



2000 CHAPTER 4

PART II

PENSIONS

CHAPTER I

STATE PENSIONS

Other provisions

Home responsibilities protection

36. In paragraph 5 of Schedule 3 to the Contributions and Benefits Act (widowed mother's allowance and widow's pension; retirement pensions (Categories A and B)), after sub-paragraph (7) there shall be inserted—

“(7A) Regulations may provide that a person is not to be taken for the purposes of sub-paragraph (7)(b) above as precluded from regular employment by responsibilities at home unless he meets the prescribed requirements as to the provision of information to the Department.”.

Sharing of state scheme rights

37.—(1) In Article 46 of the 1999 Order (creation of state scheme pension debits and credits), for paragraph (4) there shall be substituted—

“(4) The Department may by regulations make provision for the calculation and verification of cash equivalents for the purposes of this Article.

(4A) The power conferred by paragraph (4) includes power to provide—

- (a) for calculation or verification in such manner as may be approved by or on behalf of the Government Actuary, and
- (b) for things done under the regulations to be required to be done in accordance with guidance from time to time prepared by a person prescribed by the regulations.”.

(2) In section 45B of the Contributions and Benefits Act (reduction of additional pension in Category A retirement pension: pension sharing), for subsection (7) there shall be substituted—

“(7) The Department may by regulations make provision for the calculation and verification of cash equivalents for the purposes of this section.

(7A) The power conferred by subsection (7) above includes power to provide—

- (a) for calculation or verification in such manner as may be approved by or on behalf of the Government Actuary, and
- (b) for things done under the regulations to be required to be done in accordance with guidance from time to time prepared by a person prescribed by the regulations.”.

(3) In section 55A of that Act (shared additional pension), for subsection (6) there shall be substituted—

“(6) The Department may by regulations make provision for the calculation and verification of cash equivalents for the purposes of this section.

(6A) The power conferred by subsection (6) above includes power to provide—

- (a) for calculation or verification in such manner as may be approved by or on behalf of the Government Actuary, and
- (b) for things done under the regulations to be required to be done in accordance with guidance from time to time prepared by a person prescribed by the regulations.”.

(4) In section 55B of that Act (reduction of shared additional pension: pension sharing), for subsection (7) there shall be substituted—

“(7) The Department may by regulations make provision for the calculation and verification of cash equivalents for the purposes of this section.

(7A) The power conferred by subsection (7) above includes power to provide—

- (a) for calculation or verification in such manner as may be approved by or on behalf of the Government Actuary, and

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

- (b) for things done under the regulations to be required to be done in accordance with guidance from time to time prepared by a person prescribed by the regulations.”.

Disclosure of state pension information

38.—(1) This section applies to any state pension information which is held in relation to any individual—

- (a) by the Department; or
- (b) in connection with the provision of any services provided to the Department for purposes connected with its functions relating to social security, by the person providing those services.

(2) Regulations may confer a power on the Department to disclose, or to authorise the disclosure of, any information to which this section applies in any case in which—

- (a) the person to whom the disclosure is made is a person falling within subsection (3) who has, in the prescribed manner, applied to the Department for the disclosure of the information; and
- (b) it appears to the Department that the prescribed conditions for the making of a disclosure of the information in question to that person have been satisfied.

(3) A person falls within this subsection if—

- (a) he is the trustee or manager of an occupational pension scheme of which the individual to whom the information relates is a member;
- (b) he is the trustee or manager of a personal pension scheme of which that individual is a member;
- (c) he is the employer in relation to an occupational pension scheme of which that individual is a member;
- (d) he is the employer in relation to any employed earner’s employment of that individual which is not contracted-out employment; or
- (e) he is proposing to provide services to that individual in circumstances in which the provision of the services, or the proposal to do so, may involve the giving of advice or forecasts to which the information to which this section applies may be relevant.

(4) The Department shall secure that its powers under this section are exercised so that at least the following is prescribed for the purposes of subsection (2)(b), namely—

- (a) in the case of an application for information made by a person falling within paragraph (e) of subsection (3), a condition that the individual to whom the information relates has consented to the making of the application and to the disclosure; and

- (b) in any other case, either that condition or the alternative condition set out in subsection (5).
- (5) The alternative condition is—
- (a) that such steps as may be prescribed have been taken for the purpose of ascertaining whether the individual to whom the information relates objects to the making of the application for the disclosure of information relating to him; and
 - (b) that the prescribed time has elapsed without any objection by that individual.
- (6) A person applying to the Department, in accordance with regulations under this section, for the disclosure of any information relating to an individual shall be entitled, for the purpose of making the application, to make such disclosures of information relating to that individual as may be authorised by the regulations.
- (7) In this section the reference, in relation to an individual, to state pension information is a reference to the following information about that individual—
- (a) his date of birth, and the age at which and date on which he attains pensionable age—
 - (i) for the purposes of the Pension Schemes Act, in relation to any guaranteed minimum pension to which he is entitled; and
 - (ii) in accordance with the rules in paragraph 1 of Schedule 2 to the Pensions Order;
 - (b) the amount of any basic retirement pension a present or future entitlement to which has already accrued to that individual, and the amount of any additional retirement pension such an entitlement to which has already accrued to that individual;
 - (c) a projection of the amount of the basic retirement pension to which that individual is likely to become entitled, or might become entitled in particular circumstances; and
 - (d) a projection of the amount of the additional retirement pension to which that individual is likely to become entitled, or might become entitled in particular circumstances.
- (8) Regulations under this section shall be subject to negative resolution.
- (9) Article 74(3) to (6) of the 1998 Order (regulations and orders) shall apply to any power to make regulations under this section as it applies to the powers to make regulations under that Order.
- (10) For the purposes of section 115D of the Administration Act (supply of contributions, etc. information held by Inland Revenue), the Department's functions relating to social security shall be taken to include any power conferred on it by regulations under this section.

(11) In this section—

“basic retirement pension” and “additional retirement pension” mean any basic or, as the case may be, additional pension under the Contributions and Benefits Act;

“contracted-out employment” has the same meaning as in the Pension Schemes Act;

“employed earner” has the same meaning as in Parts I to V of the Contributions and Benefits Act (by virtue of section 2(1) of that Act);

“employer”—

(a) in relation to any occupational pension scheme, has the same meaning as in Part II of the Pensions Order; and

(b) in relation to employed earner’s employment, has the same meaning as in the Pension Schemes Act;

“member”, in relation to an occupational pension scheme, has the same meaning as in Part II of the Pensions Order;

“occupational pension scheme” and “personal pension scheme” have the same meanings as in the Pension Schemes Act;

“prescribed” means prescribed by or determined in accordance with regulations;

“regulations” means regulations made by the Department;

“trustee” and “manager”, in relation to an occupational pension scheme, have the same meanings as in Part II of the Pensions Order.