

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects  
for the Pensions Act 2007, Part 2. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4

#### ABOLITION OF CONTRACTING-OUT FOR DEFINED CONTRIBUTION PENSION SCHEMES

#### PART 2

#### FURTHER AMENDMENTS

##### *Social Security Contributions and Benefits Act 1992 (c. 4)*

- 42 (1) Section 4C of the SSCBA (power to make provision in consequence of provision made by or by virtue of section 4B(2) etc.) is amended as follows.
- (2) In subsection (2) (purposes for which regulations may be made) omit paragraph (d) (purposes relating to minimum payments).
- (3) In subsection (5) (matters in respect of which regulations may have retrospective effect)—
- (a) in paragraph (b) (amount of rebate under section 41(1D) or 42A(2C) of the Pension Schemes Act 1993 (c. 48)) omit “or 42A(2C)”;
  - (b) omit paragraphs (g) and (h) (liability to make, and amount of, minimum payments);
  - (c) omit paragraphs (i) and (j) (liability to make, and amount of, payments under section 42A(3) of that Act or minimum contributions).

#### Commencement Information

- I1** Sch. 4 para. 42 partly in force at 6.4.2015; Sch. 4 para. 42 not in force at Royal Assent see s. 30(2)(b); Sch. 4 para. 42(1) in force for specified purposes and Sch. 4 para. 42(2)(3)(b) fully in force at 6.4.2015 by S.I. 2011/1267, art. 3(i)(ii)
- I2** Sch. 4 para. 42(1) in force at 6.4.2015 for specified purposes by S.I. 2011/1267, art. 3(a)(i)
- I3** Sch. 4 para. 42(2)(3)(b) in force at 6.4.2015 by S.I. 2011/1267, art. 3(a)(ii)

PROSPECTIVE

- 43 In section 8 of the SSCBA (calculation of primary Class 1 contributions) in subsection (3) (provisions to which calculation is subject) in paragraph (c), for “sections 41 and 42A” substitute “ section 41 ”.

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PROSPECTIVE

- 44 In section 9 of the SSCBA (calculation of secondary Class 1 contributions) in subsection (3) (provisions to which calculation is subject) in paragraph (c), for “sections 41 and 42A” substitute “ section 41 ”.

PROSPECTIVE

- 45 (1) In Schedule 1 to the SSCBA (supplementary provisions relating to contributions of Classes 1, 1A, 1B, 2 and 3) paragraph 1 (Class 1 contributions where earner is in more than one employment) is amended as follows.
- (2) In sub-paragraph (3) (determination of amount of primary Class 1 contributions where aggregate earnings include earnings from contracted-out employment)—
- (a) omit paragraphs (a) and (b);
  - (b) in paragraph (c), for sub-paragraphs (i) and (ii) substitute “ to such part of the aggregated earnings attributable to COSRS service as exceeds the current primary threshold and does not exceed the current upper earnings limit ”;
  - (c) in paragraph (d), for “part or parts attributable to COMPS or COSRS service” substitute “ part attributable to COSRS service ”.
- (3) In sub-paragraph (6) (determination of amount of secondary Class 1 contributions where aggregate earnings include earnings from contracted-out employment) omit paragraphs (a) and (b).
- (4) In sub-paragraph (9) (interpretation) omit the definition of “COMPS service”.

*Pension Schemes Act 1993 (c. 48)*

- 46 The Pension Schemes Act 1993 has effect subject to the following amendments.

**Commencement Information**

- I4** [Sch. 4 para. 46](#) partly in force at 6.4.2015; [Sch. 4 para. 46](#) not in force at Royal Assent see [s. 30\(2\)\(b\)](#); [Sch. 4 para. 46](#) in force for specified purposes at 6.4.2012 by [S.I. 2011/1267](#), [art. 2\(b\)](#) (as amended by [S.I. 2012/911](#), [art. 2\(a\)\(i\)](#)); [Sch. 4 para. 46](#) in force for specified purposes at 6.4.2015 by [S.I. 2011/1267](#), [art. 3\(a\)\(iii\)](#) (as amended by [S.I. 2012/911](#), [art. 2\(c\)](#))
- I5** [Sch. 4 para. 46](#) in force at 6.4.2015 for specified purposes by [S.I. 2011/1267](#), [art. 3\(a\)\(iii\)](#) (as amended (20.3.2012) by [S.I. 2012/911](#), [art. 2\(c\)](#))

- 47 In section 8 (meaning of, among other things, “minimum payment”) omit subsection (3) (regulations may make provision about manner in which minimum payments to be made etc.).

**Commencement Information**

- I6** [Sch. 4 para. 47](#) in force at 6.4.2015 by [S.I. 2011/1267](#), [art. 3\(a\)\(iv\)](#)

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PROSPECTIVE

48 In section 20 (transfer of accrued rights) in subsection (3) (regulations may provide for certain provisions to have effect subject to modifications) omit “and 43 to 45”.

49 Omit section 31 (investment and resources of scheme).

**Commencement Information**

**I7** Sch. 4 para. 49 in force at 6.4.2015 by S.I. 2011/1267, art. 3(a)(iv)

PROSPECTIVE

50 In section 40 (scope of Chapter 2 of Part 3) omit paragraph (b) (which relates to contributions to be paid by HMRC in respect of members of money purchase contracted-out schemes or of appropriate personal pension schemes).

PROSPECTIVE

51 Omit section 42A (reduced rates of contributions, and rebates, for members of money purchase contracted-out schemes etc.).

PROSPECTIVE

52 Omit section 43 (payment of minimum contributions to personal pension schemes).

PROSPECTIVE

53 Omit section 45 (amount of minimum contributions).

54 Omit section 45B (money purchase and personal pension schemes: verification of ages).

**Commencement Information**

**I8** Sch. 4 para. 54 in force at 6.4.2015 by S.I. 2011/1267, art. 3(a)(iv)

PROSPECTIVE

55 <sup>F1</sup> .....

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#### Textual Amendments

- F1** Sch. 4 para. 55 omitted (the omission coming into force immediately before 6.4.2012 in accordance with art. 1(2)(a)) by virtue of [The Pensions Act 2008 \(Abolition of Protected Rights\) \(Consequential Amendments\) \(No.2\) Order 2011 \(S.I. 2011/1730\)](#), [art. 8\(2\)\(a\)](#)

#### PROSPECTIVE

- 56 In section 164 (Crown employment) in subsection (2) (employees of Crown to be treated as employed earners for certain purposes) [<sup>F2</sup>omit paragraph (b)].

#### Textual Amendments

- F2** Words in Sch. 4 para. 56 substituted (the amendment coming into force immediately before 6.4.2012 in accordance with art. 1(2)(a)) by [The Pensions Act 2008 \(Abolition of Protected Rights\) \(Consequential Amendments\) \(No.2\) Order 2011 \(S.I. 2011/1730\)](#), [art. 8\(2\)\(b\)](#)

#### PROSPECTIVE

- 57 (1) Section 177 (general financial arrangements) is amended as follows.
- (2) In subsection (2) (amounts to be paid out of the National Insurance Fund)—
- (a) in paragraph (za) (payments by HMRC under various provisions) omit “or section 42A(2C) or (3)”;
  - (b) omit paragraph (a) (minimum contributions paid by HMRC under section 43).
- (3) In subsection (7) (amounts to be paid into National Insurance Fund) in paragraph (a), omit “, 42A(2D) or (5) or 43(5) or (6)”.

#### PROSPECTIVE

- 58 (1) Section 181 (interpretation) is amended as follows.
- (2) In subsection (1), omit the definition of “minimum contributions”.
- (3) In subsection (4) (regulations may prescribe the persons who are to be regarded as members or prospective members of an occupational scheme etc.) omit “, 43”.
- 59 (1) Schedule 2 (certification regulations) is amended as follows.
- (2) In Part 1 (occupational pension schemes) in paragraph 4 (regulations may modify certain provisions of Part 3 in cases where person employed in two or more employments) in sub-paragraph (1), for “and 66 to 68” substitute “, 67 and 68”.
- (3) In paragraph 5 (state scheme premiums) in sub-paragraph (1) (regulations may require provision of information to HMRC for purpose of certain provisions) for the words from “sections 37” to the end substitute “sections 37, <sup>F3</sup>. . . , 50 to 63 and 159(1) to (3) and (6) <sup>F3</sup>. . . .”

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- (4) In paragraph 6 (schemes covering different employers) in sub-paragraph (1) (regulations may modify certain provisions in cases where earner under different employers qualifies for benefits of same occupational pension scheme) for “and 66 to 68” substitute “, 67 and 68”.

#### Textual Amendments

- F3** Words in [Sch. 4 para. 59\(3\)](#) omitted (the omission coming into force immediately before 6.4.2012 in accordance with art. 1(2)(a)) by virtue of [The Pensions Act 2008 \(Abolition of Protected Rights\) \(Consequential Amendments\) \(No.2\) Order 2011 \(S.I. 2011/1730\)](#), [art. 8\(2\)\(c\)](#)

#### Commencement Information

- I9** [Sch. 4 para. 59](#) wholly in force at 6.4.2015; [Sch. 4 para. 59](#) not in force at Royal Assent see [s. 30\(2\)\(b\)](#); [Sch. 4 para. 59\(1\)](#) in force for specified purposes and [Sch. 4 para. 59\(2\)\(4\)](#) in force at 6.4.2012 by [S.I. 2011/1267](#), [art. 2\(b\)](#) (as amended by [S.I. 2012/911](#), [art. 2\(a\)\(ii\)\(iii\)](#)); [s. 59\(1\)\(4\)](#) in force at 6.4.2015 by [S.I. 2011/1267](#), [art. 3\(a\)\(v\)\(vi\)](#)
- I10** [Sch. 4 para. 59\(1\)](#) in force at 6.4.2015 for specified purposes by [S.I. 2011/1267](#), [art. 3\(a\)\(v\)](#)
- I11** [Sch. 4 para. 59\(3\)](#) in force at 6.4.2015 by [S.I. 2011/1267](#), [art. 3\(a\)\(vi\)](#)

- 60 (1) Paragraph 2 of Schedule 4 (priority in bankruptcy etc.: employer's contributions to occupational pension scheme) is amended as follows.
- (2) Omit sub-paragraphs (2) and (3) (sums owed on account of employer's minimum payments to a money purchase contracted-out scheme).
- (3) In sub-paragraph (3A) (definition of “the appropriate amount”)—
- (a) in the opening words, omit “or (3)”;
- (b) in paragraph (a), omit “or (2) (as the case may be)”.
- (4) In sub-paragraph (5) (interpretation)—
- (a) omit the definition of “appropriate flat-rate percentage”;
- [<sup>F4</sup>(b) in the definition of “the percentage for contributing earners”—
- (i) omit the words “(a) in relation to a salary related contracted-out scheme,”;
- (ii) omit paragraph (b) and the preceding “and”;
- (c) in the definition of “the percentage for non-contributing earners”—
- (i) omit the words “(a) in relation to a salary related contracted-out scheme,”;
- (ii) omit paragraph (b) and the preceding “and”.]

#### Textual Amendments

- F4** [Sch. 4 para. 60\(4\)\(b\)\(c\)](#) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), [ss. 27, 38\(3\)\(c\)](#)

#### Commencement Information

- I12** [Sch. 4 para. 60](#) wholly in force at 6.4.2012; [Sch. 4 para. 60](#) not in force at Royal Assent see [s. 30\(2\)\(b\)](#); [Sch. 4 para. 60](#) fully in force at 6.4.2012 by [S.I. 2011/1267](#), [art. 2\(b\)](#) (as amended by [S.I. 2012/911](#), [art. 2\(a\)\(iv\)](#))

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