

PENSIONS ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 1: Part 3: Contributions credits for relevant parents and carers

Section 4: Category A and C retirement pensions: abolition of adult dependency increases

139. *Subsections (1) and (2)* provide that sections 83, 84 and 85 of the SSCBA1992 are to cease to apply from 6 April 2010. The SSCBA1992 allows for the weekly rate of Category A or Category C pension to be increased in respect of a pensioner's wife (section 83), civil partner (section 83A), husband (section 84) or person having care of his or her child/children (section 85). Section 83A was intended, by virtue of paragraph 2 of Schedule 4 to the PA1995, to provide for increases in respect of spouses and civil partners on an equal footing from 6 April 2010.
140. *Subsections (3) and (4)* provide for the consequential amendments in *Part 4 of Schedule 1* (see below) to have effect from 6 April 2010.
141. *Subsections (5), (6) and (7)* provide that the repeal of sections 83, 84 and 85 under *subsection (1)* and the consequential amendments referred to in *subsection (3)* are not to apply in certain cases before 5 April 2020. This saving will apply in relation to a person who has claimed an increase of pension under those provisions before 6 April 2010 and who immediately before that date is either:
- entitled to the increase; or
 - has underlying entitlement to it by virtue of section 92 where the dependant's earnings fluctuate;

unless the person otherwise ceases to be entitled to the increase (other than as a result of a fluctuation in the dependant's earnings) or, in the case of an increase paid in respect of a wife, the wife reaches state pension age and becomes eligible for a Category B pension.