Social Security Pensions Act 1975

1975 CHAPTER 60

PART IV

OCCUPATIONAL PENSIONS

[F1 The revaluation percentage]

Textual Amendments

F1 Ss. 52A-52D inserted by Social Security Act 1985 (c. 53), **Sch. 1**, para. 2

F2 52A . . . . . .

Textual Amendments

F2 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

F3 52B . . . . . .

Textual Amendments

F3 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

Extinguishment of liability of scheme for pensions secured by insurance policies or annuity contracts

F4 52C . . . . . .

Textual Amendments

F4 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

[F5]52D . . . . . .

Textual Amendments

F5 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

Equal access to occupational pension schemes

Modifications etc. (not altering text)

C1 Under para. 11(a) of Sch. 5, and under Sch. 9, to the Social Security Act 1989 (c. 24), **ss. 53-56** are due, prosp., to be repealed.

[F6]53 . . . . . .

Textual Amendments

F6 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

[F7]54 . . . . . .

Textual Amendments

F7 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

[F8]55 . . . . . .

Textual Amendments

F8 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

[F9]56 . . . . . .

Textual Amendments

F9 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

[F10 Information about and registration of occupational pension schemes]

Textual Amendments

F10 Sections 56A, 56E and 56L inserted by Social Security Act 1985 (c. 53), **Sch. 2**

F11 56A . . . . . .

Textual Amendments

F11 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

56B–56D F12

Textual Amendments

F12 Ss. 56B-56D, 56E(1)(c), 56F-56K(3) repealed (with effect from 18.7.1990) by Social Security Act 1990 (c. 27), **s. 13(2)** and Sch. 7 (and expressed to be repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**)

F13 56E . . . . . .

Textual Amendments

F13 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

56F–56J F14

Textual Amendments

F14 Ss. 56B-56D, 56E(1)(c), 56F-56K(3) repealed (with effect from 18.7.1990) by Social Security Act 1990 (c. 27), **s. 13(2)** and Sch. 7 (and expressed to be repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**)

56K

(1) F15

(4) F16

(5) F17

Textual Amendments

F15 Ss. 56B-56D, 56E(1)(c), 56F-56K(3) repealed (with effect from 18.7.1990) by Social Security Act 1990 (c. 27), **s. 13(2)** and Sch. 7 (and expressed to be repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**)

F16 S. 56K(4) repealed (before coming into force) by Social Security Act 1986 (c. 50), **Sch. 11** (and expressed to be repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**)

F17 Ss. 56K(5)(6), 56L(1)(b), (5)(b) and (9), 56M and 56N repealed (with effect from 18.7.1990) by Social Security Act 1990 (c. 27), **s. 13(2)** and Sch. 7 (and expressed to be repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**)

[F18]56L . . . . . .

Textual Amendments

F18 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

56M, 56N. . . . . . [F19]

Textual Amendments

F19 Ss. 56K(5)(6), 56L(1)(b), (5)(b) and (9), 56M and 56N repealed (with effect from 18.7.1990) by Social Security Act 1990 (c. 27), **s. 13(2)** and Sch. 7 (and expressed to be repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**)

[[F20] Auditors]

Textual Amendments

F20 S. 56P and crossheading inserted (with effect from 6.4.1987) by Social Security Act 1986 (c. 50), **s. 11**

[F21]56P . . . . . .

Textual Amendments

F21 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

Other provisions

[F22]57 . . . . . .

Textual Amendments

F22 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2** and expressed to be repealed (N.I.) (7.2.1994) by 1993 c. 49, s. 182(1), **Sch. 4 Pt. I**; S.R. 1994/17, **art. 2**

[F23]57A . . . . . .

Textual Amendments

F23 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

[F24]57B . . . . . .

Textual Amendments

F24 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

[F25]57C . . . . . .

Textual Amendments

F25 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

[F26]57D . . . . . .

Textual Amendments

F26 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

[F27]58 . . . . . .

Textual Amendments

F27 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

[F28]58A . . . . . .

Textual Amendments

F28 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

[F29]58B . . . . . .

Textual Amendments

F29 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 193(2), **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

59 Increase of official pensions.

(1) Where by virtue of **[**[F30]section 151 of the Administration Act a direction is given that the sums mentioned in section 150(1)(c) of that Act**]** are to be increased by a specified percentage the Minister for the Civil Service shall by order provide that the annual rate of an official pension may, if a qualifying condition is satisfied or the pension is **[**[F31]a derivative or substituted pension or a relevant injury pension**]**, be increased in respect of any period beginning on or after the date on which the direction takes effect—

(a) if the pension began before the beginning of the base period for that direction, by the same percentage as that specified in the direction;

(b) if the pension began during the base period, by that percentage multiplied byA/B where A is the number of complete months in the period between the beginning of the pension and the end of the base period and B is the number of complete months in the base period.

(2) Where an order is made under this section in consequence of any such direction as aforesaid the order shall, in addition to the provision required by subsection (1) above, authorise the payment of an increase in respect of any lump sum that becomes payable during the base period for that direction, being an increase equal to the percentage specified in the direction multiplied by

$$\frac{A}{B}$$

where—

(a) A is the number of complete months in the period between the beginning date for the lump sum (or, if later, the date from which it was last authorised to be increased by an order under this section) and the date on which it becomes payable; and

(b) B is the number of complete months in that base period.

(3) In the case of the first order made under this section in consequence of any such direction as aforesaid, subsection (1) above shall have effect as if the increase required to be authorised in the case of any pension (whether beginning before or during the base period) were an increase equal to the percentage specified in the direction multiplied by

$$\frac{A}{B}$$

where—

(a) A is the number of complete months in the period between the beginning of the pension (or, if later, the date from which it was last authorised to be increased by an order under section 2 of the [M1]Pensions (Increase) Act 1971) and the end of the base period for that direction; and

(b) B is the number of complete months in that base period.

(4) In the case of the first order so made under this section, subsection (2) above shall have effect as if—

(a) for the reference to any lump sum that becomes payable during the base period there were substituted a reference to any lump sum that becomes or has become payable before the end of the base period but after the date from which official pensions were last increased by an order under section 2 of the [M2]Pensions (Increase) Act 1971; and

(b) the reference in paragraph (a) of the subsection to the date from which the lump sum was last authorised to be increased were a reference to the date specified in paragraph (a) above.

(5) The increases in the rate of a pension that may be provided for by an order under this section are to be calculated by reference to the basic rate of the pension as authorised to be increased by section 1 of the said Act of 1971 or by any order under section 2 of that Act or this section; but where—

[[F32](a) a person is entitled to a guaranteed minimum pension when an order under this section comes into force; and

(b) entitlement to that guaranteed minimum pension arises from an employment from which (either directly or by virtue of the payment of a transfer credit [F33]...) entitlement to the official pension also arises;

the amount by reference**]** to which any increase authorised by that or any subsequent order is to be calculated shall be reduced by an amount equal to the rate of the guaranteed minimum pension.

[[F34](5ZA) In the application of subsection (5) above in relation to a [F35]**[**[F36]surviving spouse's**][**[F37]or surviving civil partner's**]** pension in a case where the pensioner becomes entitled on the death of the deceased spouse **[**[F38]or civil partner**]** to such a guaranteed minimum pension as is there mentioned.

(a) the pensioner shall be treated as having been entitled to that guaranteed minimum pension at all times during the period beginning with the date on which the deceased spouse **[**[F39]or civil partner**]** became entitled to a guaranteed minimum pension and ending with the date of the death;

(b) the rate of the guaranteed minimum pension to which the pensioner is treated as so entitled at any time during that period**[**[F40]("the relevant time")**]** shall be taken to be **[**[F41]the rate provided for in subsection (5ZB);**]** and

(c) the amount by reference to which any increase in the [F42]**[**[F43]surviving spouse's**][**[F44]or surviving civil partner's**]** pension is to be calculated shall,

Changes to legislation: *There are currently no known outstanding effects for the Social Security Pensions Act 1975, Part IV. (See end of Document for details)*

subject to any directions under section 59A below (whether made before or after the coming into force of this subsection), be accordingly reduced under that subsection by an amount equal to the rate, as determined under paragraph (b) above, of the guaranteed minimum pension to which the pensioner is treated as entitled;

[F45 …]

[[F46](5ZB) The rate referred to in subsection (5ZA)(b) is—

[F47[in the case of a pension payable to a woman in respect of the services—

[F48](a) (i) of her deceased male spouse; or

(ii) of her deceased female spouse in a relevant gender change case;

one half of the rate of the deceased spouse's guaranteed minimum pension at the relevant time;]

(b) in the case of [F49][F50]any other surviving spouse's] pension, one half of so much of the rate of the deceased [F51][F52]spouse's] guaranteed minimum pension at the relevant time as is attributable to earnings factors for the tax year 1988-89 and subsequent tax years;

(c) in the case of a surviving civil partner's pension, one half of so much of the rate of the deceased civil partner's guaranteed minimum pension at the relevant time as is attributable to earnings factors for the tax year 1988-89 and subsequent tax years.

(5ZC) Subsection (5ZA)—

[[F53](a) does not apply to—

(i) a pension payable to a woman in respect of the services of her deceased male spouse;

(ii) a pension payable to a man in respect of the services of his deceased female spouse;

(iii) a pension payable to a woman in respect of the services of her deceased female spouse in a relevant gender change case; or

(iv) a pension payable to a man in respect of the services of his deceased male spouse in a relevant gender change case,

in respect of any service of the deceased spouse if that deceased spouse's pension in respect of that service became payable before 24th July 1990;]

[[F54](a) does not apply to a pension payable to the survivor of a couple in respect of any service of the deceased member of the couple if—

(i) the deceased member's pension in respect of that service became payable before 24 July 1990,

(ii) a marriage between the couple is solemnised at a time (whether or not before the deceased member's pension in respect of that service became payable) when one of them is a man and the other is a woman and they are not civil partners, and

(iii) at the deceased member's death (and whether or not the couple are still not of the same sex), the couple are parties to that marriage or to the civil partnership resulting from conversion of that marriage;]

(b) applies to a [F55][F56]pension due to a surviving spouse who was married to someone of the same sex [[F57](other than a pension within paragraph (a)(iii) or (iv))][[F57](other than such a pension in respect of the services of the deceased spouse in a relevant gender change case)] and a] surviving civil partner's

pension only in respect of amounts payable after the coming into force of this subsection.**]**

[[F58](5A) Nothing in **[**[F59]section 110(2) or (3) of, or paragraph 10 of Schedule 6 to, the Pension Schemes Act 1993**]** authorises any deduction from an increase in the rate of an official pension under this section.**]**

(6) Any order under this section shall be made by statutory instrument and shall be laid before Parliament after being made.

(7) In this section—

"base period", in relation to any such direction as is mentioned in subsection (1) above, means the period ending with the coming into force of that direction and beginning with the coming into force of the last previous such direction or, if there was none, with **[**[F60]13th November 1978 (date of the relevant order under section 124 of the principal Act, increasing rates of benefit);**]**

"beginning date", in relation to a lump sum, shall be construed in accordance with sections 8(2) and 9(2)(a) of the said Act of 1971;

[[F61]"conversion", in relation to a marriage, means—

(a) the conversion of that marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or

(b) the conversion of that marriage into a civil partnership under Part 4 or 5 of those Regulations;**]**

[[F62]"employment", "guaranteed minimum pension" and "transfer credit" have the same meaning as in section 181(1) of the Pension Schemes Act 1993 **]**

"lump sum" includes an instalment of a lump sum;

[F63]**[**[F64]"relevant gender change case" means a case where—

(a) the deceased spouse was a man or a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004; and

(b) the marriage of the deceased spouse and the surviving spouse (that ends with the deceased spouse's death) subsisted before the time when the certificate was issued,**]**

[F65][F66] . . . . . .

and this section **[**[F67]and section 59A of this Act**]** and the said Act of 1971 shall have effect as if this section **[**[F67]and section 59A of this Act**]** were contained in Part I of that Act.

[[F68](8) Where, for the purposes of this section, it is necessary to calculate the number of complete months in any period an incomplete month shall be treated as a complete month if it consists of at least 16 days.**]**

Extent Information

E1 Ss. 59, 59A have the same extent as the Pensions (Increase) Act 1971, in that they extend to E.W.S. only except for specified purposes for which purposes they also extend to N.I., see s. 68(3)(a) and Pensions (Increase) Act 1971 (c. 56), **s. 19**

Textual Amendments

F30 Words substituted by Social Security (Consequential Provisions) Act 1992 (c. 6), **Sch. 2**, para. 34

F31 Words substituted by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), **s. 1(7)**

F32 Words substituted by Social Security Act 1979 (c. 18), **s. 11(1)**

F33 Words repealed by Social Security Act 1985 (c. 53), **Sch. 5**, para. 33 and Sch. 6

F34 S. 59(5ZA) inserted (with effect from 24.7.1990) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7), **s. 5(1)**

F35 Words in s. 59(5ZA) substituted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 1(2)(a)**

F36 Words in s. 59(5ZA) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 13(a)**

F37 Words in s. 59(5ZA) substituted (13.3.2014) by Pensions Act 2008 (c. 30), **ss. 137(3)(a)**, 149(1); S.I. 2014/463, art. 2

F38 Words in s. 59(5ZA) inserted (13.3.2014) by Pensions Act 2008 (c. 30), **ss. 137(3)(b)**, 149(1); S.I. 2014/463, art. 2

F39 Words in s. 59(5ZA)(a) inserted (13.3.2014) by Pensions Act 2008 (c. 30), **ss. 137(4)**, 149(1); S.I. 2014/463, art. 2

F40 Words in s. 59(5ZA)(b) inserted (13.3.2014) by Pensions Act 2008 (c. 30), **ss. 137(5)(a)**, 149(1); S.I. 2014/463, art. 2

F41 Words in s. 59(5ZA)(b) substituted (13.3.2014) by Pensions Act 2008 (c. 30), **ss. 137(5)(b)**, 149(1); S.I. 2014/463, art. 2

F42 Words in s. 59(5ZA)(c) substituted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 1(2)(b)**

F43 Words in s. 59(5ZA)(c) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 13(b)**

F44 Words in s. 59(5ZA)(c) substituted (13.3.2014) by Pensions Act 2008 (c. 30), **ss. 137(6)**, 149(1); S.I. 2014/463, art. 2

F45 Words in s. 59(5ZA) repealed (13.3.2014) by Pensions Act 2008 (c. 30), ss. 137(7), 149(1), **Sch. 11 Pt. 6**; S.I. 2014/463, art. 2

F46 S. 59(5ZB)(5ZC) inserted (13.3.2014) by Pensions Act 2008 (c. 30), **ss. 137(8)**, 149(1); S.I. 2014/463, art. 2

F47 S. 59(5ZB)(a) substituted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 1(3)(a)**

F48 S. 59(5ZB)(a) substituted (E.W.) (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 8(2)**

F49 Words in s. 59(5ZB)(b) substituted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 1(3)(b)(i)**

F50 Words in s. 59(5ZB)(b) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 3 para. 2(2)(b)(i)**

F51 Word in s. 59(5ZB)(b) substituted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 1(3)(b)(ii)**

F52 Word in s. 59(5ZB)(b) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 3 para. 2(2)(b)(ii)**

F53 S. 59(5ZC)(a) substituted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 1(4)(a)**

F54 S. 59(5ZC)(a) substituted (E.W.) (7.12.2020) by The Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/1143), regs. 1(2), **36(2)**

F55 Words in s. 59(5ZC)(b) inserted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 3 para. 2(3)(b)**; as amended (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 8(3)(d)**

F56 Words in s. 59(5ZC)(b) inserted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 1(4)(b)**

F57 Words in s. 59(5ZC)(b) substituted (E.W.) (7.12.2020) by The Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/1143), regs. 1(2), **36(3)**

F58 S. 59(5A) inserted (with effect from 6.4.1988) by Social Security Act 1986 (c. 50), **s. 9(8)**

F59 Words in s. 59(5A) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 9(1)(a)**; S.I. 1994/86, **art. 2**

F60 Words substituted by Social Security Act 1979 (c. 18), **s. 11(2)**

F61 Words in s. 59(7) inserted (E.W.) (7.12.2020) by The Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/1143), regs. 1(2), **36(4)**

F62 Definitions of "employment", "guaranteed minimum pension" and "transfer credit" in s. 59(7) inserted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 9(1)(b)**; S.I. 1994/86, **art. 2**

F63 Words in s. 59(7) inserted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 1(5)(a)**

F64 Words in s. 59(7) inserted (E.W.) (10.12.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014 (S.I. 2014/3168), art. 1(2)(3), **Sch. para. 8(4)**

F65 Words in s. 59(7) omitted (S.) (16.12.2014) by virtue of The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 1(5)(b)**

F66 Words in s. 59(7) omitted (E.W.) (13.3.2014) by virtue of The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 3 para. 2(4)**

F67 Words inserted by Social Security Act 1979 (c. 18), **Sch. 3 para. 20**

F68 S. 59(8) inserted by Social Security Act 1979 (c. 18), **s. 11(3)**

Modifications etc. (not altering text)

C2 S. 59 applied (with modifications) (E.W.S.) (10.4.2011) by The Pensions Increase (Modification) Regulations 2011 (S.I. 2011/826), **regs. 3**-5

C3 S. 59 applied (with modifications) (9.4.2017) by The Pensions Increase (Modification) Regulations 2017 (S.I. 2017/418), regs. 1(1), **2(1)**

C4 S. 59(5ZA) applied (7.4.1997) by S.I. 1997/634, **art. 6**

Marginal Citations

M1 1971 c. 56.

M2 1971 c. 56.

[[F69]59A Modification of effect of section 59(5).

(1) This section applies where the amount by reference to which an increase in an official pension is to be calculated would, but for the provisions of this section, be reduced under section 59(5) of this Act by an amount equal to the rate of a guaranteed minimum pension.

(2) The Minister for the Civil Service may direct that in such cases or classes of case as may be specified in the direction—

(a) no such reduction shall be made; or

(b) the reduction shall be of an amount less than the rate of the guaranteed minimum pension;

and in any case to which such a direction applies the increase shall, in respect of such period or periods as may be specified in the direction, be calculated in accordance with the direction, notwithstanding section 59(5).

[Where in any tax year **[**[F71]as defined in section 181(1) of the Pension Schemes Act [F70](2A) 1993**]**—

(a) an increase is calculated in accordance with a direction under this section; and

(b) the amount by reference to which the increase is calculated, or any part of it, is increased in that tax year under **[**[F72]section 109 of the Pension Schemes Act 1993**]**,

the increase calculated in accordance with the direction shall be reduced by the amount of the increase under **[**[F73]that section**]**.**]**

(3) A direction under this section may provide that where it has applied in any case and ceases to apply in that case, the rate of the official pension for any period following the date on which the direction ceases to apply shall, in such circumstances as may be specified in the direction, be calculated as if the direction had never applied.

(4) A direction under this section may provide that the rate of an official pension shall, in such circumstances as may be specified in the direction, be calculated as if the direction had been in force at all times during such period as may be so specified.

(5) A direction made under subsection (2) above may be varied or revoked by a subsequent direction.**]**

Extent Information

E2 Ss. 59, 59A have the same extent as the Pensions (Increase) Act 1971, in that they extend to E.W.S. only except for specified purposes for which purposes they also extend to N.I., see s. 68(3)(a) and Pensions (Increase) Act 1971 (c. 56), **s. 19**

Textual Amendments

F69 S. 59A inserted by Social Security Act 1979 (c. 18), **s. 11(4)**

F70 S. 59A(2A) inserted (with effect from 6.4.1988) by Social Security Act 1986 (c. 50), **s. 9(9)**

F71 Words in s. 59A(2A) inserted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 9(2)(a)**; S.I. 1994/86, **art. 2**

F72 Words in s. 59A(2A) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 9(2)(b)**; S.I. 1994/86, **art. 2**

F73 Words in s. 59A(2A) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 9(2)(c)**; S.I. 1994/86, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Social Security Pensions Act 1975, Part IV.