
STATUTORY INSTRUMENTS

2007 No. 1398

The Transfer of State Pensions and Benefits Regulations 2007

Transferable rights

2.—(1) In these Regulations, “transferable rights” means, subject to paragraph (2), any rights to relevant benefits, which, at the guarantee date, have accrued to, or in respect of, a person by virtue of—

- (a) the payment by that person of Class 1, 2 or 3 contributions under the 1992 Act;
- (b) that person having been credited with such contributions or with earnings; or
- (c) contributions of any class paid under the National Insurance Act 1965.

(2) Paragraph (1) does not include—

- (a) any rights under—
 - (i) section 48 of the 1992 Act⁽¹⁾ (use of former spouse’s contributions); or
 - (ii) sections 82 to 86A of that Act⁽²⁾ (adult dependency increases); or
- (b) the cash equivalent of the value of the appropriate national health service allocation under section 162 of the Social Security Administration Act 1992⁽³⁾.

(3) In determining a person’s rights to relevant benefits for the purposes of this regulation, regulation 6(1) of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979⁽⁴⁾ (benefit at reduced rates for those who do not satisfy contribution conditions in full) shall have effect as if the words from “provided” to the end of the paragraph were omitted.

(1) Section 48 is amended by the Civil Partnership Act 2004 (c.33), Schedule 24, paragraph 24(1) and (2)(a).

(2) Section 82 is amended by the Social Security (Incapacity for Work) Act 1994 (c.18) (“the 1994 Act”), Schedule 1, paragraph 19, the Jobseekers Act 1995 (c.18), Schedule 2, paragraph 24 and Schedule 3, the Civil Partnership Act 2004, Schedule 24, paragraph 35 and the Child Benefit Act 2005 (c.6), Schedule 1, paragraph 5. Section 83 is amended by the 1994 Act, Schedule 1, paragraph 20. Section 84 is amended by the Jobseekers Act 1995, Schedule 2, paragraph 25. Section 85 is amended by the 1994 Act, Schedule 1, paragraph 22 and the Civil Partnership Act 2004, Schedule 24, paragraph 37(1) to (3) and the Child Benefit Act 2005, Schedule 1, paragraphs 1, 6(1) and (3). Section 86 is repealed by the 1994 Act, Schedule 1, paragraph 23 and Schedule 2. Section 86A is inserted by the 1994 Act, section 2(5).

(3) Section 162 is amended by the Social Security (Contributions) Act 1994 (c.1), section 2(1) and (2), the Social Security Administration (Fraud) Act 1997 (c.47), Schedule 2, the Social Security Act 1998 (c.14), Schedule 7, paragraph 99(4), the Social Security (Transfer of Functions, etc.) Act 1999 (c.2), Schedule 1, paragraph 28(2) and (3), Schedule 3, paragraph 52(2) to (11) and Schedule 5, paragraph 12, the Welfare Reform and Pensions Act 1999 (c.30), Schedule 9, paragraph 9(2) and (3), the Child Support, Pensions and Social Security Act 2000 (c.19), section 74(7), the National Insurance Contributions Act 2002 (c.19), section 4, Schedule 1, paragraph 19 and Schedule 2, the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, paragraph 189 and the National Insurance Contributions and Statutory Payments Act 2004 (c.3), Schedule 1, paragraph 3(3).

(4) S.I.1979/642; the relevant amending instruments are S.I.1990/2642 and 2000/1483.