



Pensions Act 2007

2007 CHAPTER 22

PART 1 **U.K.**

STATE PENSION

Entitlement to Category A and B retirement pensions

1 **Category A and B retirement pensions: single contribution condition** **E+W+S**

- (1) Schedule 3 to the SSCBA (contribution conditions) is amended as follows.
- (2) In paragraph 5 (contribution conditions for, among other things, Category A or B retirement pension) in sub-paragraph (1), after “retirement pension” insert “ (other than one in relation to which paragraph 5A applies) ”.
- (3) After paragraph 5 insert—

- “5A
- (1) This paragraph applies to—
 - (a) a Category A retirement pension in a case where the contributor concerned attains pensionable age on or after 6th April 2010;
 - (b) a Category B retirement pension payable by virtue of section 48A above in a case where the contributor concerned attains pensionable age on or after that date;
 - (c) a Category B retirement pension payable by virtue of section 48B above in a case where the contributor concerned dies on or after that date without having attained pensionable age before that date.
 - (2) The contribution condition for a Category A or Category B retirement pension in relation to which this paragraph applies is that—
 - (a) the contributor concerned must, in respect of each of not less than 30 years of his working life, have paid or been credited with contributions of a relevant class or been credited (in the case of 1987-88 or any subsequent year) with earnings; and

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes*

- (b) in the case of each of those years, the earnings factor derived as mentioned in sub-paragraph (3) below must be not less than the qualifying earnings factor for that year.
- (3) For the purposes of paragraph (b) of sub-paragraph (2) above, the earnings factor—
 - (a) in the case of 1987-88 or any subsequent year, is that which is derived from—
 - (i) so much of the contributor's earnings as did not exceed the upper earnings limit and upon which such of the contributions mentioned in paragraph (a) of that sub-paragraph as are primary Class 1 contributions were paid or treated as paid or earnings credited; and
 - (ii) any Class 2 or Class 3 contributions for the year; or
 - (b) in the case of any earlier year, is that which is derived from the contributions mentioned in paragraph (a) of that sub-paragraph.
- (4) Regulations may modify sub-paragraphs (2) and (3) above for the purposes of their application in a case where—
 - (a) the contributor concerned has paid, or been credited with, contributions, or
 - (b) contributions have been deemed to be, or treated as, paid by or credited to him,

under the National Insurance Act 1946 or the National Insurance Act 1965.”
- (4) Part 1 of Schedule 1 contains consequential amendments.

2 **Category B retirement pension: removal of restriction on entitlement** E+W+S

- (1) Section 48A of the SSCBA (Category B retirement pension for married person or civil partner) is amended as follows.
- (2) In each of subsections (2)(a) and (2B)(a) (whose effect is to require the other spouse or other civil partner to have claimed a Category A retirement pension) omit “and become entitled to a Category A retirement pension”.
- (3) Omit subsection (5) (restriction on when Category B retirement pension for married person or civil partner is payable).
- (4) Part 2 of Schedule 1 contains consequential amendments.
- (5) The amendments made by this section and that Part of that Schedule have effect as from 6th April 2010.
- (6) Section 48A(2) and (2B), as amended by this section, applies whether the person mentioned in section 48A(1) or (2A) attained pensionable age before 6th April 2010 or on or after that date.

Credits for basic state pension

3 **Contributions credits for relevant parents and carers** E+W+S

- (1) After section 23 of the SSCBA insert—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

“23A Contributions credits for relevant parents and carers

- (1) This section applies to the following benefits—
 - (a) a Category A retirement pension in a case where the contributor concerned attains pensionable age on or after 6th April 2010;
 - (b) a Category B retirement pension payable by virtue of section 48A below in a case where the contributor concerned attains pensionable age on or after that date;
 - (c) a Category B retirement pension payable by virtue of section 48B below in a case where the contributor concerned dies on or after that date without having attained pensionable age before that date;
 - (d) a widowed parent's allowance payable in a case where the contributor concerned dies on or after that date;
 - (e) a bereavement allowance payable in a case where the contributor concerned dies on or after that date.
- (2) The contributor concerned in the case of a benefit to which this section applies shall be credited with a Class 3 contribution for each week falling after 6th April 2010 in respect of which the contributor was a relevant carer.
- (3) A person is a relevant carer in respect of a week if the person—
 - (a) is awarded child benefit for any part of that week in respect of a child under the age of 12,
 - (b) is a foster parent for any part of that week, or
 - (c) is engaged in caring, within the meaning given by regulations, in that week.
- (4) Regulations may make provision for a person's entitlement to be credited with Class 3 contributions by virtue of falling within subsection (3)(b) or (c) above to be conditional on the person—
 - (a) applying to be so credited in accordance with the prescribed requirements, and
 - (b) complying with the prescribed requirements as to the provision of information to the Secretary of State.
- (5) The contributor concerned in the case of a benefit to which this section applies shall be credited with 52 Class 3 contributions for each tax year ending before 6th April 2010 in which the contributor was precluded from regular employment by responsibilities at home within the meaning of regulations under paragraph 5(7) of Schedule 3.
- (6) But the maximum number of tax years for which a person can be credited with contributions under subsection (5) above is—
 - (a) in the case of a benefit mentioned in subsection (1)(a) to (c) above, 22;
 - (b) in the case of a benefit mentioned in subsection (1)(d) or (e) above, half the requisite number of years of the person's working life.
- (7) The table in paragraph 5(5) of Schedule 3 (requisite number of years of a working life of given duration) applies for the purposes of subsection (6)(b) above as it applies for the purposes of the second condition set out in paragraph 5(3) of that Schedule.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (8) For the purpose of determining entitlement to a benefit to which this section applies, a week that falls partly in one tax year and partly in another is to be treated as falling in the year in which it begins and not in the following year.
- (9) In this section—
 - “the contributor concerned” has the meaning given in section 21(5) (a) above;
 - “foster parent” has the meaning given by regulations.”
- (2) In paragraph 5 of Part 1 of Schedule 3 to that Act (contribution conditions for entitlement to, among other things, widowed parent's allowance, bereavement allowance and Category A or B retirement pension) at the end of sub-paragraph (7) (home responsibilities protection) insert— “ But nothing in this sub-paragraph applies in relation to any benefit to which section 23A above applies. ”
- (3) Part 3 of Schedule 1 contains consequential amendments.

Abolition of adult dependency increases

4 Category A and C retirement pensions: abolition of adult dependency increases E+W+S

- (1) The following provisions of the SSCBA are to cease to have effect on 6th April 2010—
 - (a) section 83 (pension increase: wife),
 - (b) section 84 (pension increase: husband), and
 - (c) section 85 (pension increase: person with care of children or qualifying young persons).
- (2) Paragraph 2 of Part 2 of Schedule 4 to the Pensions Act 1995 (c. 26) (which replaces sections 83 and 84 of the SSCBA with a new section 83A equalising pension increases for dependent spouses and civil partners with effect from 6th April 2010) is omitted.
- (3) Part 4 of Schedule 1 contains consequential amendments.
- (4) The amendments made by that Part of that Schedule have effect as from 6th April 2010.
- (5) Nothing in—
 - (a) the repeals in subsection (1),
 - (b) the amendments in Part 4 of Schedule 1, or
 - (c) the repeals in Part 2 of Schedule 7,
 applies in relation to a qualifying person at any time falling on or after 6th April 2010 but before the appropriate date.
- (6) In subsection (5) a “qualifying person” means a person who—
 - (a) has, before 6th April 2010, made a claim for a relevant increase in accordance with section 1 of the Administration Act; and
 - (b) immediately before that date is either—
 - (i) entitled to the increase claimed, or
 - (ii) a beneficiary to whom section 92 of the SSCBA (continuation of awards where fluctuating earnings) applies in respect of that increase.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (7) In subsection (5) “the appropriate date” means the earlier (or earliest) of—
- (a) 6th April 2020;
 - (b) the date when the qualifying person ceases to be either entitled to the relevant increase or a beneficiary to whom section 92 of the SSCBA applies in respect of it;
 - (c) where the relevant increase is payable to the qualifying person under section 83 of that Act, the date on which his wife attains pensionable age.
- (8) In this section “relevant increase” means an increase in a Category A or Category C retirement pension under section 83, 84 or 85 of the SSCBA.

Up-rating of basic state pension and other benefits

5 Up-rating of basic pension etc. and standard minimum guarantee by reference to earnings **E+W+S**

- (1) After section 150 of the Administration Act insert—

“150A Annual up-rating of basic pension etc. and standard minimum guarantee

- (1) The Secretary of State shall in each tax year review the following amounts in order to determine whether they have retained their value in relation to the general level of earnings obtaining in Great Britain—
- (a) the amount of the basic pension;
 - (b) the specified amounts in the case of Category B, C or D retirement pensions;
 - (c) the specified amounts in the case of industrial death benefit; and
 - (d) the amounts of the standard minimum guarantee for the time being prescribed under section 2(4) and (5)(a) and (b) of the State Pension Credit Act 2002.
- (2) Where it appears to the Secretary of State that the general level of earnings is greater at the end of the period under review than it was at the beginning of that period, he shall lay before Parliament the draft of an order which increases each of the amounts referred to in subsection (1) above by a percentage not less than the percentage by which the general level of earnings is greater at the end of the period than it was at the beginning.
- (3) Subsection (2) above does not require the Secretary of State to provide for an increase in any case if it appears to him that the amount of the increase would be inconsiderable.
- (4) The Secretary of State may, in providing for an increase in pursuance of subsection (2) above, adjust the amount of the increase so as to round the sum in question up or down to such extent as he thinks appropriate.
- (5) The Secretary of State shall lay with a draft order under this section a copy of a report by the Government Actuary or the Deputy Government Actuary giving that Actuary's opinion on the likely effect on the National Insurance Fund of any parts of the order relating to sums payable out of that Fund.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes*

- (6) If a draft order laid before Parliament under this section is approved by a resolution of each House, the Secretary of State shall make the order in the form of the draft.
- (7) An order under this section shall be framed so as to bring the increase in question into force in the week beginning with the first Monday in the tax year following that in which the order is made.
- (8) For the purposes of any review under subsection (1) above the Secretary of State shall estimate the general level of earnings in such manner as he thinks fit.
- (9) If a draft order under this section is combined with a draft up-rating order under section 150 above, the report required by virtue of subsection (5) above may be combined with that required by virtue of section 150(8) above.
- (10) In this section—
- “the amount of the basic pension” means the first amount specified in section 44(4) of the Contributions and Benefits Act (weekly rate of Category A retirement pension);
- “the specified amounts in the case of Category B, C or D retirement pensions” means—
- (a) the amount specified in paragraph 5 of Part 1 of Schedule 4 to the Contributions and Benefits Act, and
- (b) the amounts specified in paragraphs 6 and 7 of Part 3 of that Schedule;
- “the specified amounts in the case of industrial death benefit” means—
- (a) the amounts specified in paragraph 10 of Part 5 of that Schedule (apart from the amount of the initial rate), and
- (b) the amount specified in paragraph 11 of that Part of that Schedule.”
- (2) Part 5 of Schedule 1 contains consequential and related amendments.
- (3) The section 150A inserted by subsection (1) and the amendments made by Part 5 of Schedule 1, so far as relating to the amounts referred to in section 150A(1)(a) to (c), have effect in relation to the designated tax year and subsequent tax years (with the result that the first review to be carried out under section 150A(1) in relation to those amounts is to be carried out in the designated tax year).
- (4) “The designated tax year” means such tax year as the Secretary of State may designate by an order made before 1st April 2011.
- (5) The Secretary of State must exercise his power under subsection (4) in such a way as to secure that the tax year immediately following the designated tax year is one that begins before the relevant dissolution date.
- (6) “The relevant dissolution date” means the latest date on which, having regard to the maximum period for which a Parliament may exist, the Parliament in existence at the time of exercise of the power could be dissolved.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (7) The new section 150A inserted by subsection (1) and the amendments made by Part 5 of Schedule 1, so far as relating to the amounts mentioned in section 150A(1)(d), have effect in relation to the tax year in which this Act is passed and subsequent tax years.

Commencement Information

- II** S. 5 wholly in force at 26.9.2007; s. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

6 Preservation of link with prices in case of other benefits **E+W+S**

- (1) Section 150 of the Administration Act (up-rating by reference to prices) is amended as follows.
- (2) In subsection (1) (annual reviews)—
- (a) in paragraph (a), for sub-paragraphs (i) and (ii) substitute—
- “(i) Schedule 4 (excluding the provisions of Parts 1, 3 and 5 of the Schedule that specify amounts mentioned in section 150A(1) below); and
- (ii) section 44(4) so far as relating to the lower rate of short-term incapacity benefit;”
- (b) before paragraph (b) insert—
- “(ab) specified in regulations under section 39(2A) or section 39C(1A) of that Act;” and
- (c) in paragraph (l), at the end insert “ (other than those prescribing the amounts mentioned in section 150A(1)(d) below) ”.
- (3) In subsection (3) (sums to which requirement to up-rate applies)—
- (a) in paragraph (a), for “1 to 6” substitute “ 1 to 5 ” and at the end insert “ (excluding the provisions of Parts 1 and 5 of the Schedule that specify amounts mentioned in section 150A(1) below) ”; and
- (b) in paragraph (b), before “(b), (c),” insert “ (ab), ”.
- (4) In subsection (7) (sums that may be up-rated) at the end insert— “ The reference to regulations under the State Pension Credit Act 2002 does not include those prescribing the amounts mentioned in section 150A(1)(d) below. ”
- (5) In section 39 of the SSCBA (rate of widowed mother's allowance and widow's pension) after subsection (2) insert—
- “(2A) In its application by virtue of subsection (1) above, section 44(4) below is to be read as if for the first amount specified in that provision there were substituted a reference to the amount prescribed for the purposes of this subsection.”
- (6) In section 39C of the SSCBA (rate of widowed parent's allowance and bereavement allowance)—
- (a) for subsection (2) substitute—
- “(1A) In its application by virtue of subsection (1) above, section 44(4) below is to be read as if for the first amount specified in that provision there were substituted a reference to the amount prescribed for the purposes of this subsection.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (2) The weekly amount of a bereavement allowance is an amount equal to the amount prescribed for the purposes of subsection (1A) above.”; and
- (b) in subsection (3), for the words “or (as the case may be) section 44 below by virtue of subsection (1) or (2) above” substitute “ by virtue of subsection (1) above ”.
- (7) Subsections (2)(a) and (b), (3), (5) and (6) have effect in relation to the designated tax year (see section 5(4)) and subsequent tax years.
- (8) Subsections (2)(c) and (4) have effect in relation to the tax year in which this Act is passed and subsequent tax years.
- (9) The Secretary of State must exercise his power to prescribe amounts for the purposes of the new sections 39(2A) and 39C(1A) (inserted by subsections (5) and (6)) in such a way as to secure that, at any time before the coming into force of the first provision made under the new section 150A that alters the amount of the basic pension, the amounts prescribed are equal to the amount of the basic pension for the time being.
- (10) In subsection (9)—
- “the amount of the basic pension” means the first amount specified in section 44(4) of the SSCBA (weekly rate of Category A retirement pension);
- “the new section 150A” means the section 150A inserted by section 5(1).

Commencement Information

- I2** S. 6 wholly in force at 26.9.2007; s. 6 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

7 Removal of link between lower earnings limit and basic pension **E+W+S**

- (1) Section 5 of the SSCBA (earnings limits and thresholds for Class 1 contributions) is amended as follows.
- (2) ^{F1}.....
- (3) Omit subsection (2) (link between lower earnings limit and weekly rate of basic pension).
- (4) Subsections (2) and (3) have effect in relation to the tax year following the designated tax year (see section 5(4)) and subsequent tax years.
- (5) In section 176(1) of the SSCBA (instruments subject to affirmative procedure), before paragraph (a) insert—
- “(za) regulations under section 5 specifying the lower earnings limit for the tax year following the designated tax year (see section 5(4) of the Pensions Act 2007) or any subsequent tax year;”.

Textual Amendments

- F1** S. 7(2) repealed (21.9.2008) by [National Insurance Contributions Act 2008 \(c. 16\)](#), ss. 4, 6(1), [Sch. 2](#)

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

8 Removal of link between lower earnings limit and basic pension: Northern Ireland **N.I.**

(1) Section 5 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) (earnings limits and thresholds for Class 1 contributions) is amended as follows.

(2) ^{F2}.....

(3) Omit subsection (2) (link between lower earnings limit and weekly rate of basic pension).

(4) Subsections (2) and (3) have effect in relation to the tax year following the designated tax year (see section 5(4)) and subsequent tax years.

(5) In section 172 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Assembly, etc. control of regulations and orders)—

(a) in subsection (9) for “(11), (11A) and” substitute “ (11) to ”; and

(b) after subsection (11) insert—

“(11ZA) A statutory instrument containing (whether alone or with other provisions) regulations under section 5 specifying the lower earnings limit for—

(a) the tax year following the designated tax year (see section 5(4) of the Pensions Act 2007), or

(b) any subsequent tax year,

shall not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

Textual Amendments

F2 S. 8(2) repealed (21.9.2008) by [National Insurance Contributions Act 2008 \(c. 16\)](#), ss. 4, 6(1), [Sch. 2](#)

Additional pension: deemed earnings factors

9 Deemed earnings factors for purposes of additional pension **E+W+S**

(1) After section 44A of the SSCBA insert—

“44B Deemed earnings factors: 2010-11 onwards

(1) This section applies to 2010-11 and subsequent tax years.

(2) For the purposes of section 44(6)(za) above, if any of Conditions A to C in subsections (3) to (5) below is satisfied for a relevant year to which this section applies, a pensioner is deemed to have an earnings factor for that year which—

(a) is derived from so much of his earnings as did not exceed the applicable limit and on which primary Class 1 contributions were paid; and

(b) is equal to the amount which, when added to any other earnings factors taken into account under that provision, produces an aggregate of earnings factors equal to the low earnings threshold.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (3) Condition A is that the pensioner would, apart from this section, have an earnings factor for the year—
- (a) equal to or greater than the qualifying earnings factor (“the QEF”) for the year, but
 - (b) less than the low earnings threshold for the year.
- (4) Condition B is that the pensioner—
- (a) would, apart from this section and section 44C below, have an earnings factor for the year less than the QEF for the year, but
 - (b) is entitled to an aggregate amount of earnings factor credits for that year under section 44C below equal to the difference between the QEF for the year and the earnings factor mentioned in paragraph (a) above.
- (5) Condition C is that the pensioner is entitled to 52 earnings factor credits for that year under section 44C below.
- (6) This section has effect in relation to the flat rate introduction year and any subsequent tax year as if—
- (a) subsection (2)(b) referred to an aggregate of earnings factors greater than the QEF, but less than the low earnings threshold, for the year (rather than to one equal to that threshold); and
 - (b) Condition A in subsection (3) (and the reference to it in subsection (2)) were omitted.
- (7) In this section—
- (a) “the applicable limit” has the same meaning as in section 44 above;
 - (b) “the low earnings threshold” means the low earnings threshold for the year concerned as specified in section 44A above; and
 - (c) in subsections (3) and (4), any reference to the pensioner's earnings factor for a relevant year is to be construed in accordance with section 44(6)(za) above.

44C Earnings factor credits

- (1) This section applies, for the purposes of Conditions B and C in section 44B(4) and (5) above, to 2010-11 and subsequent tax years.
- (2) In respect of each week—
- (a) which falls in a relevant year to which this section applies, and
 - (b) in respect of which a pensioner is eligible for earnings factor enhancement,
- the pensioner is entitled to an earnings factor credit equal to 1/52 of the QEF for that year.
- This is subject to subsection (5) below.
- (3) A pensioner is eligible for earnings factor enhancement in respect of a week if one or more of the following apply—
- (a) he was a relevant carer in respect of that week for the purposes of section 23A above (see section 23A(3));

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (b) carer's allowance was payable to him for any part of that week, or would have been so payable but for the fact that under regulations the amount payable to him was reduced to nil because of his receipt of other benefits;
 - (c) severe disablement allowance was payable to him for any part of that week;
 - (d) long-term incapacity benefit was payable to him for any part of that week or would have been so payable but for the fact that—
 - (i) he did not satisfy the contribution conditions in paragraph 2 of Schedule 3, or
 - (ii) under regulations the amount payable to him was reduced to nil because of his receipt of other benefits or of payments from an occupational pension scheme or personal pension scheme;
 - (e) he satisfies such other conditions as may be prescribed.
- (4) In subsection (3)(d)(ii) above “occupational pension scheme” and “personal pension scheme” have the meanings given by subsection (6) of section 30DD above for the purposes of subsection (5) of that section.
- (5) For the purposes of Condition B in section 44B(4) above a person is not entitled to an aggregate amount of earnings factor credits in respect of a year that is greater than the difference referred to in that Condition.
- (6) For the purposes of this section a week that falls partly in one tax year and partly in another is to be treated as falling in the year in which it begins and not in the following year.
- (7) In section 44B above and this section—
- (a) “the QEF” means the qualifying earnings factor, and
 - (b) any reference to a person being entitled to an earnings factor credit of a particular amount (or to an aggregate amount of earnings factor credits) for a year is a reference to the person being treated as having for that year an earnings factor (within the meaning of section 44(6)(za) above) of the amount in question by virtue of subsection (2) above.”
- (2) Part 6 of Schedule 1 contains consequential and related amendments.

Additional pension: simplification of accrual rates

10 Additional pension: removal of accrual band from 2010-11 **E+W+S**

- (1) Schedule 4A to the SSCBA (additional pension) is amended as follows.
- (2) In Part 2 (surplus earnings factor) in paragraph 2 (calculation of amount where there is a surplus in pensioner's earnings factor)—
- (a) in sub-paragraph (4), after “2009” insert “where the tax year concerned falls before 2010-11 ”;
 - (b) after sub-paragraph (4) insert—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes*

“(4A) The appropriate table for persons attaining pensionable age on or after 6th April 2009 where the tax year concerned is 2010-11 or a subsequent tax year is as follows—

TABLE 2A

<i>Amount of surplus</i>	<i>Percentage</i>
Band 1	Not exceeding LET 40
Band 2	Exceeding LET but not exceeding AUEL 10”;

(c) ^{F3}

- (3) In Part 3 (contracted-out employment) in paragraph 5 (calculation of amount A)—
- (a) in sub-paragraph (4), after “2009” insert “ where the tax year concerned falls before 2010-11 ”;
 - (b) after sub-paragraph (4) insert—

“(4A) The appropriate table for persons attaining pensionable age on or after 6th April 2009 where the tax year concerned is 2010-11 or a subsequent tax year is as follows—

TABLE 4A

<i>Amount of surplus</i>	<i>Percentage</i>
Band 1	Not exceeding LET 40
Band 2	Exceeding LET but not exceeding AUEL 10”.

- (4) In paragraph 7 (calculation of amount B second case)—
- (a) in sub-paragraph (4), after “2009” insert “ where the tax year concerned falls before 2010-11 ”;
 - (b) after sub-paragraph (4) insert—

“(4A) The appropriate table for persons attaining pensionable age on or after 6th April 2009 where the tax year concerned is 2010-11 or a subsequent tax year is as follows—

TABLE 6A

<i>Amount of surplus</i>	<i>Percentage</i>
Band 1	Not exceeding LET 40

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

Band 2 Exceeding LET 10”
but not exceeding
AUEL

(5) ^{F4}

(6) For the heading for that Schedule substitute “Additional pension: accrual rates for purposes of section 45(2)(c)”.

Textual Amendments

F3 S. 10(2)(c) repealed (21.9.2008) by National Insurance Contributions Act 2008 (c. 16), ss. 4, 6(1), Sch. 2

F4 S. 10(5) repealed (21.9.2008) by National Insurance Contributions Act 2008 (c. 16), ss. 4, 6(1), Sch. 2

11 Additional pension: simplified accrual rates as from flat rate introduction year **E+W+S**

(1) Section 45 of the SSCBA (the additional pension in a Category A retirement pension) is amended as follows.

(2) In subsection (2) (calculation of the weekly rate of additional pension) after paragraph (c) insert “; and

(d) in relation to the flat rate introduction year and subsequent tax years, the weekly equivalent of the amount calculated in accordance with Schedule 4B to this Act.”

(3) In subsection (3A) (tax years for which weekly rate is calculated by reference to Schedule 4A) at the end of paragraph (b) insert “ before the flat rate introduction year”.

(4) In section 122 of the SSCBA (interpretation of Parts 1 to 6) in subsection (1) at the appropriate place insert—

““the flat rate introduction year” means such tax year as may be designated as such by order;”.

(5) In Schedule 2 to this Act—

(a) Part 1 inserts a new Schedule 4B into the SSCBA;

(b) Part 2 makes provision for up-rating the flat rate accrual amount introduced by the new Schedule 4B; and

(c) Part 3 contains consequential and related amendments.

12 Additional pension: upper accrual point **E+W+S**

(1) In section 22 of the SSCBA (earnings factors)—

(a) in subsection (2A) (person's earnings factors to be treated as derived only from so much of his earnings as did not exceed the upper earnings limit etc.) for “the upper earnings limit” substitute “ the applicable limit ”; and

(b) after that subsection insert—

“(2B) “The applicable limit” means—

(a) in relation to a tax year before the flat rate introduction year, the upper earnings limit;

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (b) in relation to the flat rate introduction year or any subsequent tax year, the upper accrual point.”
- (2) In section 44 of the SSCBA (Category A retirement pension)—
- (a) in subsection (6) (meaning of references to earnings factors) in paragraph (za) for “the upper earnings limit” substitute “ the applicable limit ”;
- (b) in subsection (7), at the end insert—
- “(c) “the applicable limit” means—
- (i) in relation to a tax year before the flat rate introduction year, the upper earnings limit;
- (ii) in relation to the flat rate introduction year or any subsequent tax year, the upper accrual point.”
- (3) In section 122 of the SSCBA (interpretation of Parts 1 to 6)—
- (a) in subsection (1), at the appropriate place insert—
- ““the upper accrual point” is to be construed in accordance with subsections (7) and (8) below;”;
- (b) after subsection (6) insert—
- “(7) “The upper accrual point” is the amount that is equal to the amount of the upper earnings limit for the flat rate introduction year multiplied by 52.
- This is subject to subsection (8) below.
- (8) The Secretary of State may, by order made before the beginning of that year, direct that the upper accrual point is to be such other amount (whether greater or lesser than that mentioned in subsection (7) above) as is specified in the order.”
- (4) Part 7 of Schedule 1 contains consequential amendments.
- (5) Subsection (6) applies if it appears to the Secretary of State that (apart from that subsection) he would be required to make an order under section 148A of the Administration Act (revaluation of low earnings threshold) by virtue of which the low earnings threshold for the following tax year would be an amount not less than the upper accrual point.
- (6) In that event the Secretary of State—
- (a) is not required to make such an order under section 148A of the Administration Act, and
- (b) instead must make an order abolishing the low earnings threshold and the upper accrual point as from the beginning of the following tax year.
- (7) An order under subsection (6) may make—
- (a) such consequential, incidental or supplemental provision, and
- (b) such transitional, transitory or saving provision,
- as the Secretary of State thinks necessary or expedient in connection with, or in consequence of, the abolition of the low earnings threshold and the upper accrual point.
- (8) An order under subsection (6) may in particular amend, repeal or revoke any provision of any Act or subordinate legislation (whenever passed or made).

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (9) No order may be made under subsection (6) unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (10) In this section—
- “the low earnings threshold” has the meaning given by section 44A(5) of the SSCBA;
 - “the upper accrual point” has the meaning given by section 122(7) and (8) of that Act.

Increase in state pension age

13 Increase in pensionable age for men and women **E+W+S**

- (1) Schedule 3 amends section 126 of, and Part 1 of Schedule 4 to, the Pensions Act 1995 (c. 26) for the purpose of increasing the pensionable age for men and women^{F5} . . .
- (2) Part 8 of Schedule 1 contains consequential amendments.
- (3) The amendments made by that Part of that Schedule have effect as from [F6 6th December 2018].

Textual Amendments

- F5** Words in s. 13(1) repealed (3.1.2012) by Pensions Act 2011 (c. 19), ss. 1(7), 38(3)(a), Sch. 1 para. 9(a)
- F6** Words in s. 13(3) substituted (3.1.2012) by Pensions Act 2011 (c. 19), ss. 1(7), 38(3)(a), Sch. 1 para. 9(b)

PART 2 **U.K.**

OCCUPATIONAL AND PERSONAL PENSION SCHEMES

Contracting-out

14 Conversion of guaranteed minimum pensions **E+W+S**

- (1) After section 13(1) of the Pension Schemes Act 1993 (c. 48) (contracted-out scheme: requirement for guaranteed minimum pension) insert—
- “(1A) But a scheme may be amended so as to omit provision of the kind specified in subsection (1)(a) and (b) if the conditions specified in section 24B are satisfied.”
- (2) After section 17(1) of that Act (minimum pension for survivors) insert—
- “(1A) But a scheme may be amended so as to omit provision of the kind specified in subsection (1) if the conditions specified in section 24B are satisfied.”
- (3) Before section 25 of that Act (before the italic cross-heading) insert—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

“24A Conversion of guaranteed minimum pension into other benefits: introduction

In this section and sections 24B to 24H—

- (a) the rules specified in sections 13(1)(a) and (b) and 17(1) are referred to as the “guaranteed minimum pension rules”,
- (b) “GMP conversion” means amendment of the scheme in relation to an earner so that it no longer contains the guaranteed minimum pension rules,
- (c) a “GMP-converted scheme” is a scheme which has been subject to GMP conversion,
- (d) “the conversion date” means the date on which that amendment takes effect,
- (e) “the pre-conversion benefits” means the benefits provided under the scheme immediately before the conversion date (disregarding money purchase benefits),
- (f) “the post-conversion benefits” means the benefits which are provided under the converted scheme (disregarding money purchase benefits),
- (g) “the converted scheme” means the scheme as it has effect immediately after conversion, and
- (h) “the trustees” in relation to a scheme means the trustees, managers or other persons responsible under the scheme for effecting amendments of it.

24B The conversion conditions

- (1) This section specifies the conditions referred to in sections 13(1A) and 17(1A) (for exemption from the requirement to guarantee a minimum pension).
- (2) Condition 1 is that the post-conversion benefits must be actuarially at least equivalent to the pre-conversion benefits.
- (3) Condition 2 is that if the earner was entitled immediately before the conversion date to the payment of a pension under the scheme, the converted scheme does not provide for a reduction of, or have the effect of reducing, the amount of that pension immediately after conversion.
- (4) Condition 3 is that the post-conversion benefits must not include money purchase benefits, apart from any money purchase benefits provided under the scheme immediately before the conversion date.
- (5) Condition 4 is that the converted scheme provides survivors' benefits in accordance with section 24D in such circumstances, and during such periods, as are prescribed by regulations.
- (6) Condition 5 is that the procedural requirements of section 24E have been complied with.
- (7) In applying these conditions to a scheme in respect of an earner—
 - (a) it is immaterial whether or not on the conversion date the scheme was also converted in respect of other earners, and

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (b) it is immaterial (except for Condition 2) whether or not on the conversion date the earner was entitled to the payment of a pension under the scheme.

24C Actuarial equivalence

Regulations may make provision for determining actuarial equivalence for the purpose of Condition 1 of section 24B.

24D Survivors' benefits

- (1) This section specifies the benefits mentioned in Condition 4 of section 24B.
- (2) The first benefit is that if the earner dies (whether before or after attaining normal pension age) leaving a widow, she is entitled to a pension of at least half the value of the pension to which the earner would have been entitled by reference to employment during the period—
 - (a) beginning with 6th April 1978, and
 - (b) ending with 5th April 1997.
- (3) The second benefit is that if the earner dies (whether before or after attaining normal pension age) leaving a widower or surviving civil partner, he or she is entitled to a pension of at least half the value of the pension to which the earner would have been entitled by reference to employment during the period—
 - (a) beginning with 6th April 1988, and
 - (b) ending with 5th April 1997.

24E Procedural requirements

- (1) This section specifies the procedural requirements that must be complied with in order to satisfy Condition 5 of section 24B.
- (2) The employer in relation to the scheme must consent to the GMP conversion in advance.
- (3) The trustees must take all reasonable steps to—
 - (a) consult the earner in advance, and
 - (b) notify all members, and survivors, affected by the GMP conversion before, or as soon as is reasonably practicable after, the conversion date.
- (4) The Commissioners for Her Majesty's Revenue and Customs must be notified on or before the conversion date—
 - (a) that the GMP conversion will occur or has occurred, and
 - (b) that it affects the earner.

24F Transfer out

- (1) Regulations may prescribe—
 - (a) restrictions on the transfer of the earner's accrued rights under a GMP-converted scheme;

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

(b) conditions which must be complied with on the transfer of the earner's accrued rights under a GMP-converted scheme.

(2) Section 20(2) and (5) shall apply to regulations under this section.

(3) Where a member of a non-GMP-converted scheme makes an application under section 95(1), the trustees may with his consent adjust any guaranteed cash equivalent so as to reflect rights that would have accrued if the scheme had been subject to GMP conversion in accordance with Conditions 1 to 4 of section 24B.

24G Powers to amend schemes

(1) The trustees of an occupational pension scheme may by resolution modify it so as to effect GMP conversion (whether in relation to present earners, pensioners or survivors) in accordance with the conditions in section 24B.

(2) The subsisting rights provisions within the meaning of section 67 of the Pensions Act 1995 (c. 26) shall not apply to a power conferred by an occupational pension scheme to modify the scheme in so far as the power enables GMP conversion in accordance with the conditions in section 24B.

(3) Where a scheme is amended to effect GMP conversion the trustees may include other amendments which they think are necessary or desirable as a consequence of, or to facilitate, the GMP conversion.

(4) Where an occupational pension scheme is being wound up, the trustees may, before the winding up is completed, adjust rights under the scheme so as to reflect what would have happened if the scheme had been subject to GMP conversion in accordance with Conditions 1 to 4 of section 24B.

(5) In the application of section 24E by virtue of subsection (1) above, a reference to the earner includes a reference to a pensioner or survivor whose pension is subjected to GMP conversion.

24H Enforcement of GMP conversion conditions

(1) If the Regulatory Authority thinks that the conditions of section 24B have not been satisfied in relation to an amendment, modification or adjustment effected in accordance with any of sections 13(1A), 17(1A), 24F and 24G, the Regulatory Authority may make an order declaring the amendment, modification or adjustment void—

- (a) in respect of a specified person or class of person,
- (b) to a specified extent, and
- (c) as from a specified time.

(2) Where the Regulatory Authority makes an order under subsection (1) it may—

- (a) require the trustees of the scheme concerned to take specified steps;
- (b) declare that specified action of the trustees shall not be treated as a contravention of the scheme if it would not have been a contravention if the order under subsection (1) had not been made.

(3) An order may be made under subsection (1) before or after the amendment, modification or adjustment takes effect.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (4) If the Regulatory Authority thinks that the process of effecting a GMP conversion of a scheme has been commenced and that a relevant condition of section 24B is not being complied with, or may not be complied with, the Regulatory Authority may by order—
- (a) prohibit the taking of further steps in the GMP conversion (whether generally or in relation to specified steps), and
 - (b) require the trustees of the scheme to take specified steps before resuming the process of GMP conversion.
- (5) Section 10 of the Pensions Act 1995 (civil penalties) shall apply to a trustee who has failed to take all reasonable steps to secure compliance with the conditions of section 24B in relation to an amendment, modification or adjustment effected in accordance with any of sections 13(1A), 17(1A), 24F and 24G.”
- (4) In section 9(2A) of the Pension Schemes Act 1993 (c. 48) (requirements for certification) for “sections 13 to 23” substitute “ sections 13 to 24E ”.
- (5) At the end of section 47 of that Act (deductions from social security payments) add—
- “(9) For the purposes of section 46, a person shall be treated as entitled to a guaranteed minimum pension to which, in the opinion of the Commissioners for Her Majesty's Revenue and Customs, he would have been entitled but for the amendment of a scheme so that it no longer contains the guaranteed minimum pension rules.
- (10) Where the earner's accrued rights have been transferred after the amendment of the scheme, in making the calculation under subsection (9) the Commissioners shall assume the application of section 16(1) after the transfer.
- (11) In making the calculation under subsection (9) the Commissioners shall ignore any effect of the scheme being wound up.”
- (6) In section 97(5) of the Pensions Act 2004 (c. 35) (Pensions Regulator: special procedure) after paragraph (t) insert—
- “(ta) a power under section 24H of the Pension Schemes Act 1993;”.
- (7) At the end of Part 1 of Schedule 2 to that Act (reserved regulatory functions: Pension Schemes Act 1993) add—
- “3A A power under section 24H (compliance with conditions of conversion of guaranteed minimum pension).”
- (8) Subsection (9) applies where—
- (a) a person has been in receipt of a guaranteed minimum pension and a Category A or Category B retirement pension,
 - (b) the guaranteed minimum pension has been increased in accordance with section 15(1) of the Pension Schemes Act 1993 (c. 48) or the Category A or Category B retirement pension has been increased in accordance with paragraph 5 of Schedule 5 to the SSCBA (increase of pension where commencement of guaranteed minimum pension postponed),
 - (c) the pension scheme under which the guaranteed minimum pension is paid is subject to GMP conversion [^{F7}in relation to the person], and

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (d) an order under section 150(2) of the Administration Act would have applied to the person in respect of the increase mentioned in paragraph (b) above but for the scheme having been subject to GMP conversion [^{F8}in relation to the person].
- (9) The person's Category A or Category B retirement pension shall be increased by the amount by which it would have increased as a result of the order.
- (10) If paragraph 5 of Schedule 5 to the SSCBA (increase of pension for survivor of “S”) would apply to a person but for the fact that the scheme of which S was a member was subject to GMP conversion [^{F9}in relation to S] before S's death, the paragraph shall apply to the person (with any necessary modifications) despite that fact.
- (11) In subsections (8)(c) and (d) and (10) “GMP conversion” has the meaning given by section 24A of the Pension Schemes Act 1993 ^{F10}....
- (12) In section 186 of the Pension Schemes Act 1993 (parliamentary control of orders and regulations)—
- (a) before subsection (3)(a) insert—
 - “(a) regulations made under section 24B(5), or”,
 - (b) renumber the existing paragraphs of subsection (3), and
 - (c) in subsection (4) for “(a) or (c)” substitute “(b) or (d)”.

Textual Amendments

- F7** Words in s. 14(8)(c) inserted (28.4.2022 for specified purposes) by Pension Schemes (Conversion of Guaranteed Minimum Pensions) Act 2022 (c. 33), **ss. 1(10)(a)**, 3(4)(a)
- F8** Words in s. 14(8)(d) inserted (28.4.2022 for specified purposes) by Pension Schemes (Conversion of Guaranteed Minimum Pensions) Act 2022 (c. 33), **ss. 1(10)(b)**, 3(4)(a)
- F9** Words in s. 14(10) inserted (28.4.2022 for specified purposes) by Pension Schemes (Conversion of Guaranteed Minimum Pensions) Act 2022 (c. 33), **ss. 1(10)(c)**, 3(4)(a)
- F10** Words in s. 14(11) omitted (28.4.2022 for specified purposes) by virtue of Pension Schemes (Conversion of Guaranteed Minimum Pensions) Act 2022 (c. 33), **ss. 1(10)(d)**, 3(4)(a)

Commencement Information

- I3** S.14 wholly in force at 6.4.2009; s. 14 not in force at Royal Assent see. s. 30(2)(a); s. 14 in force for specified purposes at 1.11.2007 by S.I. 2009/406, **art. 2(a)**; s. 14 in force for all other purposes at 6.4.2009 by S.I. 2009/406, **art. 2(b)**

15 Abolition of contracting-out for defined contribution pension schemes E+W+S

- (1) Any certificate which is either—
- (a) a contracting-out certificate in relation to a money purchase contracted-out scheme, or
 - (b) an appropriate scheme certificate,
- and is in force immediately before [^{F11}6 April 2012], ceases to have effect on that date.
- (2) In this section—
- ^{F12}
...
- “contracting-out certificate”, “money purchase contracted-out scheme” and “appropriate scheme certificate” have the meanings given by

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

section 181(1) of the Pension Schemes Act 1993 (c. 48) (as in force immediately before that day).

- (3) In Schedule 4—
 - (a) Parts 1 and 2 contain amendments which are consequential on, or related to, the provision made by subsection (1), and
 - (b) Part 3 contains savings relating to amendments made by Part 1.
- (4) The amendments made by Part 1 of that Schedule have effect as from [F136 April 2012] (but any power to make regulations conferred by those amendments may be exercised at any time so as to make regulations having effect as from [F136 April 2012]).
- (5) The Secretary of State may by regulations make—
 - (a) such consequential, incidental or supplemental provision, and
 - (b) such transitional, transitory or saving provision,as he thinks necessary or expedient in connection with, or in consequence of, the provisions of subsection (1) and Schedule 4.
- (6) Regulations under subsection (5) may in particular amend, repeal or revoke any provision of any Act or subordinate legislation (whenever passed or made).
- (7) No regulations which amend or repeal any provision of an Act may be made under this section unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (8) A statutory instrument containing regulations under this section that do not fall within subsection (7) is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F11** Words in s. 15(1) substituted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), [Sch. 13 para. 78\(2\)](#)
- F12** Words in s. 15(2) omitted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by virtue of [Pensions Act 2014 \(c. 19\)](#), s. 56(4), [Sch. 13 para. 78\(3\)](#)
- F13** Words in s. 15(4) substituted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), [Sch. 13 para. 78\(4\)](#)

Commencement Information

- I4** S. 15 wholly in force at 6.4.2012; s. 15(2)-(8) in force at 26.9.2007, see s. 30(3); s. 15(1) in force at 6.4.2012 by [S.I. 2011/1267](#), [art. 2\(a\)](#)

Dispute resolution

16 Dispute resolution arrangements **E+W+S**

- (1) Section 273 of the Pensions Act 2004 (c. 35), which substitutes new sections 50 to 50B for section 50 of the Pensions Act 1995 (c. 26), is amended as follows.
- (2) In subsection (1) of the new section 50 (requirement for dispute resolution arrangements) after “arrangements” insert “ complying with the requirements of this section ”.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (3) In subsection (2) of that section, for “such arrangements as are required by this section” substitute “arrangements”.
- (4) After subsection (4) of that section insert—
- “(4A) The dispute resolution arrangements may make provision for securing that an application for the resolution of a pension dispute may not be made to the trustees or managers unless—
- (a) the matters in dispute have been previously referred to a person of a description specified in the arrangements (“the specified person”) in order for him to consider those matters, and
 - (b) the specified person has given his decision on those matters,
- and for enabling the specified person's decision to be confirmed or replaced by the decision taken by the trustees or managers on the application, after reconsidering those matters.”
- (5) After subsection (5) of that section insert—
- “(5A) In a case where a reference is made to the specified person in accordance with provision made under subsection (4A), subsection (5) applies in relation to the specified person as it applies in relation to the trustees or managers in a case where an application for the resolution of a pension dispute is made to them.”
- (6) In subsection (6) of that section, after “arrangements” insert “in pursuance of subsection (4)”.
- (7) In subsection (1) of the new section 50B (dispute resolution procedure) for “under section 50 must” substitute “in pursuance of section 50(4) must (in accordance with section 50(6))”.
- (8) For subsection (3) of that section substitute—
- “(3) The procedure—
- (a) must include provision requiring an application to which subsection (3A) applies to be made by the end of such reasonable period as is specified;
 - (b) may include provision about the time limits for making such other applications for the resolution of pension disputes as are specified.
- (3A) This subsection applies to—
- (a) any application by a person with an interest in a scheme as mentioned in section 50A(1)(e), and
 - (b) any application by a person with an interest in a scheme as mentioned in section 50A(1)(f) who is claiming to be such a person as is mentioned in section 50A(1)(e).”

(9) In subsection (4) of that section, in paragraph (c), after “required” insert “in relation to such an application”.

(10) After subsection (4) of that section insert—

“(4A) The provision made under subsection (4)(c) may include provision for decisions of the trustees or managers to be taken on their behalf by one or more of their number.”

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

PROSPECTIVE

Actuarial guidance

17 Removal of Secretary of State's role in approving actuarial guidance **E+W+S**

Schedule 5 contains amendments removing requirements for, or powers to require, certain forms of actuarial guidance to be approved by the Secretary of State.

Financial assistance scheme

18 Financial assistance scheme: increased levels of payments **U.K.**

(1) Section 286 of the Pensions Act 2004 (c. 35) (financial assistance scheme for members of certain pension schemes) is amended as follows.

(2) After subsection (1) insert—

“(1A) The Secretary of State must, in particular, make provision for securing that (subject to any relevant restriction) the aggregate amount of—

- (a) any annual payment payable to a qualifying member of such a scheme, and
- (b) the member's actual pension (if any),

is not less than 80% of the member's expected pension, irrespective of the date of his attaining normal retirement age (or the date when he would have attained that age if he dies before attaining it).

(1B) A “relevant restriction” means any provision of the regulations which—

- (a) operates to restrict the amount of an annual payment by means of a cap on the product of the calculation of a specified fraction of the member's expected pension, or
- (b) provides for an annual payment not to be payable where the member's actual pension exceeds any specified amount.”

(3) In subsection (2), before the definition of “qualifying member” insert—

““actual pension” and “expected pension”, in relation to a qualifying member of a qualifying pension scheme, mean the amounts which, in accordance with regulations under subsection (1), are to be taken into account as the member's actual pension and expected pension, respectively, in determining the amount of any annual payment payable to the member;

“annual payment” has the meaning given by regulations under subsection (1);”.

(4) Subsections (5) and (6) below apply where the scheme manager has determined that an initial payment may be made under the FAS regulations to or in respect of a qualifying member of a qualifying pension scheme, and they so apply whether the determination—

- (a) has been made, or
- (b) relates to a period beginning,

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

before or after the passing of this Act.

- (5) Subject to any relevant restriction, the amount of any such initial payment payable to the member is to be—
- (a) the amount of the member's expected pension multiplied by [^{F14}0.9], less
 - (b) the amount of the member's interim pension (if any),
- irrespective of the date of the member attaining normal retirement age (or the date when he would have attained that age if he dies before attaining it).
- (6) The amount of any such initial payment payable to the survivor of the member is to be—
- (a) whichever is the smaller of—
 - (i) one-half of the product of the calculation in subsection (5)(a), or
 - (ii) one-half of the product of that calculation as reduced by virtue of any relevant restriction,
 less
 - (b) the amount of the interim pension payable to the survivor (if any),
- irrespective of the date of the member attaining normal retirement age (or the date when he would have attained that age if he dies before attaining it).
- (7) In subsections (5) and (6) “relevant restriction” means any provision of the FAS regulations which—
- (a) operates to restrict the amount of an initial payment by means of a cap on the product of the calculation of a specified fraction of the member's expected pension, or
 - (b) provides for an initial payment not to be payable where the member's interim pension exceeds any specified amount;
- but for the purposes of those subsections any such specified fraction is to be [^{F14}0.9].
- (8) Any provision of the FAS regulations which is inconsistent with subsection (5) or (6) is of no effect to the extent of the inconsistency.
- (9) The Secretary of State may by regulations—
- (a) amend subsection (5) so as to substitute for the fraction for the time being specified there such fraction as is specified in the regulations, and
 - (b) make a corresponding amendment in subsection (7).
- [^{F15}(9A) The Secretary of State may by regulations—
- (a) prescribe circumstances in which subsections (5) and (6) do not apply where the scheme manager has made a determination as specified in subsection (4), and
 - (b) make alternative provision for the amount of any initial payment payable to the member or the survivor of the member in those circumstances,
- and, accordingly, subsection (8) does not apply in those circumstances.]
- (10) No regulations may be made under subsection (9) [^{F16}or (9A)] unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (11) In this section—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

“expected pension” and “interim pension”, in relation to a qualifying member of a qualifying pension scheme, mean the amounts which, in accordance with the FAS regulations, are to be taken into account as the member's expected pension and interim pension, respectively, in determining the amount of any initial payment payable to, or in respect of, the member;

“the FAS regulations” means regulations under section 286(1) of the Pensions Act 2004 (c. 35);

“initial payment” has the meaning given by the FAS regulations;

“interim pension”, in relation to the survivor of a qualifying member of a qualifying pension scheme, means the amount which, in accordance with the FAS regulations, is to be taken into account as the interim pension payable to the survivor in determining the amount of any initial payment payable to the survivor;

“qualifying member”, “qualifying pension scheme” and “scheme manager” have the same meanings as in section 286 of the Pensions Act 2004 (c. 35);

“survivor” has the meaning given by the FAS regulations.

Textual Amendments

F14 Word in s. 18(5)(7) substituted (4.6.2008) by [The Financial Assistance Scheme \(Miscellaneous Provisions\) Regulations 2008 \(S.I. 2008/1432\)](#), [reg. 3](#) (with [reg. 8](#))

F15 [S. 18\(9A\)](#) inserted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), [ss. 23\(2\)](#), 38(4); [S.I. 2011/3034](#), [art. 3\(e\)](#)

F16 Words in [S. 18\(10\)](#) inserted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), [ss. 23\(3\)](#), 38(4); [S.I. 2011/3034](#), [art. 3\(e\)](#)

Commencement Information

I5 [S. 18](#) wholly in force at 14.12.2007; [s. 18\(4\)-\(11\)](#) in force at 26.7.2007, see [s. 30](#); [s. 18\(1\)-\(3\)](#) in force at 14.12.2007 by [S.I. 2007/3512](#), [art. 2](#)

19 Temporary restriction on purchase of annuities **U.K.**

- (1) The Secretary of State must by regulations make provision for securing that, during the period of 9 months beginning with the date on which the regulations come into force, the trustees of relevant pension schemes are prohibited from purchasing, or agreeing to purchase, annuities on behalf of qualifying members, unless—
 - (a) before that date they have entered into a binding commitment to purchase the annuities, or
 - (b) the purchase of the annuities is approved in pursuance of subsection (2).
- (2) The regulations must make provision—
 - (a) for enabling the trustees of a relevant pension scheme to apply to the scheme manager for approval of the purchase of annuities on behalf of qualifying members;
 - (b) for authorising the scheme manager to approve the purchase of any such annuities if the scheme manager thinks it appropriate to do so.
- (3) For the purposes of this section an occupational pension scheme is a “relevant pension scheme” at any time during the period mentioned in subsection (1) if at that time the scheme is a qualifying pension scheme which has not been fully wound up.
- (4) Regulations under this section—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: *Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes*

- (a) must be made as soon as is reasonably practicable after the passing of this Act;
 - (b) may make such consequential, incidental, supplemental or transitional provision as the Secretary of State considers appropriate.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “occupational pension scheme”, “qualifying member”, “qualifying pension scheme” and “scheme manager” have the same meanings as in section 286 of the Pensions Act 2004.

PART 3 U.K.

PERSONAL ACCOUNTS DELIVERY AUTHORITY

20 **Personal Accounts Delivery Authority** U.K.

F17

Textual Amendments

F17 S. 20 repealed (5.7.2010) by [The Personal Accounts Delivery Authority Winding Up Order 2010 \(S.I. 2010/911\)](#), [art. 8\(1\)\(a\)](#)

21 **Initial function of the Authority** U.K.

F18

Textual Amendments

F18 S. 21 repealed (26.11.2008) by [Pensions Act 2008 \(c. 30\)](#), ss. 79, 148, 149(1)(2)(b)(i), [Sch. 11 Pt. 1](#)

22 **Management of the Authority** U.K.

F19

Textual Amendments

F19 S. 22 repealed (5.7.2010) by [The Personal Accounts Delivery Authority Winding Up Order 2010 \(S.I. 2010/911\)](#), [art. 8\(1\)\(a\)](#)

23 **Winding up of the Authority** U.K.

[^{F20}(1) The Secretary of State may by order provide for the winding up and dissolution of the Authority.]

- (2) ^{F21}
- (3) ^{F21}

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (4) ^{F21}
- (5) An order under this section may, in particular—
- (a) provide for the transfer of property, rights or liabilities of the Authority to the Secretary of State [^{F22}or any other person];
 - (b) provide, in connection with provision made under paragraph (a)—
 - (i) for the creation of interests in property transferred;
 - (ii) for the creation of rights and liabilities in relation to such property;
 - (iii) for interests, rights and liabilities to be extinguished;
 - (c) provide for the payment by the Secretary of State or the Authority of compensation to any person who suffers loss or damage as a result of the provision made for the winding up of the Authority.
- (6) An order under this section may make—
- (a) such consequential, incidental or supplemental provision, and
 - (b) such transitional, transitory or saving provision,
- as the Secretary of State thinks necessary or expedient in connection with, or in consequence of, the winding up and dissolution of the Authority.
- (7) An order under this section may also contain provision repealing any provision of [^{F23}(a)] sections 20 to 22 or Schedule 6 [^{F24};
- (b) sections 79 to 85 of the Pensions Act 2008.]
- (8) No order may be made under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

Textual Amendments

- F20** S. 23(1) substituted (26.11.2008) by Pensions Act 2008 (c. 30), {ss, 86(2)}, 149(2)(b)
- F21** S. 23(2)-(4) repealed (26.11.2008) by Pensions Act 2008 (c. 30), ss. 86(3), 149(1)(2)(b)(i), Sch. 11 Pt. 1
- F22** Words in s. 23(5)(a) inserted (26.11.2008) by Pensions Act 2008 (c. 30), {ss, 86(4)}, 149(2)(b)
- F23** Words in s. 23(7) renumbered (26.11.2008) as s. 23(7)(a) by Pensions Act 2008 (c. 30), ss. 86(5)(a), 149(2)(b)
- F24** S. 23(7)(b) and semi-colon inserted (26.11.2008) by Pensions Act 2008 (c. 30), ss. 86(5)(b), 149(2)(b)

PART 4 U.K.

GENERAL

24 Review of operation of Act U.K.

- (1) The Secretary of State must, before the end of 2014, prepare a report on the operation of the provisions of this Act.
- (2) The Secretary of State may prepare subsequent reports on the operation of the provisions of this Act.
- (3) The Secretary of State must lay a copy of any report prepared under this section before Parliament.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

25 Orders and regulations **U.K.**

- (1) Any order or regulations under this Act must be made by statutory instrument.
- (2) Any power of the Secretary of State to make an order or regulations under this Act includes power to make different provision for different purposes or cases.
- (3) Before the Secretary of State makes any regulations by virtue of—
 - (a) section 15(5), or
 - (b) section 18(9),
 he must consult such persons as he considers appropriate.
- (4) Subsection (3) does not apply—
 - (a) to regulations made for the purpose only of consolidating other regulations revoked by them,
 - (b) in a case where it appears to the Secretary of State that by reason of urgency consultation is inexpedient,
 - (c) to regulations made before the end of the period of 6 months beginning with the coming into force of the provision mentioned in subsection (3) by virtue of which the regulations are made, or
 - (d) to regulations which—
 - (i) state that they are consequential upon a specified enactment, and
 - (ii) are made before the end of the period of 6 months beginning with the coming into force of that enactment.
- (5) In subsection (4) “enactment” includes an enactment comprised in subordinate legislation.

26 Interpretation **U.K.**

In this Act—

“the Administration Act” means the Social Security Administration Act 1992 (c. 5);

“the SSCBA” means the Social Security Contributions and Benefits Act 1992 (c. 4);

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30);

“tax year” has the same meaning as in Parts 1 to 6 of the SSCBA (see section 122(1) of that Act).

27 Consequential etc. provision, repeals and revocations **U.K.**

- (1) The Secretary of State may by order make—
 - (a) such supplementary, incidental or consequential provision, or
 - (b) such transitory, transitional or saving provision,
 as he considers appropriate for the general purposes, or any particular purposes, of this Act, or in consequence of, or for giving full effect to, any provision made by this Act.
- (2) Schedule 7 contains repeals and revocations.
- (3) The following repeals have effect at the end of the period of 2 months beginning with the day on which this Act is passed—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

- (a) the repeals in Part 2 of Schedule 7 of the provisions of the Pensions Act 1995 (c. 26) other than paragraphs 19 and 20 of Schedule 4 to that Act;
 - (b) the repeal in Part 2 of Schedule 7 of paragraph 36 of Schedule 24 to the Civil Partnership Act 2004 (c. 33);
 - (c) the repeals in Parts 3 and 5 of Schedule 7.
- (4) The following repeals and revocations have effect on 6th April 2010—
- (a) the repeals and revocations in Part 1 of Schedule 7;
 - (b) the repeals in Part 2 of that Schedule other than those falling within subsection (3).
- (5) The repeals in Part 4 of that Schedule have effect on 6th April in the tax year following the designated tax year (see section 5(4)).
- (6) The repeals and revocations in Part 6 of that Schedule have effect on [F256 April 2012].
- (7) The other repeals contained in that Schedule have effect on the date on which they come into force by virtue of an order made under section 30.
- (8) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F25 Words in s. 27(6) substituted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by Pensions Act 2014 (c. 19), s. 56(4), Sch. 13 para. 79

28 Financial provisions **U.K.**

- (1) There is to be paid out of money provided by Parliament—
 - (a) any expenditure incurred by the Secretary of State by virtue of this Act; and
 - (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.
- (2) There is to be paid into the Consolidated Fund any increase in the sums payable into that Fund under any other Act.

29 Extent **U.K.**

- (1) The following provisions of this Act extend to England and Wales, Scotland and Northern Ireland—
 - (a) sections 18 and 19,
 - (b) Part 3, and
 - (c) this Part.
- (2) But section 24 extends to Northern Ireland in accordance with subsection (1) only as respects the provisions of this Act extending there.
- (3) Section 8 and the repeal in the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) in Part 4 of Schedule 7 extend to Northern Ireland only.
- (4) The amendments made by Schedule 5 have the same extent as the enactments amended.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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. (See end of Document for details) View outstanding changes

(5) The other provisions of this Act extend to England and Wales and Scotland.

30 Commencement **U.K.**

- (1) The following provisions of this Act come into force on the day on which it is passed—
- (a) sections 5 and 6, and Part 5 of Schedule 1, so far as relating to the amounts mentioned in subsection (1)(d) of the new section 150A inserted into the Administration Act by section 5(1);
 - (b) sections 18(4) to (11) and 19;
 - (c) Part 3;
 - (d) this Part.
- (2) The following provisions of this Act come into force on such day as the Secretary of State may by order appoint—
- (a) section 14;
 - (b) section 15(1), Part 2 of Schedule 4 and Part 7 of Schedule 7;
 - (c) section 17, Schedule 5 and Part 8 of Schedule 7;
 - (d) section 18(1) to (3).
- (3) The other provisions of this Act come into force at the end of the period of 2 months beginning with the day on which it is passed.
- (4) An order under subsection (2) may—
- (a) appoint different days for different purposes;
 - (b) make such provision as the Secretary of State considers necessary or expedient for transitory, transitional or saving purposes in connection with the coming into force of any provision falling within subsection (2).

Subordinate Legislation Made

P1 [S. 30\(2\)](#) power partly exercised: different dates appointed for specified provisions by [{S.I. 2007/3063}](#), art. 2; [{S.I. 2007/3512}](#), art. 2; [{S.I. 2009/406}](#), art. 2; [{S.I. 2011/1267}](#), arts. 2, 3

31 Short title **U.K.**

This Act may be cited as the Pensions Act 2007.

Status:

This version of this Act contains provisions that are prospective.

Changes to legislation:

Pensions Act 2007 is up to date with all changes known to be in force on or before 08 June 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 :

- Sch. 1 para. 25 repealed by [2009 c. 24 Sch. 7 Pt. 1](#)
- Sch. 1 para. 14 repealed by [2009 c. 24 Sch. 7 Pt. 2](#)
- Sch. 1 para. 15 repealed by [2009 c. 24 Sch. 7 Pt. 2](#)
- Sch. 1 para. 25 repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- Sch. 1 para. 42 repealed by [2012 c. 5 Sch. 14 Pt. 9](#)