
STATUTORY INSTRUMENTS

2007 No. 1398

The Transfer of State Pensions and Benefits Regulations 2007

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Transfer of State Pensions and Benefits Regulations 2007 and shall come into force on 1st June 2007.

(2) In these Regulations—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(1);

“the Communities’ scheme” means the pension scheme provided for officials and other servants of Community institutions and bodies in accordance with regulations adopted by the Council of the European Communities(2);

“guarantee date” means the date—

- (a) by reference to which the cash equivalent value of transferable rights is calculated; and
- (b) which falls within a period of three months beginning with the date on which the transfer application is received by the Secretary of State;

“relevant benefit” means benefit under—

- (a) sections 36 and 37 of the National Insurance Act 1965(3) (graduated retirement benefit);
- (b) Parts II to V and X of the 1992 Act;
- (c) sections 1(2) and 2 of the Jobseekers Act 1995(4) (contribution-based jobseeker’s allowance);

“statement of entitlement” means a written statement—

- (a) of the amount of the cash equivalent at the guarantee date of the transferable rights which have accrued to, or in respect of, the transferor; and
- (b) which contains details of the basis of how that amount has been calculated;

“transfer application” means an application referred to in regulation 3(1);

“transferor” means the person who has applied to the Secretary of State to transfer his transferable rights into the Communities’ scheme.

(3) References in these Regulations to—

- (a) relevant benefits include benefits under the corresponding Acts or Orders in force in Northern Ireland;
- (b) provisions of the 1992 Act or of the Social Security Administration Act 1992(5) include references to the provisions in force in Northern Ireland corresponding to those provisions.

(1) 1992 c.4.

(2) Council Regulation (EEC, Euratom, ECSC) No.259/68 of 29th February 1968 (OJ No.L 56, 4.3.1968 p.1-Special Edition 1968, 1 December 1972). The Communities’ scheme is contained in Title V, Chapter 3, Articles 77-84 and Annex VIII.

(3) 1965 c.51. Section 36 of that Act was repealed by the Social Security Act 1973 (c.38) with effect from 6th April 1975 but continues in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1975 (c.18) or under Schedule 3 to the Social Security (Consequential Provisions) Act 1992 (c.6).

(4) 1995 c.18.

(5) 1992 c.5.

Status: *This is the original version (as it was originally made).*
