



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 2

#### SIMPLIFICATION ETC

##### *Private pensions*

#### **100 Abolition of safeguarded rights**

Part 3A of the Pension Schemes Act 1993 (safeguarded rights) ceases to have effect.

#### **101 Revaluation of accrued benefits etc**

- (1) Schedule 2, which—
  - (a) amends Schedule 3 to the Pension Schemes Act 1993 (methods of revaluing accrued pension benefits),
  - (b) amends Schedule 7 to the Pensions Act 2004 (c. 35) (pension compensation provisions), and
  - (c) makes consequential amendments,has effect.
- (2) The amendments made by Parts 1 and 3 of Schedule 2 do not apply in relation to a revaluation period ending before this section comes into force.
- (3) In subsection (2), “revaluation period” has the same meaning as in paragraph 2 of Schedule 3 to the Pension Schemes Act 1993.

#### **Commencement Information**

- II** S. 101 wholly in force at 6.4.2009; s. 101 not in force at Royal Assent see s. 149(1); s. 101 in force at 6.4.2009 by [S.I. 2009/82](#), [art. 2\(2\)\(b\)](#) and [S.I. 2009/809](#), [art. 2\(2\)\(a\)](#)

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** Pensions Act 2008, Part 2 is up to date with all changes known to be in force on or before 01 April 2024. 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

### State pensions etc

PROSPECTIVE

#### **F<sup>1</sup>102 Consolidation of additional pension**

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##### **Textual Amendments**

- F1** S. 102 repealed (1.10.2014) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 96(a)**; S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c)

#### **F<sup>2</sup>103 Effect of entitlement to guaranteed minimum pension**

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##### **Textual Amendments**

- F2** S. 103 repealed (1.10.2014) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 96(a)**; S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c)

#### **104 Additional pension etc: minor and consequential amendments**

Schedule 4 (additional pension etc: minor and consequential amendments) has effect.

##### **Commencement Information**

- I2** S. 104 partly in force; s. 104 not in force at Royal Assent see s. 149(1); s. 104 in force for specified purposes at 3.1.2012 by S.I. 2011/3033, **art. 2(b)**

#### **105 State pension credit: extension of assessed income period for those aged 75 or over**

(1) Section 9 of the State Pension Credit Act 2002 (c. 16) (duration of assessed income period) is amended as set out in subsections (2) to (4).

(2) For subsection (1) substitute—

- “(1) An assessed income period shall (subject to the following subsections) be—
- (a) in the case of a claimant who is under the age of 75 on the day on which the relevant decision takes effect, the period of 5 years beginning with that day;
  - (b) in the case of a claimant who is aged 75 or over on that day, an indefinite period beginning with that day.”

(3) In paragraph (b) of subsection (2), for the words from “may” to “years” substitute “shall specify a period that is shorter than 5 years”.

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

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(4) After subsection (5) insert—

“(6) Where—

(a) an assessed income period is brought to an end by the expiry of a period of 5 years or more, and

(b) the claimant is aged 80 or over at that time,

the assessed income period shall be treated as not ending at that time but, subject to subsection (4) and provision made under subsection (5), as continuing indefinitely.”

(5) The amendments made by subsections (2) and (3) apply only where the relevant decision (within the meaning given by section 6(5) of the State Pension Credit Act 2002 (c. 16)) takes effect on or after 6 April 2009.

<sup>F3</sup>(6) .....

#### Textual Amendments

**F3** S. 105(6) repealed (14.5.2014) by [Pensions Act 2014 \(c. 19\)](#), **ss. 29(2)(a), 56(2)(a)**

### 106 Contracting-out: abolition of all protected rights

(1) As from the contracting-out abolition date, pension schemes are not required to make special provision in relation to the protected rights of members.

(2) Accordingly—

(a) the provisions of the Pension Schemes Act 1993 (c. 48) (“the 1993 Act”) within subsection (3) cease to have effect as from that date, and

(b) sections 25A, 27A and 32A of the 1993 Act (as inserted by paragraphs 9, 10 and 12 of Schedule 4 to the Pensions Act 2007 (c. 22)) are not to have any effect as from that date (in spite of section 15(4) of that Act of 2007).

(3) The provisions of the 1993 Act within this subsection are—

(a) section 10 (protected rights and money purchase benefits),

(b) section 26 (persons who may establish scheme),

(c) section 27 (identification and valuation of protected rights),

(d) section 30 (securing of liability for protected rights),

(e) section 32 (suspension or forfeiture), and

(f) section 33A (appropriate schemes: “blowing the whistle”).

(4) In this section—

“the contracting-out abolition date” means the day appointed under section 30 of the Pensions Act 2007 (c. 22) for the coming into force of section 15(1) of that Act (abolition of contracting-out for defined contribution pension schemes), and

“protected rights” has the same meaning as in the 1993 Act (see section 10 of that Act).

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

Pensions Act 2008, Part 2 is up to date with all changes known to be in force on or before 01 April 2024. 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)