “pension scheme” (except in the phrases “occupational pension scheme”, “personal pension scheme” and “public service pension scheme”) means a scheme or other arrangements, comprised in one or more instruments or agreements, having or capable of having effect so as to provide benefits to or in respect of people—
- (a) on retirement,
  - (b) on having reached a particular age, or
  - (c) on termination of service in an employment.
- (6) The power of the Treasury under section 154(4) of the Finance Act 2004 (power to amend sections 154 and 155) includes power consequentially to amend—
- (a) paragraph (a) of the definition in subsection (1) of “personal pension scheme”, and
  - (b) any provision in force in Northern Ireland corresponding to that paragraph.]

#### Textual Amendments

- F1** S. 1(1): s. 1 renumbered as s. 1(1) (1.7.2005 for specified purposes, 22.9.2005 for specified purposes, 6.4.2006 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), [ss. 239\(2\)](#), [322\(1\)](#) (with [s. 313](#)); [S.I. 2005/1720](#), [art. 2\(7\)\(a\)\(b\)\(i\)\(ii\)](#)
- F2** Words in [s. 1\(1\)](#) substituted (1.7.2005 for specified purposes, 22.9.2005 for specified purposes, 6.4.2006 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), [ss. 239\(3\)](#), [322\(1\)](#) (with [s. 313](#)); [S.I. 2005/1720](#), [art. 2\(7\)\(a\)\(b\)\(i\)\(ii\)](#)

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- F3** Words in s. 1(1) substituted (26.11.2007) by The Occupational Pension Schemes (EEA States) Regulations 2007 (S.I. 2007/3014), regs. 1, 2, **Sch. para. 1(a)**
- F4** Words in s. 1(1) repealed (retrospective to 6.4.2007) by Finance Act 2007 (c. 11), Sch. 20 paras. 23(1), 24(1), **Sch. 27 Pt. 3(2)**
- F5** Words in s. 1 inserted (1.7.1999) by The Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820), **Sch. 2 para. 113(a)** (with art. 5); S.I. 1998/3178, art. 3
- F6** Words in s. 1 inserted (1.7.1999) by The Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820), **Sch. 2 para. 113(b)** (with art. 5); S.I. 1998/3178, art. 3
- F7** S. 1(2)-(6) inserted (1.7.2005 for specified purposes, 22.9.2005 for specified purposes, 6.4.2006 in so far as not already in force) by Pensions Act 2004 (c. 35), **ss. 239(4), 322(1)** (with s. 313); S.I. 2005/1720, art. 2(7)(a)(b)(i)(ii)

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#### **Commencement Information**

- I1** Ss. 1-187 in force at 7.2.1994 by S.I. 1994/86, **art. 2**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 46(1A)(1B) inserted by [2008 c. 30 s. 103\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 103(2)(4)(5) repealed (1.10.2014) without ever being in force by [2014 c. 19, Sch. 12 para. 96\(a\)](#); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- s. 46(1A) words substituted by [2011 c. 19 Sch. 3 para. 10](#)
- s. 71(1A) inserted by [2015 c. 8 s. 39\(2\)\(b\)](#)
- s. 82A inserted by [2015 c. 8 Sch. 1 para. 2](#)
- s. 83(1A)-(1AC) substituted for s. 83(1A) by [2015 c. 8 Sch. 1 para. 3](#)
- s. 84-84F substituted for s. 84 by [2015 c. 8 Sch. 1 para. 4](#)
- s. 85A inserted by [2015 c. 8 Sch. 1 para. 5](#)
- s. 86A86B inserted by [2015 c. 8 Sch. 1 para. 6](#)
- s. 94(2A)(a)(viii) inserted by [2014 c. 19 Sch. 17 para. 20\(2\)\(a\)](#)
- s. 94(2A)(b)(vi) inserted by [2014 c. 19 Sch. 17 para. 20\(2\)\(b\)](#)
- s. 101AI(8)(a)(viii) inserted by [2014 c. 19 Sch. 17 para. 20\(3\)\(a\)](#)
- s. 101AI(8)(b)(vi) inserted by [2014 c. 19 Sch. 17 para. 20\(3\)\(b\)](#)
- s. 113(4)(4A) substituted for s. 113(4) by [2015 c. 8 s. 38\(5\)](#)
- s. 145(1A)-(1C) inserted by [2004 c. 35 Sch. 12 para. 23](#)
- s. 146(6A) inserted by [2004 c. 35 Sch. 12 para. 24\(b\)](#)
- s. 175A inserted by [2008 c. 30 Sch. 10 para. 1](#)
- s. 185(2)(ca) inserted by [2018 c. 10 s. 19\(5\)](#)
- s. 186(3)(ba) inserted by [2015 c. 8 Sch. 1 para. 7](#)
- s. 186(3)(za) inserted by [2008 c. 30 s. 103\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 103(2)(4)(5) repealed (1.10.2014) without ever being in force by [2014 c. 19, Sch. 12 para. 96\(a\)](#); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- Sch. 3 para. A1 and cross-heading inserted by [2015 c. 8 Sch. 1 para. 8](#)