Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART II

PENSIONS

CHAPTER I

STATE PENSIONS

Earnings factors

38   Modification of earnings factors.

(1) In section 48A(5) of the ^{M1}1993 Act (power to modify the application of section 44(5) of the ^{M2}1992 Act where in any year a pensioner's earnings derive only partially from contracted-out employment), after "44(5)" there shall be inserted "or (5A)".

(2) Subsection (1) shall have effect—

    (a) in relation to the application of section 44(5A) of the 1992 Act by virtue of sections 39C(1) and 48BB(5) of that Act;

    (b) in relation to the application of section 44(5A) of the 1992 Act in the circumstances described in section 128(4) to (6) of the 1995 Act.

(3) In relation to the period—

    (a) beginning with 6th April 2000, and

    (b) ending with the day before the first regulations under section 48A(5) of the 1993 Act (as amended by subsection (1) above) come into force,

the Secretary of State shall be taken to have, and to have had, power to calculate and pay relevant pensions by reference to section 44(5) of the 1992 Act as modified by regulations under section 48A(5) of the 1993 Act.

(4) For the purpose of applying subsection (3) above—

    (a)   the substitution made by section 128(1) of the 1995 Act shall be ignored; and

    (b)   references in enactments to section 44(5A) of the 1992 Act shall (so far as necessary) be treated as references to section 44(5).

(5) The first regulations under section 48A(5) of the 1993 Act (as amended by subsection (1) above) may include provision in relation to—

    (a)   revising the calculation of a relevant pension;

    (b)   paying a relevant pension in accordance with a revised calculation.

(6) Relevant pensions are pensions which fall to be calculated—

    (a)   in the circumstances described in section 128(4) to (6) of the 1995 Act; and

    (b)   in relation to persons where, by virtue of section 48A(1) of the 1993 Act, section 44(6) of the 1992 Act has effect in any tax year as mentioned in section 48A(1) of the 1993 Act in relation to some but not all of a person's earnings.

(7) For the purposes of this section—

    (a)   the 1992 Act is the [M3]Social Security Contributions and Benefits Act 1992;

    (b)   the 1993 Act is the [M4]Pension Schemes Act 1993;

    (c)   the 1995 Act is the [M5]Pensions Act 1995.

Marginal Citations

M1   1993 c. 48.
M2   1992 c. 4.
M3   1992 c. 4.
M4   1993 c. 48.
M5   1995 c. 26.

Changes to legislation:
Child Support, Pensions and Social Security Act 2000, Section 38 is up to date with all changes known to be in force on or before 28 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

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. 70A inserted by 2012 c. 5 Sch. 3 para. 13
– Sch. 7 para. 1(2)(c) inserted by 2007 c. 5 Sch. 5 para. 13
– Sch. 7 para. 6(5A)(5B) inserted by 2012 c. 5 Sch. 11 para. 13(3)
– Sch. 7 para. 6(8)(b) inserted by 2012 c. 5 Sch. 11 para. 13(4)(b)
– Sch. 7 para. 6(8)(a) words in Sch. 7 para. 6(8) renumbered as Sch. 7 para. 6(8)(a) by 2012 c. 5 Sch. 11 para. 13(4)(a)

Commencement Orders yet to be applied to the Child Support, Pensions and Social Security Act 2000
Commencement Orders bringing provisions within this Act into force:

– S.I. 2003/346 art. 2 amendment to earlier commencing SI 2003/192 art. 6