

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

## SCHEDULES

### SCHEDULE 1 **E+W+S**

Sections 1 to 5, 9, 12 and 13

#### STATE PENSION: CONSEQUENTIAL AND RELATED AMENDMENTS

#### **PART 1 E+W+S**

##### CATEGORY A AND B RETIREMENT PENSIONS: SINGLE CONTRIBUTION CONDITION

- 1 (1) Section 44 of the SSCBA (Category A retirement pension) is amended as follows.
  - (2) In subsection (1) for paragraph (b) substitute—

“(b) he satisfies the relevant conditions or condition;”.
  - (3) After subsection (1) insert—

“(1A) In subsection (1)(b) above “the relevant conditions or condition” means—

    - (a) in a case where the person attains pensionable age before 6th April 2010, the conditions specified in Schedule 3, Part I, paragraph 5;
    - (b) in a case where the person attains pensionable age on or after that date, the condition specified in Schedule 3, Part I, paragraph 5A.”
- 2 (1) Section 48A of the SSCBA (Category B retirement pension for married person or civil partner) is amended as follows.
  - (2) In subsection (2) for paragraph (b) substitute—

“(b) satisfies the relevant conditions or condition.”
  - (3) After subsection (2) insert—

“(2ZA) In subsection (2)(b) above “the relevant conditions or condition” means—

    - (a) in a case where the spouse is a married man who attains pensionable age before 6th April 2010, the conditions specified in Schedule 3, Part I, paragraph 5;
    - (b) in a case where the spouse attains pensionable age on or after that date, the condition specified in Schedule 3, Part I, paragraph 5A.”
  - (4) In subsection (2B) for paragraph (b) substitute—

“(b) satisfies the condition specified in Schedule 3, Part I, paragraph 5A.”
- 3 (1) Section 48B of the SSCBA (Category B retirement pension for surviving spouse or civil partner) is amended as follows.
  - (2) In subsection (1) for “the conditions specified in Schedule 3, Part I, paragraph 5” substitute “the relevant conditions or condition”.
  - (3) After subsection (1) insert—

“(1ZA) In subsection (1) above “the relevant conditions or condition” means—

---

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

---

- (a) in a case where the spouse—
    - (i) died before 6th April 2010, or
    - (ii) died on or after that date having attained pensionable age before that date,
 the conditions specified in Schedule 3, Part I, paragraph 5;
  - (b) in a case where the spouse died on or after that date without having attained pensionable age before that date, the condition specified in Schedule 3, Part I, paragraph 5A.”
- (4) In subsection (1A) for “the conditions specified in Schedule 3, Part I, paragraph 5” substitute “ the condition specified in Schedule 3, Part I, paragraph 5A ”.
- 4 In section 60 of the SSCBA (complete or partial failure to satisfy contribution conditions) after subsection (8) insert—
- “(9) References in this section to a Category A or Category B retirement pension do not include one to which Schedule 3, Part I, paragraph 5A applies.”
- 5 After section 60 of the SSCBA insert—

**“60A Failure to satisfy contribution condition in paragraph 5A of Schedule 3**

- (1) Subsection (2) below applies if the contribution condition in Schedule 3, Part I, paragraph 5A is not satisfied in relation to a benefit to which that paragraph applies.
- (2) A person who would have been entitled to the benefit had the condition been satisfied shall nevertheless be entitled to a prescribed proportion of that benefit in respect of each of the years of the contributor's working life that falls within subsection (3) below.
- (3) A year of the contributor's working life falls within this subsection if it is a year in relation to which the requirements in paragraph 5A(2)(a) and (b) of Part I of Schedule 3 are satisfied.
- (4) “The contributor” means the person by whom the condition is to be satisfied.
- (5) In any case where—
  - (a) an employed earner who is married or a civil partner dies on or after 6th April 2010 as a result of—
    - (i) a personal injury of a kind mentioned in section 94(1) below, or
    - (ii) a disease or injury such as is mentioned in section 108(1) below, and
  - (b) the contribution condition specified in Schedule 3, Part I, paragraph 5A is not satisfied in respect of the employed earner,
 that condition shall be taken to be satisfied for the purposes of the entitlement of the employed earner's widow, widower or surviving civil partner to a Category B retirement pension payable by virtue of section 48B.
- (6) In subsections (1) to (3) any reference—
  - (a) to the contribution condition in Schedule 3, Part I, paragraph 5A, or
  - (b) to the requirements of paragraph 5A(2)(a) and (b),

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

includes a reference to that condition or those requirements as modified by virtue of paragraph 5A(4).”

## PART 2 E+W+S

### CATEGORY B RETIREMENT PENSION: REMOVAL OF RESTRICTION ON ENTITLEMENT

- 6 In section 54 of the SSCBA (Category A and B retirement pensions: supplemental provisions) omit subsection (3) (election to defer pension entitlement requires consent of other party to marriage etc.).
- 7 In section 55 of the SSCBA (pension increase or lump sum where pensions entitlement deferred) in subsection (3) for paragraph (a) substitute—  
“(a) does not become entitled to that pension by reason only of not satisfying the conditions of section 1 of the Administration Act (entitlement to benefit dependent on claim), or”.
- 8 In Schedule 5 to the SSCBA (pension increase or lump sum where pensions entitlement deferred) in paragraph 8, omit sub-paragraph (3) (construction of references where person's pension linked to contributions of other party to marriage or civil partnership).

## PART 3 E+W+S

### CONTRIBUTIONS CREDITS FOR RELEVANT PARENTS AND CARERS

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

- 9 In section 22 of the SSCBA (earnings factors) after subsection (5) (regulations may provide for crediting of contributions) insert—  
“(5A) Section 23A makes provision for the crediting of Class 3 contributions for the purpose of determining entitlement to the benefits to which that section applies.”
- 10 In section 176 of the SSCBA (parliamentary control) in subsection (1) (regulations and orders subject to affirmative procedure) after paragraph (a) insert—  
“(aa) the first regulations made by virtue of section 23A(3)(c);”.

#### *Welfare Reform Act 2007 (c. 5)*

- 11 In Part 1 of Schedule 1 to the Welfare Reform Act 2007 (employment and support allowance: additional conditions) in paragraph 1 (conditions relating to national insurance) in sub-paragraph (5) (meaning of “benefit”) after paragraph (c) insert—  
“(ca) credits under section 23A of that Act.”.

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

**PART 4 E+W+S**

CATEGORY A AND C RETIREMENT PENSIONS: ABOLITION OF ADULT DEPENDENCY INCREASES

- 12 In section 30B of the SSCBA (incapacity benefit: rate) in subsection (3) omit paragraph (b) (increase under section 83 or 85 to be disregarded in determining rate of incapacity benefit).
- 13 In section 78 of the SSCBA (Categories C and D retirement pensions and other benefits for aged) in subsection (4) omit paragraph (d) (increase under section 83 or 85 to be disregarded in determining appropriate weekly rate of Category D retirement pension).
- 14 In section 88 of the SSCBA (increases to be in respect of only one adult dependant) for “under or by virtue of sections 83 to 86A” substitute “by virtue of section 86A ”.
- 15 In section 89 of the SSCBA (meaning of earnings for purposes of provisions relating to increases in benefits) in each of subsections (1) and (1A), for “sections 82 to 86A” substitute “ sections 82 and 86A ”.
- 16 In section 114 of the SSCBA (persons maintaining dependants etc.) in subsection (4) (amounts paid by way of maintenance etc. to be treated as contributions for the purposes of specified provisions) omit “to 84”.
- 17 In section 149 of the SSCBA (pensioners' entitlement to Christmas bonus: supplementary) in subsection (3) (circumstances in which persons to be treated as entitled to increase in payment of a qualifying benefit) in paragraph (b) omit “section 83(2) or (3) above or”.
- 18 In Part 4 of Schedule 4 to the SSCBA (rates of increases for dependants)—
  - (a) in paragraph 5 (Category A or B retirement pension) for the figure in column (3) (increase for adult dependant) substitute “ — ”;
  - (b) in paragraph 6 (Category C retirement pension) for the figure in column (3) (increase for adult dependant) substitute “ — ”.

**PART 5 E+W+S**

UP-RATING OF BASIC PENSION ETC. AND STANDARD  
MINIMUM GUARANTEE BY REFERENCE TO EARNINGS

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

- 19 In Schedule 5 to the SSCBA (pension increase or lump sum where entitlement to retirement pension is deferred) in paragraph 2 (pension increase where entitlement deferred) in sub-paragraph (7) (increase to take account of up-rating of pensions) after “section 150” insert “ or 150A ”.

**Commencement Information**

**II** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

#### Textual Amendments

- F1** Sch. 1 para. 20 repealed (6.4.2012) by Pensions Act 2011 (c. 19), ss. 2, 38(4), Sch. 2 para. 4(d) (with s. 2(8)); S.I. 2011/3034, art. 4(f)(iv)

#### Commencement Information

- I2** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

#### *Social Security Administration Act 1992 (c. 5)*

- 21 In section 150 of the Administration Act (annual up-rating of benefits) in subsection (10)(a)(i) (when order is to take effect) after “the tax year” insert “ following that in which the order is made ”.

#### Commencement Information

- I3** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 22 In section 152 of that Act (rectification of mistakes in orders under section 150)—  
(a) after subsection (1) insert—

“(1A) If the Secretary of State is satisfied that such a mistake has occurred in the preparation of the previous order under section 150A above, he may by order vary the amount of any one or more of the amounts referred to in subsection (1) of that section by increasing or reducing it to the level at which it would have stood had the mistake not occurred.”;

- (b) in the sidenote, after “150” insert “ or 150A ”.

#### Commencement Information

- I4** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 23 In section 155 of that Act (effect of alteration of rates of benefit under Parts 2 to 5 of the SSCBA) in subsection (1) (when section has effect) in paragraph (b) after “150” insert “ , 150A ”.

#### Commencement Information

- I5** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 24 In section 155A of that Act (power to anticipate pensions up-rating order) in subsection (1) (power arises where statement made to Commons of amounts of proposed increase in order under section 150) in paragraph (a), for “150 above” substitute “ 150 or 150A above (as the case may be) ”.

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

**Commencement Information**

**16** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 25 In section 159 of that Act (effect of alteration in the component rates of income support) in subsection (5), in paragraph (b) of the definition of “alteration”—
- (a) after “150” (where it first occurs) insert “ or 150A ”;
  - (b) in sub-paragraph (ii) after “150” insert “ , 150A ”.

**Commencement Information**

**17** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 26 In section 159A of that Act (effect of alteration of rates of a jobseeker's allowance) in subsection (5), in paragraph (b) of the definition of “alteration”, after each occurrence of “section 150” insert “ or 150A ”.

**Commencement Information**

**18** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 27 In section 159B of that Act (effect of alterations affecting state pension credit)—
- (a) in subsection (4) (power to anticipate up-rating of state pension credit) in paragraph (a) after “section 150” insert “ , 150A ”;
  - (b) in subsection (6), in paragraph (b) of the definition of “alteration”—
    - (i) after “150” (where it first occurs) insert “ or 150A ”;
    - (ii) after “150” (where it next occurs) insert “ , 150A ”.

**Commencement Information**

**19** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 28 In section 159C of that Act as inserted by the Welfare Reform Act 2007 (c. 5) (effect of alteration of rates of an employment and support allowance)—
- (a) in subsection (4) (application of subsection (5)) in paragraph (a), after “150” insert “ , 150A ”;
  - (b) in subsection (6), in paragraph (b) of the definition of “alteration”—
    - (i) after “150” (where it first occurs) insert “ or 150A ”;
    - (ii) after “150” (where it next occurs) insert “ , 150A ”.

**Commencement Information**

**110** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

- 29 In section 189 of that Act (regulations and orders\_general) in subsection (8) (orders not to be made without consent of Treasury) after “150,” insert “ 150A,”.

**Commencement Information**

**I11** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 30 In section 190 of that Act (parliamentary control of orders and regulations) in subsection (1)(a) (orders subject to the affirmative procedure) after “150,” insert “ 150A,”.

**Commencement Information**

**I12** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 31 In Part 1 of Schedule 7 to that Act (regulations not requiring prior submission to the Social Security Advisory Committee) in paragraph 3 (up-rating etc.) after “section 150” insert “ or 150A ”.

**Commencement Information**

**I13** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

- 32 In Part 2 of that Schedule (regulations not requiring prior submission to the Industrial Injuries Advisory Council) in paragraph 12 for “or 150” substitute “ , 150 or 150A ”.

**Commencement Information**

**I14** Sch. 1 Pt. 5 wholly in force at 26.9.2007; Sch. 1 Pt. 5 in force for specified purposes at 26.7.2007 and in force for all other purposes at 26.9.2007, see s. 30

**PART 6 E+W+S**

DEEMED EARNINGS FACTORS FOR PURPOSES OF ADDITIONAL PENSION

- 33 In section 22 of the SSCBA (earnings factors) at the end of subsection (2A) (derivation of earnings factors for purposes of calculating additional pension) insert — “ This subsection does not affect the operation of sections 44A and 44B (deemed earnings factors). ”
- 34 (1) Section 44A of the SSCBA (deemed earnings factors) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) Subsections (1) to (4) below apply to the first appointed year or any subsequent tax year before 2010-11.”

---

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

---

(3) In subsection (1) (amount of deemed earnings factor for purposes of section 44(6)(za)) after “a relevant year” insert “ to which this subsection applies ”.

(4) After subsection (4) insert—

“(4A) The following do not apply to a pensioner attaining pensionable age on or after 6th April 2010—

- (a) the requirement referred to in subsection (2)(d) above, and
- (b) subsections (3) and (4) above.”

**PART 7 E+W+S**

ADDITIONAL PENSION: SIMPLIFIED ACCRUAL RATES

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

35 In section 176 of the SSCBA (parliamentary control)—

- (a) <sup>F2</sup> .....
- (b) in subsection (4) (certain orders not subject to parliamentary procedure) after “second appointed year” insert “ or designating the flat rate introduction year ”.

**Textual Amendments**  
**F2** Sch 1 para. 35(a) repealed (21.9.2008) by [National Insurance Contributions Act 2008 \(c. 16\), ss. 4, 6\(1\), Sch. 2](#)

*Pension Schemes Act 1993 (c. 48)*

36 In section 12B of the Pension Schemes Act 1993 (reference scheme)—

- (a) in subsection (5) (definition of earner's qualifying earnings) in paragraph (b), for “the upper earnings limit for that year multiplied by fifty-three” substitute “ the applicable limit ”;
- (b) in subsection (7), before the definition of “normal pension age” insert—

““the applicable limit” means—

- (a) in relation to a tax year before the flat rate introduction year, the upper earnings limit for the year multiplied by 53;
- (b) in relation to the flat rate introduction year or any subsequent tax year, the upper accrual point;”.

37 <sup>F3</sup> .....

**Textual Amendments**  
**F3** Sch. 1 para. 37 repealed (21.9.2008 with effect as mentioned in Sch. 2 Note 2(c)) by [National Insurance Contributions Act 2008 \(c. 16\), ss. 4, 6\(1\), Sch. 2](#)

38 In section 181(1) of that Act (general interpretation) insert at the appropriate places—



**Changes to legislation:** *Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

“the flat rate introduction year” has the meaning given by section 122 of the Social Security Contributions and Benefits Act 1992;”;

“the upper accrual point” has the meaning given by section 122 of the Social Security Contributions and Benefits Act 1992;”.

39 F4 .....

**Textual Amendments**

F4 Sch 1 para. 39 repealed (21.9.2008 with effect as mentioned in Sch. 2 Note 3(b)) by [National Insurance Contributions Act 2008 \(c. 16\)](#), ss. 4, 6(1), [Sch. 2](#)

**PART 8 E+W+S**

INCREASE IN PENSIONABLE AGE FOR MEN AND WOMEN

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

40 In section 38 of the SSCBA (widow's pension) in subsection (2) (entitlement to continue until age of 65) for “the age of 65” substitute “pensionable age”.

41 In section 64 of the SSCBA (entitlement to attendance allowance) in subsection (1) (conditions to be satisfied for entitlement to the allowance) for “is aged 65 or over” substitute “has attained pensionable age”.

42 (1) Section 75 of the SSCBA (disability living allowance: persons aged 65 or over) is amended as follows.

(2) In subsection (1) (no entitlement to the allowance for persons aged 65 or over) for “the age of 65” substitute “pensionable age”.

(3) For the sidenote substitute “Persons who have attained pensionable age”.

43 In section 149 of the SSCBA (supplementary provisions relating to Christmas bonus) in subsection (4) (for purposes of section 148 persons not to be taken to be entitled to payment of war disablement pension unless they have attained the age of 65) for “the age of 65” substitute “pensionable age”.

*State Pension Credit Act 2002 (c. 16)*

F544 .....

**Textual Amendments**

F5 Sch. 1 para. 44 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. 12 para. 91](#)

---

**Changes to legislation:** *Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

---

## SCHEDULE 2 **E+W+S**

Section 11

### ADDITIONAL PENSION: SIMPLIFIED ACCRUAL RATES

#### PART 1 **E+W+S**

##### NEW SCHEDULE 4B TO THE SSCBA

- 1 After Schedule 4A to the SSCBA (additional pension) insert the following Schedule.

#### “SCHEDULE 4B **E+W+S**”

Section 45

### ADDITIONAL PENSION: ACCRUAL RATES FOR PURPOSES OF SECTION 45(2)(D)

#### PART 1 **E+W+S**

##### AMOUNT FOR PURPOSES OF SECTION 45(2)(D)

- 1 (1) The amount referred to in section 45(2)(d) is to be calculated as follows—
- (a) calculate the appropriate amount for each of the relevant years within section 45(2)(d) to which Part 2 of this Schedule applies;
  - (b) calculate the appropriate amount for each of the relevant years within section 45(2)(d) to which Part 3 of this Schedule applies; and
  - (c) add those amounts together.
- (2) But if the resulting amount is a negative one, the amount referred to in section 45(2)(d) is nil.

#### PART 2 **E+W+S**

##### NORMAL RULES: EMPLOYMENT NOT CONTRACTED-OUT

##### *Application*

- 2 This Part applies to a relevant year if the contracted-out condition is not satisfied in respect of any tax week in the year.

##### *Appropriate amount for year*

- 3 The appropriate amount for the year for the purposes of paragraph 1 is either—
- (a) the flat rate amount for the year (if there is a surplus in the pensioner's earnings factor for the year which does not exceed the LET), or
  - (b) the sum of the flat rate amount and the earnings-related amount for the year (if there is such a surplus which exceeds the LET).

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

- 4 The flat rate amount for the year is calculated by multiplying the FRAA in accordance with the last order under section 148AA of the Administration Act to come into force before the end of the final relevant year.
- 5 The earnings-related amount for the year is calculated as follows—
  - (a) take the part of the surplus for the year which exceeds the LET but which does not exceed the UAP;
  - (b) multiply that amount in accordance with the last order under section 148 of the Administration Act to come into force before the end of the final relevant year;
  - (c) multiply the amount found under paragraph (b) by 10%;
  - (d) divide the amount found under paragraph (c) by 44.

### PART 3 **E+W+S**

#### CONTRACTED-OUT EMPLOYMENT

##### *Application*

- 6 This Part applies to a relevant year if the contracted-out condition is satisfied in respect of each tax week in the year.

##### *Appropriate amount for year*

- 7 The appropriate amount for the year for the purposes of paragraph 1 is calculated as follows—
  - (a) calculate amounts A and B in accordance with paragraphs 8 to 10;
  - (b) subtract amount B from amount A.

##### *Amount A: assumed surplus not exceeding LET*

- 8 (1) Amount A is calculated in accordance with this paragraph if there is an assumed surplus in the pensioner's earnings factor for the year which does not exceed the LET.
  - (2) In such a case, amount A is the flat rate amount for the year.
  - (3) The flat rate amount for the year is calculated by multiplying the FRAA in accordance with the last order under section 148AA of the Administration Act to come into force before the end of the final relevant year.

##### *Amount A: assumed surplus exceeding LET*

- 9 (1) Amount A is calculated in accordance with this paragraph if there is an assumed surplus in the pensioner's earnings factor for the year which exceeds the LET.
  - (2) In such a case, amount A is calculated as follows—
    - (a) take the part of the assumed surplus for the year which exceeds the LET but which does not exceed the UAP;

---

**Changes to legislation:** *Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

---

- (b) multiply that amount in accordance with the last order under section 148 of the Administration Act to come into force before the end of the final relevant year;
  - (c) multiply the amount found under paragraph (b) by 10%;
  - (d) divide the amount found under paragraph (c) by 44;
  - (e) add the amount found under paragraph (d) to the flat rate amount for the year.
- (3) The flat rate amount for the year is calculated by multiplying the FRAA in accordance with the last order under section 148AA of the Administration Act to come into force before the end of the final relevant year.

#### *Amount B*

- 10 (1) Amount B is calculated as follows—
- (a) take the part of the assumed surplus for the year which exceeds the QEF but which does not exceed the UAP;
  - (b) multiply that amount in accordance with the last order under section 148 of the Administration Act to come into force before the end of the final relevant year;
  - (c) multiply the amount found under paragraph (b) by 20%;
  - (d) divide the amount found under paragraph (c) by the number of relevant years in the pensioner's working life.
- (2) Section 44B is to be ignored in applying section 44(6) for the purposes of this paragraph.

### **PART 4 E+W+S**

#### OTHER CASES

- 11 The Secretary of State may make regulations containing provision for finding for a tax year the amount referred to in section 45(2)(d)—
- (a) in cases where the circumstances relating to the pensioner change in the course of the year, and
  - (b) in such other cases as the Secretary of State thinks fit.

### **PART 5 E+W+S**

#### INTERPRETATION

- 12 In this Schedule—
- “assumed surplus”, in relation to a pensioner's earnings factor for a year, means the surplus there would be in that factor for the year if section 48A(1) of the Pension Schemes Act 1993 (no primary Class 1 contributions deemed to be paid) did not apply in relation to any tax week falling in the year;
- “the contracted-out condition”, in relation to a tax week, means the condition that any earnings paid to or for the benefit of the pensioner in that week in respect of employment were in respect of employment

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

qualifying him for a pension provided by a salary related contracted-out scheme (within the meaning of the Pension Schemes Act 1993);

“the FRAA” has the meaning given by paragraph 13;

“the LET”, in relation to a tax year, means the low earnings threshold for the year as specified in section 44A above;

“the QEF”, in relation to a tax year, means the qualifying earnings factor for the year;

“relevant year” and “final relevant year” have the same meanings as in section 44 above;

“the UAP” means the upper accrual point.

- 13 (1) “The FRAA” means the flat rate accrual amount.
- (2) That amount is £72.80 for the flat rate introduction year and subsequent tax years (but subject to section 148AA of the Administration Act).”

## PART 2 E+W+S

### REVALUATION OF FLAT RATE ACCRUAL AMOUNT

2 After section 148A of the Administration Act insert—

#### “148AA Revaluation of flat rate accrual amount

- (1) The Secretary of State must in the tax year preceding the flat rate introduction year and in each subsequent tax year review the general level of earnings obtaining in Great Britain and any changes in that level which have taken place during the review period.
- (2) In this section “the review period” means—
- (a) in the case of the first review under this section, the period beginning with 1st October 2004 and ending with 30th September in the tax year preceding the flat rate introduction year; and
  - (b) in the case of each subsequent review under this section, the period since—
    - (i) the end of the last period taken into account in a review under this section, or
    - (ii) such other date (whether earlier or later) as the Secretary of State may determine.
- (3) If on such a review it appears to the Secretary of State that the general level of earnings has increased during the review period, he must make an order under this section.
- (4) An order under this section is an order directing that for the purposes of Schedule 4B to the Contributions and Benefits Act—
- (a) there is to be a new FRAA for the tax years after the tax year in which the review takes place, and
  - (b) the amount of that FRAA is to be the amount specified in subsection (5) below, increased by not less than the percentage by which the general level of earnings increased during the review period.

---

**Changes to legislation:** *Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

---

- (5) The amount referred to in subsection (4)(b) is—
- (a) in the case of the first review under this section, £72.80, and
  - (b) in the case of each subsequent review, the FRAA for the year in which the review takes place.
- (6) The Secretary of State may, for the purposes of any provision of subsections (4) and (5), adjust any amount by rounding it up or down to such extent as he thinks appropriate.
- (7) This section does not require the Secretary of State to direct any increase where it appears to him that the increase would be inconsiderable.
- (8) If on any review under this section the Secretary of State determines that he is not required to make an order under this section, he must instead lay before each House of Parliament a report explaining his reasons for arriving at that determination.
- (9) For the purposes of any review under this section the Secretary of State may estimate the general level of earnings in such manner as he thinks fit.
- (10) In this section—
- “the flat rate introduction year” has the meaning given by section 122 of the Contributions and Benefits Act (interpretation of Parts 1 to 6 etc.);
- “the FRAA” means the flat rate accrual amount (see paragraph 13 of Schedule 4B to the Contributions and Benefits Act (additional pension: simplified accrual rates for purposes of section 45(2)(d))).”

### PART 3 E+W+S

#### CONSEQUENTIAL AND RELATED AMENDMENTS

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

- 3      In section 39 of the SSCBA (rate of widowed mother's allowance and widow's pension) omit—
- (a) “and Schedule 4A” wherever occurring; and
  - (b) subsection (3).
- 4      (1) Section 39C of the SSCBA (rate of widowed parent's allowance and bereavement allowance) is amended as follows.
- (2) In subsection (1), after “section 46(2)” insert “ and (4) ”.
  - (3) In subsection (3), in each of paragraphs (a) and (b), for “sections” substitute “provisions”.
- 5      (1) Section 44 of the SSCBA (Category A retirement pension) is amended as follows.
- (2) In subsection (5A), for “Schedule 4A” substitute “ Schedules 4A and 4B ”.
  - (3) In subsection (6), for “Schedule 4A” substitute “ Schedule 4A or 4B ”.
- 6      In section 46 of the SSCBA (modification of section 45 for calculating the additional pension in certain benefits) after subsection (3) insert—

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

- “(4) For the purpose of determining the additional pension falling to be calculated under section 45 above by virtue of section 39C(1) above in a case where the deceased spouse or civil partner died under pensionable age, section 45 has effect subject to the following additional modifications—
- (a) the omission of subsection (2)(d), and
  - (b) the omission in subsection (3A)(b) of the words “before the flat rate introduction year”.
- 7 In section 48A of the SSCBA (rate of Category B retirement pension for married person or civil partner) in subsection (4) for “Schedule 4A” substitute “ Schedules 4A and 4B ”.
- 8 In section 48B of the SSCBA (Category B retirement pension for surviving spouse or civil partner) in subsection (2), for “Schedule 4A” substitute “ Schedules 4A and 4B ”.
- 9 In section 48BB of the SSCBA (Category B retirement pension: entitlement by reference to benefits under section 39A or 39B) in subsection (5)—
- (a) for “Schedule 4A” substitute “ Schedules 4A and 4B ”; and
  - (b) for the words from “subject” to the end substitute “ subject to section 46(3) above and to the following provisions of this section and the modification in section 48C(4) below. ”
- 10 In section 48C of the SSCBA (Category B retirement pension: general) in subsection (4), for “Schedule 4A” substitute “ Schedules 4A and 4B ”.
- 11 In Schedule 4A to the SSCBA (additional pension) in paragraph 1(2), omit “39(1),”.

*Pension Schemes Act 1993 (c. 48)*

- 12 In section 42 of the Pension Schemes Act 1993 (review and alteration of rates of contributions applicable under section 41) in subsection (1)(a)(ii) for “Schedule 4A” substitute “ Schedules 4A and 4B ”.

SCHEDULE 3 **E+W+S**

Section 13

INCREASE IN PENSIONABLE AGE FOR MEN AND WOMEN

- 1 In the sidenote to section 126 of the Pensions Act 1995 (c. 26), at the end insert “ and increase in pensionable age ”.
- 2 In section 126 of that Act (equalisation of pensionable age) in paragraph (a), at the end insert “ and to increase the pensionable age for men and women progressively over a period of 22 years beginning with 6th April 2024 ”.
- 3 For the heading for Schedule 4 to that Act substitute “ Equalisation of and increase in pensionable age for men and women ”.
- 4 (1) Paragraph 1 of Part 1 of Schedule 4 to that Act (pensionable ages for men and women) is amended as follows.
- (2) In sub-paragraph (1), after “man” insert “ born before 6th April 1959 ”.
  - (3) In sub-paragraph (3), for “the following table” substitute “ table 1 ”.

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

(4) <sup>F6</sup> .....

(5) For the heading for the table substitute “ TABLE 1 ”.

(6) After the table insert—

“(5) A person born on any day in a period mentioned in column 1 of table 2 attains pensionable age at the commencement of the day shown against that period in column 2.

TABLE 2

<i>(1)</i> <i>Period within which birthday falls</i>	<i>(2)</i> <i>Day pensionable age attained</i>
6th April 1959 to 5th May 1959	6th May 2024
6th May 1959 to 5th June 1959	6th July 2024
6th June 1959 to 5th July 1959	6th September 2024
6th July 1959 to 5th August 1959	6th November 2024
6th August 1959 to 5th September 1959	6th January 2025
6th September 1959 to 5th October 1959	6th March 2025
6th October 1959 to 5th November 1959	6th May 2025
6th November 1959 to 5th December 1959	6th July 2025
6th December 1959 to 5th January 1960	6th September 2025
6th January 1960 to 5th February 1960	6th November 2025
6th February 1960 to 5th March 1960	6th January 2026
6th March 1960 to 5th April 1960	6th March 2026

(6) A person born after 5th April 1960 but before 6th April 1968 attains pensionable age when the person attains the age of 66.

(7) A person born on any day in a period mentioned in column 1 of table 3 attains pensionable age at the commencement of the day shown against that period in column 2.

TABLE 3

<i>(1)</i> <i>Period within which birthday falls</i>	<i>(2)</i> <i>Day pensionable age attained</i>
6th April 1968 to 5th May 1968	6th May 2034
6th May 1968 to 5th June 1968	6th July 2034
6th June 1968 to 5th July 1968	6th September 2034
6th July 1968 to 5th August 1968	6th November 2034



---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

6th August 1968 to 5th September 1968	6th January 2035
6th September 1968 to 5th October 1968	6th March 2035
6th October 1968 to 5th November 1968	6th May 2035
6th November 1968 to 5th December 1968	6th July 2035
6th December 1968 to 5th January 1969	6th September 2035
6th January 1969 to 5th February 1969	6th November 2035
6th February 1969 to 5th March 1969	6th January 2036
6th March 1969 to 5th April 1969	6th March 2036

---

- (8) A person born after 5th April 1969 but before 6th April 1977 attains pensionable age when the person attains the age of 67.
- (9) A person born on any day in a period mentioned in column 1 of table 4 attains pensionable age at the commencement of the day shown against that period in column 2.

TABLE 4

---

<b>(1)</b> <b><i>Period within which birthday falls</i></b>	<b>(2)</b> <b><i>Day pensionable age attained</i></b>
6th April 1977 to 5th May 1977	6th May 2044
6th May 1977 to 5th June 1977	6th July 2044
6th June 1977 to 5th July 1977	6th September 2044
6th July 1977 to 5th August 1977	6th November 2044
6th August 1977 to 5th September 1977	6th January 2045
6th September 1977 to 5th October 1977	6th March 2045
6th October 1977 to 5th November 1977	6th May 2045
6th November 1977 to 5th December 1977	6th July 2045
6th December 1977 to 5th January 1978	6th September 2045
6th January 1978 to 5th February 1978	6th November 2045
6th February 1978 to 5th March 1978	6th January 2046
6th March 1978 to 5th April 1978	6th March 2046

---

- (10) A person born after 5th April 1978 attains pensionable age when the person attains the age of 68.”

---

**Textual Amendments**

**F6** Sch. 3 para. 4(4) omitted (3.1.2012) by virtue of Pensions Act 2011 (c. 19), ss. 1(7), 38(3)(a), Sch. 1 para. 10

---

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

---

## SCHEDULE 4 E+W+S

Section 15

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

#### PART 1 E+W+S

##### AMENDMENTS HAVING EFFECT AS FROM ABOLITION DATE

##### *Pension Schemes Act 1993 (c. 48)*

- 1       The Pension Schemes Act 1993 has effect subject to the following amendments.
- 2       (1) Section 7 (issue of contracting-out and appropriate scheme certificates) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Regulations shall provide for HMRC to issue certificates stating that the employment of an earner in employed earner's employment is contracted-out employment by reference to an occupational pension scheme.
- (1A) In this Act such a certificate is referred to as “a contracting-out certificate”.”
- (3) Omit subsections (4) to (6) (provisions relating to appropriate scheme certificates in respect of personal pension schemes).
- (4) In subsection (7) (no certificate to have effect from a date earlier than its issue) omit “or appropriate scheme certificate”.
- (5) After that subsection insert—
- “(8) References in this Act to a contracting-out certificate, a contracted-out scheme and to contracting-out in a context relating to a money purchase contracted-out scheme are to be construed in accordance with section 181A.”
- (6) In the sidenote, omit “and appropriate scheme”.
- 3       (1) Section 8 (definitions of certain terms) is amended as follows.
- (2) In subsection (1) (definition of “contracted-out employment”) for the words from “he is under pensionable age” to the end of paragraph (a) substitute “—
- (a) he is under pensionable age;
- (aa) his service in the employment is for the time being service which qualifies him for a pension provided by an occupational pension scheme contracted out by virtue of satisfying section 9(2) (in this Act referred to as “a salary related contracted-out scheme”);”.
- (3) After subsection (1) insert—
- “(1A) In addition, in relation to any period before the abolition date, the employment of an earner in employed earner's employment was “contracted-out employment” in relation to him during that period if—
- (a) he was under pensionable age;
- (b) his employer made minimum payments in respect of his employment to a money purchase contracted-out scheme, and

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

(c) there was in force a contracting-out certificate issued in accordance with this Chapter (as it then had effect) stating that the employment was contracted-out employment by reference to the scheme.”

(4) In subsection (2) for “for the purposes of section 42A” substitute “ for the tax year in which the week falls as specified in an order made under section 42B (as it had effect before the abolition date) ”.

4 (1) Section 9 (general requirements for certification of schemes) is amended as follows.

(2) In subsection (1) (requirements for occupational pension schemes) omit “or (3)”.

(3) Omit subsections (3) and (5) (requirements for money purchase occupational schemes and personal pension schemes).

(4) In subsection (6) (meaning of “relevant requirements”)—

(a) in paragraph (a) omit “or, as the case may be, appropriate”;

(b) in paragraph (b) omit “or, as the case may be, of being an appropriate scheme.”.

5 F7 .....

**Textual Amendments**  
F7 Sch. 4 para. 5 repealed (6.4.2012) by Pensions Act 2008 (c. 30), ss. 148, 149(1)(2)(i), Sch. 11 Pt. 3; S.I. 2011/1266, art. 2(c)

6 Omit section 12 (determination of basis on which scheme is contracted-out).

7 F8 .....

**Textual Amendments**  
F8 Sch. 4 para. 7 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(1)

8 F9 .....

**Textual Amendments**  
F9 Sch. 4 paras. 8-10 repealed (6.4.2012) by Pensions Act 2008 (c. 30), ss. 148, 149(1)(2)(i), Sch. 11 Pt. 3; S.I. 2011/1266, art. 2(c)

9 F10 .....

**Textual Amendments**  
F10 Sch. 4 paras. 8-10 repealed (6.4.2012) by Pensions Act 2008 (c. 30), ss. 148, 149(1)(2)(i), Sch. 11 Pt. 3; S.I. 2011/1266, art. 2(c)

10 F11 .....

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F11** Sch. 4 paras. 8-10 repealed (6.4.2012) by Pensions Act 2008 (c. 30), ss. 148, 149(1)(2)(i), Sch. 11 Pt. 3; S.I. 2011/1266, art. 2(c)

11 Omit sections 28 to 29 (ways of giving effect to protected rights etc.).

12 **F12** .....

**Textual Amendments**

**F12** Sch. 4 paras. 12-14 repealed (6.4.2012) by Pensions Act 2008 (c. 30), ss. 148, 149(1)(2)(i), Sch. 11 Pt. 3; S.I. 2011/1266, art. 2(c)

13 **F13** .....

**Textual Amendments**

**F13** Sch. 4 paras. 12-14 repealed (6.4.2012) by Pensions Act 2008 (c. 30), ss. 148, 149(1)(2)(i), Sch. 11 Pt. 3; S.I. 2011/1266, art. 2(c)

14 **F14** .....

**Textual Amendments**

**F14** Sch. 4 paras. 12-14 repealed (6.4.2012) by Pensions Act 2008 (c. 30), ss. 148, 149(1)(2)(i), Sch. 11 Pt. 3; S.I. 2011/1266, art. 2(c)

15 (1) Section 34 (cancellation, variation, surrender and refusal of certificates) is amended as follows.

(2) For subsection (1) (regulations to provide for cancellation etc. of contracting-out or appropriate scheme certificates) substitute—

“(1) Regulations shall provide for the cancellation, variation or surrender of a contracting-out certificate, or the issue of a new certificate—

(a) on any change of circumstances affecting the treatment of an employment as contracted-out employment; or

(b) where the certificate was issued on or after the principal appointed day, if any employer of persons in the description of employment to which the scheme in question relates, or the actuary of the scheme, fails to provide HMRC, at prescribed intervals, with such documents as may be prescribed for the purpose of verifying that the conditions of section 9(2B) are satisfied.”

(3) In subsection (3) (continued contracting-out of scheme dependent on conditions for contracting-out remaining satisfied)—

(a) for paragraphs (a) and (b) substitute “ by or by virtue of any provision of this Part the contracting-out of a scheme in relation to an employment depends on the satisfaction of a particular condition ”;

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

- (b) omit “or, as the case may be, the scheme's continuing to be an appropriate scheme”;
  - (c) omit “or appropriate scheme”.
- (4) Omit subsection (5) (circumstances in which HMRC can withhold etc. appropriate scheme certificate).
- (5) In subsection (8) (cancellation etc. of certificates not to have effect from a time earlier than when cancellation etc. made) omit “or appropriate scheme certificate”.
- (6) After subsection (8) insert—
- “(9) A reference in this section to a contracting-out certificate does not include a reference to a contracting-out certificate issued in respect of a money purchase contracted-out scheme.”

16 F15 .....

**Textual Amendments**

**F15** Sch. 4 para. 16 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\(1\)](#)

- 17 In section 42A (reduced rates of Class 1 contributions, and rebates) at the end insert—
- “(8) For the purposes of this section “the appropriate age-related percentage” and “the appropriate flat-rate percentage”, in relation to a tax year beginning before the abolition date, are the percentages specified as such for that tax year in an order made under section 42B (as it had effect prior to that date).”
- 18 Omit section 42B (determination and alteration of rates of contributions, and rebates, applicable under section 42A).
- 19 In section 43 (payment of minimum contributions to personal pension schemes) at the end insert—
- “(7) In this section “the earner's chosen scheme” means the scheme which was immediately before the abolition date the earner's chosen scheme in accordance with section 44 (as it had effect prior to that date).”
- 20 Omit section 44 (earner's chosen scheme).
- 21 In section 45 (amount of minimum contributions) at the end insert—
- “(4) For the purposes of this section “the appropriate age-related percentage”, in relation to a tax year beginning before the abolition date, is the percentage (or percentages) specified as such for that tax year in an order made under section 45A (as it had effect prior to that date).”
- 22 Omit section 45A (determination and alteration of rates of minimum contributions under section 45).
- 23 (1) Section 48A (additional pension and other benefits) is amended as follows.

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

- (2) In subsection (1) (effect of reductions and payments for contracted-out schemes on earnings factors) in paragraph (a) for “or 42A” substitute “ or, in the case of a week falling before the abolition date, under section 42A (as it then had effect) ”.
- (3) In paragraph (b) of that subsection, for “an amount is paid under section 45(1)” substitute “ in the case of a week falling before the abolition date, an amount is paid under section 45(1) (as it then had effect) ”.

24 F16 .....

**Textual Amendments**

**F16** Sch. 4 para. 24 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(1)**)

25 F17 .....

**Textual Amendments**

**F17** Sch. 4 para. 25 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(1)**)

26 In section 55 (payment of state scheme premiums on termination of certified status) in subsection (2) (prescribed person to pay contributions equivalent premium) in paragraph (a) omit “(other than a money purchase contracted-out scheme)”.

27 F18 .....

**Textual Amendments**

**F18** Sch. 4 para. 27 repealed (6.4.2009) by [Pensions Act 2008 \(c. 30\)](#), ss, 148, 149(1), {Sch. 11 Pt. 2}; [S.I. 2009/82](#), **art. 2(2)(g)**)

28 In section 87 (general protection principle) in subsection (1) (when subsection applies) in paragraph (a)(i), for “which is not a money purchase contracted-out scheme” substitute “ that satisfies the requirements of section 9(2) ”.

29 In section 96 (further provisions concerning exercise of option to take cash equivalent under section 95) in subsection (2) (circumstances in which option must be exercised in relation to balance of cash equivalent after deducting amount sufficient to meet certain liabilities of trustees etc.) in paragraph (a)(ii) omit “which is not an appropriate scheme”.

30 F19 .....

**Textual Amendments**

**F19** Sch. 4 para. 30 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(1)**)

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

31 In section 163 (exemption of certain schemes from rule against perpetuities)  
in subsection (2) (schemes to which the exemption applies) omit paragraph (c)  
(appropriate schemes).

32 F20 .....

**Textual Amendments**  
F20 Sch. 4 para. 32 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\(1\)](#))

33 F21 .....

**Textual Amendments**  
F21 Sch. 4 para. 33 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\(1\)](#))

34 (1) Section 181 (general interpretation) is amended as follows.

(2) In subsection (1)—

(a) at the appropriate places insert—

““abolition date” means the day appointed for the commencement of section 15(1) of the Pensions Act 2007;”;

““HMRC” means the Commissioners for Her Majesty’s Revenue and Customs;”;

(b) for the definition of “appropriate scheme certificate” and references to an appropriate scheme, substitute—

““appropriate scheme” and “appropriate scheme certificate” are to be construed in accordance with section 181A;”;

(c) in the definition of “contracting-out certificate” and references to contracted-out scheme and to contracting-out, at the end insert “and section 181A”;

(d) for the definition of “money purchase contracted-out scheme” substitute—

““money purchase contracted-out scheme” is to be construed in accordance with section 181A;”.

(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 “, 44”.

35 After section 181 insert—

**“181A Interpretation of references to money purchase contracted-out schemes or appropriate schemes after abolition date**

(1) This section applies for the interpretation of this Act on and after the abolition date.

---

**Changes to legislation:** *Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

---

- (2) An occupational pension scheme was a money purchase contracted-out scheme at a time before the abolition date if, at that time, the scheme was contracted-out by virtue of satisfying section 9(3) (as it then had effect).
- (3) A money purchase contracted-out scheme was, at a time before the abolition date, a contracted-out scheme in relation to an earner's employment if it was, at that time, specified in a contracting-out certificate in relation to that employment; and references to the contracting-out of a scheme are, in relation to a money purchase contracted-out scheme, references to its inclusion in such a certificate.
- (4) Any reference to a contracting-out certificate is, in relation to a money purchase contracted-out scheme, a reference to a certificate issued by virtue of section 7, as it had effect before the abolition date, in relation to the employment of an earner in employed earner's employment which was contracted-out by reference to that scheme.
- (5) Any certificate so issued that was, at a time before the abolition date, in force in respect of an employed earner's employment is to be taken as conclusive that the employment was, at that time, contracted-out employment.
- (6) A personal pension scheme was an appropriate scheme at a time before the abolition date if, at that time, there was in force a certificate issued under section 7(1)(b) (as it then had effect) stating that the scheme was an appropriate scheme; and "appropriate scheme certificate" means such a certificate.
- (7) Any appropriate scheme certificate in force in relation to a scheme at any time before the abolition date is to be taken as conclusive that the scheme was, at that time, an appropriate scheme."

*Pensions Act 1995 (c. 26)*

36

F22 .....

**Textual Amendments**

**F22** Sch. 4 para. 36 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(1)**

*Welfare Reform and Pensions Act 1999 (c. 30)*

- 37 In section 1 of the Welfare Reform and Pensions Act 1999 (meaning of "stakeholder pension scheme")—
  - (a) in subsection (1) in paragraph (a), for "(10)" substitute "(9)";
  - (b) omit subsection (10) (stakeholder pension scheme must be contracted-out).
- 38 In section 2 of that Act (registration of stakeholder pension schemes) in subsection (2) (when Authority to register schemes) in paragraph (b)(i), for "to (10)" substitute "to (9)".



**Changes to legislation:** *Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

39 Omit section 7 of that Act (reduced rates of contributions for money purchase contracted-out schemes and appropriate personal pension schemes etc.: power to specify different percentages).

40 F23 .....

**Textual Amendments**

**F23** Sch. 4 para. 40 repealed (6.4.2009) by *Pensions Act 2008 (c. 30)*, ss, 148, 149(1), {Sch. 11 Pt. 2}; *S.I. 2009/82*, art. 2(2)(g)

*Pensions Act 2004 (c. 35)*

41 In section 257 of the *Pensions Act 2004* (conditions for pension protection on transfer of employment) omit subsection (7) (minimum payments made under contracted-out money purchase scheme to be disregarded).

**PART 2 E+W+S**

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**

**I15** 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)

**I16** Sch. 4 para. 42(1) in force at 6.4.2015 for specified purposes by *S.I. 2011/1267*, art. 3(a)(i)

**I17** Sch. 4 para. 42(2)(3)(b) in force at 6.4.2015 by *S.I. 2011/1267*, art. 3(a)(ii)

---

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

---

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 ”.

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**

- I18** 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))
- I19** 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.).

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

#### Commencement Information

**I20** Sch. 4 para. 47 in force at 6.4.2015 by S.I. 2011/1267, art. 3(a)(iv)

#### 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

**I21** 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

**I22** Sch. 4 para. 54 in force at 6.4.2015 by S.I. 2011/1267, art. 3(a)(iv)

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

PROSPECTIVE

55 F24 .....

**Textual Amendments**

**F24** 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>F25</sup>omit paragraph (b)].

**Textual Amendments**

**F25** 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”.

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

- (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>F26</sup> . . . , 50 to 63 and 159(1) to (3) and (6) <sup>F26</sup> . . . .”
- (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

**F26** 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

- I23** [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\(a\)\(v\)\(vi\)](#)
- I24** [Sch. 4 para. 59\(1\)](#) in force at 6.4.2015 for specified purposes by [S.I. 2011/1267](#), [art. 3\(a\)\(v\)](#)
- I25** [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”)—
- in the opening words, omit “or (3)”;
  - in paragraph (a), omit “or (2) (as the case may be)”.
- (4) In sub-paragraph (5) (interpretation)—
- omit the definition of “appropriate flat-rate percentage”;
  - <sup>F27</sup>(b) in the definition of “the percentage for contributing earners”—
    - omit the words “(a) in relation to a salary related contracted-out scheme.”;
    - omit paragraph (b) and the preceding “and”;
  - in the definition of “the percentage for non-contributing earners”—
    - omit the words “(a) in relation to a salary related contracted-out scheme.”;
    - omit paragraph (b) and the preceding “and”.]

#### Textual Amendments

**F27** [Sch. 4 para. 60\(4\)\(b\)\(c\)](#) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), [ss. 27, 38\(3\)\(c\)](#)

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

### Commencement Information

- I26** 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))

## PART 3 E+W+S

### SAVINGS

#### *Issue and cancellation etc. of certificates for periods before the abolition date*

- 61 Nothing in the relevant amendments and repeals affects the continued operation of any regulations in force under section 7(1) and (7) of the PSA 1993 (issue of certificates) immediately before the abolition date in relation to the issue of a certificate having effect for a period before [<sup>F28</sup>6 April 2012].

### Textual Amendments

- F28** Words in Sch. 4 para. 61 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. 80(2)

- 62 (1) Nothing in the relevant amendments and repeals affects the continued operation of section 34 of the PSA 1993 (cancellation, variation, surrender and refusal of certificates), or any regulations in force under it immediately before [<sup>F29</sup>6 April 2012], for the purposes of a retrospective act.
- (2) In sub-paragraph (1) “a retrospective act” means the cancellation, variation, surrender or refusal of a certificate, or the issue of an amended certificate, where—
- (a) the certificate was in force for a period beginning before [<sup>F30</sup>6 April 2012] (or, in the case of a refusal of a certificate, would have related to such a period if it had been issued), and
  - (b) the cancellation, variation, surrender, refusal or issue—
    - (i) is made after [<sup>F31</sup>6 April 2012], but
    - (ii) has effect from a date before that date.
- (3) An amended certificate issued by virtue of this paragraph must provide for it to cease to have effect as from [<sup>F32</sup>6 April 2012].
- (4) In this paragraph and paragraph 61 “a certificate” means an appropriate scheme certificate or a contracting-out certificate in respect of a money purchase contracted-out scheme, and each of those terms has the meaning given by section 181(1) of the PSA 1993.

### Textual Amendments

- F29** Words in Sch. 4 para. 62(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. 80(2)
- F30** Words in Sch. 4 para. 62(2)(a) 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. 80(2)

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

**F31** Words in Sch. 4 para. 62(2)(b)(i) 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. 80(2)

**F32** Words in Sch. 4 para. 62(3) 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. 80(2)

63 Nothing in the relevant amendments and repeals affects the continued operation of section 164(2) of the PSA 1993 (persons employed by or under the Crown to be treated as employed earners for the purposes of certain provisions) in relation to the provisions of that Act saved by paragraphs 61 and 62.

64 Nothing in the relevant amendments and repeals affects the continued operation of section 177(3)(b)(ii) of the PSA 1993 (administrative expenses of the Secretary of State, other than those arising out of certain provisions, to be paid out of the National Insurance Fund into the Consolidated Fund) in relation to the estimated administrative expenses of the Secretary of State in carrying into effect the provisions of that Act saved by paragraphs 61 and 62.

*Determination of question whether scheme was appropriate scheme*

65 Nothing in the relevant amendments and repeals affects the continued operation of any regulations in force under section 7(6) of the PSA 1993 (issue of certificates) immediately before [<sup>F33</sup>6 April 2012].

**Textual Amendments**

**F33** Words in Sch. 4 para. 65 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. 80(2)

*Preservation of earner's chosen scheme*

66 (1) Nothing in the relevant amendments and repeals—

- (a) prevents the giving of a preceding tax year notice, or
- (b) otherwise affects the operation of section 44 of the PSA 1993 in relation to such a notice.

(2) In sub-paragraph (1) a “preceding tax year notice” means a notice within section 44(1) of the PSA 1993 which is given on or after [<sup>F34</sup>6 April 2012] but in which the date specified in accordance with that provision falls before [<sup>F34</sup>6 April 2012].

**Textual Amendments**

**F34** Words in Sch. 4 para. 66(2) 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. 80(2)

*Interpretation etc.*

67 (1) In this Part of this Schedule—

<sup>F35</sup>  
...

“the PSA 1993” means the Pension Schemes Act 1993 (c. 48);

*Changes to legislation: Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes*

- “the relevant amendments and repeals” means—
- (a) the amendments and repeals made by Part 1 of this Schedule, and
  - (b) the consequential repeals and revocations in Part 6 of Schedule 7.

(2) Nothing in this Part of this Schedule is to be read as affecting the generality of section 16 of the Interpretation Act 1978 (c. 30) (general savings).

**Textual Amendments**

**F35** Words in Sch. 4 para. 67(1) 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. 80(3)**

SCHEDULE 5 E+W+S

Section 17

REMOVAL OF SECRETARY OF STATE'S ROLE IN APPROVING ACTUARIAL GUIDANCE

*Bankruptcy (Scotland) Act 1985 (c. 66)*

F36<sub>1</sub> .....

**Textual Amendments**

**F36** [Sch. 5 para. 1](#) repealed (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 2 Pt. 1**

F37<sub>2</sub> .....

**Textual Amendments**

**F37** [Sch. 5 para. 2](#) repealed (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 2 Pt. 1**

*Insolvency Act 1986 (c. 45)*

3 In section 342C of the Insolvency Act 1986 (recovery of excessive pensions contributions: supplementary) in subsection (5) (under which calculation and verification of certain values and amounts may be required to be in accordance with guidance approved by Secretary of State) for paragraph (b) substitute—

“(b) in accordance with guidance from time to time prepared by a prescribed person.”

4 In section 342F of that Act (orders in relation to transactions at an undervalue and preferences: supplementary) in subsection (7) (under which calculation and verification of certain values and amounts may be required to be in accordance with guidance approved by Secretary of State) for paragraph (b) substitute—

“(b) in accordance with guidance from time to time prepared by a prescribed person.”



---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

*Pension Schemes Act 1993 (c. 48)*

- 5 In section 12A of the Pension Schemes Act 1993 (statutory standard for certification of occupational pension schemes) in subsection (5) (regulations may provide for determination to be made in accordance with guidance approved by Secretary of State) omit “and approved by the Secretary of State”.
- 6 In section 113 of that Act (disclosure of information about schemes to members etc.) in subsection (3A) (regulations may provide for information that must be given to be determined by reference to guidance approved by Secretary of State) for paragraphs (a) and (b) substitute “ is prepared and from time to time revised by a prescribed body ”.

*Pensions Act 1995 (c. 26)*

- 7 In section 67D of the Pensions Act 1995 (actuarial equivalence requirements: further provisions) in subsection (5) (requirements prescribed for calculation of actuarial values may include that the calculation is to be made in accordance with guidance approved by Secretary of State) for paragraphs (a) and (b) substitute “ is prepared and from time to time revised by a prescribed body ”.
- 8 In section 119 of that Act (regulations may provide for values to be calculated in accordance with guidance approved by the Secretary of State) for paragraphs (a) and (b) substitute “ prepared and from time to time revised by a prescribed body ”.

*Pensions Act 2004 (c. 35)*

- 9 In section 230 of the Pensions Act 2004 (matters on which advice of actuary must be obtained) in subsection (3) (regulations may require actuary to have regard to guidance) in the definition of “prescribed guidance” omit “and, if the regulations so provide, is approved by the Secretary of State”.

F38F38 SCHEDULE 6 U.K.

**Textual Amendments**

**F38** Sch 6 repealed (5.7.2010) by [The Personal Accounts Delivery Authority Winding Up Order 2010 \(S.I. 2010/911\)](#), [art. 8\(1\)\(b\)](#) (with [art. 8\(b\)\(c\)](#))

**PART 1 U.K.**

MEMBERS AND EMPLOYEES ETC.

*Members*

.....

*Qualifications for non-executive members*

.....

---

*Changes to legislation:* Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

*Tenure of office of non-executive members*

.....

*Remuneration etc. of non-executive members*

.....

*Deputy chairman*

.....

*[<sup>F39</sup>Executive members and employees]*

.....

**Textual Amendments**

**F39** Sch. 6 para. 6 cross-heading substituted (26.11.2008) by Pensions Act 2008 (c. 30), ss. 85(2), 149(2)(b)

*Terms and conditions of executive members*

.....

*Terms and conditions of other employees*

.....

**PART 2 U.K.**

PROCEEDINGS ETC.

*Non-executive committee*

.....

*[<sup>F45</sup>Other committees] and advisory committees*

.....

**Textual Amendments**

**F45** Words in Sch. 6 para. 9 cross-heading substituted (26.11.2008) by Pensions Act 2008 (c. 30), ss. 84(5), 149(2)(b)

*Proceedings of the Authority, committees and sub-committees*

.....

*Disqualification for acting in relation to certain matters*

.....

*Delegation*

.....

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

*Validity of proceedings*

.....

*Authentication of the Authority's seal*

.....

*Annual report*

.....

**PART 3 U.K.**

MONEY

*[<sup>F52</sup>Finance]*

.....

**Textual Amendments**

**F52** Sch. 6 para. 18 and cross-heading substituted (26.11.2008) by Pensions Act 2008 (c. 30), ss. 82, 149(2)(b)

*Accounts*

.....

**PART 4 U.K.**

SUPPLEMENTARY

*Disqualification*

.....

*Records and freedom of information*

.....

*Interpretation*

.....

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

SCHEDULE 7 **U.K.**

Section 27

## REPEALS AND REVOCATIONS

PART 1 **U.K.**

## CATEGORY B RETIREMENT PENSION: REMOVAL OF RESTRICTION ON ENTITLEMENT

<i>Citation or reference</i>	<i>Extent of repeal or revocation</i>
Social Security Contributions and Benefits Act 1992 (c. 4)	In section 48A— (a) in each of subsections (2)(a) and (2B) (a), the words “and become entitled to a Category A retirement pension”; (b) subsection (5). Section 54(3). In Schedule 5, paragraph 8(3).
Pensions Act 1995 (c. 26)	In Part 3 of Schedule 4, paragraph 21(8) and (18).
Civil Partnership Act 2004 (c. 33)	In Part 3 of Schedule 24, paragraph 25(5).
Pensions Act 2004 (c. 35)	In Part 1 of Schedule 11, paragraph 14(a).
Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2053)	In Part 1 of the Schedule, paragraphs 2, 3(3) and 5(13)(b) (together with the “and” preceding it).

PART 2 **U.K.**

## CATEGORY A AND C RETIREMENT PENSIONS: ABOLITION OF ADULT DEPENDENCY INCREASES

<i>Citation</i>	<i>Extent of repeal</i>
Social Security Contributions and Benefits Act 1992 (c. 4)	Section 30B(3)(b) (together with the “and” following it). Section 78(4)(d) (together with the “and” preceding it). Sections 83, 84 and 85. In section 114(4), “to 84”. In section 149(3)(b), the words “section 83(2) or (3) above or”.
Social Security (Incapacity for Work) Act 1994 (c. 18)	In Schedule 1, paragraphs 20 and 22.
Jobseekers Act 1995 (c. 18)	In Schedule 2, paragraph 25.
Pensions Act 1995 (c. 26)	In Part 2 of Schedule 4, paragraph 2. In Part 3 of Schedule 4, paragraphs 18 to 20 and 21(10).
Civil Partnership Act 2004 (c. 33)	In Part 3 of Schedule 24, paragraphs 36 and 37.

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

Child Benefit Act 2005 (c. 6)

In Part 1 of Schedule 1, paragraph 6.

---

### PART 3 **U.K.**

#### UP-RATING

---

<i>Citation</i>	<i>Extent of repeal</i>
Social Security Contributions and Benefits Act 1992	In Schedule 5, in each of paragraphs 5A(3)(a), 6(4)(b) and 6A(2)(b), the words “after it has been reduced by the amount of any increases under section 109 of the Pensions Act”.

---

### PART 4 **U.K.**

#### REMOVAL OF LINK BETWEEN LOWER EARNINGS LIMIT AND BASIC PENSION

---

<i>Citation</i>	<i>Extent of repeal</i>
Social Security Contributions and Benefits Act 1992	Section 5(2).
Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	Section 5(2).

---

### PART 5 **U.K.**

#### ADDITIONAL PENSION: SIMPLIFIED ACCRUAL RATES

---

<i>Citation</i>	<i>Extent of repeal</i>
Social Security Contributions and Benefits Act 1992 (c. 4)	In section 39— (a) the words “and Schedule 4A” wherever occurring; (b) subsection (3). In Schedule 4A, in paragraph 1(2), “39(1),”.
Child Support, Pensions and Social Security Act 2000 (c. 19)	Sections 32(2) and 35(3).

---

### PART 6 **U.K.**

#### ABOLITION OF CONTRACTING-OUT FOR DEFINED CONTRIBUTION PENSION SCHEMES: REPEALS AND REVOCATIONS HAVING EFFECT ON ABOLITION DATE

---

<i>Citation or reference</i>	<i>Extent of repeal or revocation</i>
Pension Schemes Act 1993 (c. 48)	In section 7—

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

- (a) subsections (4) to (6);
- (b) in subsection (7), the words “or appropriate scheme certificate”;
- (c) in the sidenote, the words “and appropriate scheme”.

In section 9—

- (a) in subsection (1), “or (3)”;
- (b) subsections (3) and (5);
- (c) in subsection (6)(a), the words “or, as the case may be, appropriate”;
- (d) in subsection (6)(b), the words “or, as the case may be, of being an appropriate scheme,”.

Section 12.

Sections 28 to 29.

In section 34—

- (a) in subsection (3), the words “or, as the case may be, the scheme's continuing to be an appropriate scheme” and “or appropriate scheme”;
- (b) subsection (5);
- (c) in subsection (8), the words “or appropriate scheme certificate”.

Section 42B.

Section 44.

Section 45A.

In section 55(2)(a), the words “(other than a money purchase contracted-out scheme)”.

In section 96(2)(a)(ii), the words “which is not an appropriate scheme”.

Section 163(2)(c).

In section 181(4) “, 44”.

Pensions Act 1995 (c. 26)

Section 136(2) and (4).

Section 138(5).

Sections 142 to 146.

Section 164.

In Schedule 5, paragraphs 24, 34, 35 and 37(a).

Social Security Act 1998 (c. 14)

In Schedule 7, paragraph 126.

Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2)

In Schedule 1, paragraphs 33, 35(3), 41 and 48.

Welfare Reform and Pensions Act 1999 (c. 30)

Section 1(10).

Section 7.

In Schedule 2, paragraph 5 (and the cross heading immediately preceding it).

In Schedule 5 in paragraph 7(6), in the definition of “contracted-out rights”—

- (a) in paragraph (a), “or (3)”;
- (b) the “or” following paragraph (a).

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

Child Support, Pensions and Social Security Act 2000 (c. 19)	In Schedule 5, paragraphs 2(2) and 3(2).
Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649)	Articles 117 and 118.
Pensions Act 2004 (c. 35)	Section 257(7). Section 284(3) to (7). Section 285(4) and (5).
Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050)	In Schedule 1, paragraphs 9 to 11.
Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745)	Article 7(3) and (4).

---

## PART 7 **U.K.**

### ABOLITION OF CONTRACTING-OUT FOR DEFINED CONTRIBUTION PENSION SCHEMES: FURTHER REPEALS

#### Commencement Information

- I27** Sch. 7 Pt. 7 in force at 6.4.2015 for specified purposes by S.I. 2011/1267, art. 3(b) (as amended (20.3.2012) by S.I. 2012/911, art. 2(d))
- I28** Sch. 7 Pt. 7 partly in force at 6.4.2015; Sch. 7 Pt. 7 not in force at Royal Assent see s. 30(2)(b); Sch. 7 Pt. 7 in force for specified purposes at 6.4.2012 by S.I. 2011/1267, art. 2(c) (as amended by S.I. 2012/911, art. 2(b)); Sch. 7 Pt. 7 in force at 6.4.2015 for specified purposes by S.I. 2011/1267, art. 3(b) (as amended by S.I. 2012/911, art. 2(d))

---

<i>Citation</i>	<i>Extent of repeal</i>
Social Security Contributions and Benefits Act 1992 (c. 4)	In section 4C— (a) subsection (2)(d); (b) in subsection (5)(b), “or 42A(2C)”; (c) subsection (5)(g) to (j). In paragraph 1 of Schedule 1— (a) sub-paragraph (3)(a) and (b); (b) sub-paragraph (6)(a) and (b); (c) in sub-paragraph (9), the definition of “COMPS service”.
Pension Schemes Act 1993 (c. 48)	Section 8(3). In section 20(3), “and 43 to 45”. Section 31. Section 40(b). Section 42A. Section 43. Section 45. Section 45B.

---

**Changes to legislation:** Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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. (See end of Document for details) View outstanding changes

---

	In section 164(2)(b), “, 43 and 45”.
	In section 177—
	(a) in subsection (2)(za), the words “or section 42A(2C) or (3)”;
	(b) subsection (2)(a);
	(c) in subsection (7)(a), “, 42A(2D) or (5) or 43(5) or (6)”.
	In section 181—
	(a) in subsection (1), the definition of “minimum contributions”;
	(b) in subsection (4), “, 43”.
	In paragraph 2 of Schedule 4—
	(a) sub-paragraphs (2) and (3);
	(b) in the opening words of sub-paragraph (3A), “or (3)”;
	(c) in sub-paragraph (3A)(a), the words “or (2) (as the case may be)”;
	(d) in sub-paragraph (5), the definition of “appropriate flat-rate percentage.”
Pensions Act 1995 (c. 26)	Section 137(1), (5), (6) and (7). Section 138(1) to (4). Section 139. In Schedule 5, paragraphs 36, 42 and 43.
Social Security Act 1998 (c. 14)	In Schedule 7, paragraphs 77(4)(a) and 128.
Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2)	In Schedule 1, paragraphs 34(b), 43, 46, 47, 49, 50 and 61(3)(a).
Welfare Reform and Pensions Act 1999 (c. 30)	In Part 2 of Schedule 9, paragraph 7. In Schedule 11, paragraph 21.
National Insurance Contributions Act 2002 (c. 19)	In Schedule 1, paragraphs 37 and 38.

## PART 8 U.K.

### REMOVAL OF SECRETARY OF STATE'S ROLE IN APPROVING ACTUARIAL GUIDANCE

<i>Citation</i>	<i>Extent of repeal</i>
Pension Schemes Act 1993 (c. 48)	In section 12A(5), the words “and approved by the Secretary of State”.
Pensions Act 2004 (c. 35)	In section 230(3), in the definition of “prescribed guidance”, the words from “and, if the regulations” to the end.

---



**Changes to legislation:**

Pensions Act 2007 is up to date with all changes known to be in force on or before 09 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 :**

- 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](#)