



Social Security Administration Act 1992

1992 CHAPTER 5

PART XI

COMPUTATION OF BENEFITS

[^{F1}159B Effect of alterations affecting state pension credit

- (1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—
 - (a) an award of state pension credit is in force in favour of any person (“the recipient”); and
 - (b) an alteration—
 - (i) in any component of state pension credit,
 - (ii) in the recipient's benefit income,
 - (iii) in any component of a contribution-based jobseeker's allowance,
[in any component of a contributory employment and support
^{F2}(iiiia) allowance,] or
 - (iv) in the recipient's war disablement pension or war widow's or widower's pension,affects the computation of the amount of state pension credit to which he is entitled.
- (2) Where, as a result of the alteration, the amount of state pension credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of state pension credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.
- (3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount of state pension credit as before, the award shall continue in force accordingly.
- (4) Subsection (5) below applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

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- (a) in relation to any of the items referred to in subsection (1)(b)(i) to (iv) above, the amount of the alteration which he proposes to make by an order under section 150 [^{F3}, 150A][^{F4}, 151A] or 152 above or by or under any other enactment; and
 - (b) the date on which he proposes to bring the alteration into force (“the proposed commencing date”).
- (5) If, in a case where this subsection applies, an award of state pension credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—
- (a) may provide for state pension credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items specified in subsection (1)(b)(i) to (iv) above which will be in force on that date; or
 - (b) may be expressed in terms of the amounts of those items in force at the date of the award.
- (6) In this section—
- “alteration” means—
- (a) in relation to any component of state pension credit, its alteration by or under any enactment;
 - (b) in relation to a person's benefit income, the alteration of any of the sums referred to in [^{F5}section 150, 150A or 151A] above by any enactment or by an order under [^{F6}section 150, 150A, 151A] or 152 above to the extent that any such alteration affects the amount of his benefit income;
 - (c) in relation to any component of a contribution-based jobseeker's allowance, its alteration by or under any enactment; and
 - (d) in relation to a person's war disablement pension or war widow's or widower's pension, its alteration by or under any enactment;
- “benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act [^{F7}, state pension under Part 1 of the Pensions Act 2014][^{F8} or personal independence payment];
- “the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;
- “component”—
- (a) in relation to contribution-based jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 (c. 18) which are relevant in calculating the amount payable by way of a jobseeker's allowance;
 - (b) in relation to state pension credit, means any of the sums specified in regulations under section 2, 3 or 12 of the State Pension Credit Act 2002;
 - (c) [^{F9}in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of a contributory employment and support allowance;]
- “war disablement pension” means—
- (a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under—
 - (i) the Air Force (Constitution) Act 1917 (c. 51);
 - (ii) the Personal Injuries (Emergency Provisions) Act 1939 (c. 82);

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- (iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 (c. 83);
- (iv) the Polish Resettlement Act 1947 (c. 19); or
- (v) Part 7 or section 151 of the Reserve Forces Act 1980 (c. 9); or
- (b) without prejudice to paragraph (a), any retired pay or pension to which ^{F10}any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003] applies;
“war widow's or widower's pension” means—
 - (a) ^{F11}[any widow's, widower's or surviving civil partner's] pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the definition of “war disablement pension”; or
 - (b) a pension or allowance for a ^{F12}widow, widower or surviving civil partner] granted under any scheme mentioned in ^{F13}section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003].]

Textual Amendments

- F1** S. 159B inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 2 para. 17](#); S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F2** S. 159B(1)(b)(iiia) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(22\)\(a\)](#); S.I. 2008/787, art. 2(4)(f)
- F3** Word in s. 159B(4)(a) inserted (with effect in accordance with s. 5(3)-(7) of the amending Act) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 27\(a\)](#)
- F4** Word in s. 159B(4)(a) inserted (16.9.2016) by [The Pensions Act 2014 \(Consequential Amendments\) Order 2016 \(S.I. 2016/931\)](#), arts. 1, [2\(4\)\(a\)](#)
- F5** Words in s. 159B(6)(b) substituted (16.9.2016) by [The Pensions Act 2014 \(Consequential Amendments\) Order 2016 \(S.I. 2016/931\)](#), arts. 1, [2\(4\)\(b\)\(i\)\(aa\)](#)
- F6** Words in s. 159B(6)(b) substituted (16.9.2016) by [The Pensions Act 2014 \(Consequential Amendments\) Order 2016 \(S.I. 2016/931\)](#), arts. 1, [2\(4\)\(b\)\(i\)\(bb\)](#)
- F7** Words in s. 159B(6)(b) inserted (16.9.2016) by [The Pensions Act 2014 \(Consequential Amendments\) Order 2016 \(S.I. 2016/931\)](#), arts. 1, [2\(4\)\(b\)\(ii\)](#)
- F8** Words in s. 159B(6) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 9 para. 20](#); S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F9** Words in s. 159B(6) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 10\(22\)\(b\)](#); S.I. 2008/787, art. 2(4)(f)
- F10** Words in s. 159B(6) substituted (6.4.2003) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 6 para. 188\(2\)](#) (with Sch. 7)
- F11** Words in s. 159B(6) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 10\(a\)](#)
- F12** Words in s. 159B(6) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 10\(b\)](#)
- F13** Words in s. 159B(6) substituted (6.4.2003) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 6 para. 188\(3\)](#) (with Sch. 7)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 159B words substituted by [2012 c. 5 Sch. 3 para. 7](#)
- s. 159B(1)(b)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 159B(6) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)

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

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by [S.I. 2019/1302 art. 2](#) (This amendment not applied to [legislation.gov.uk](#) S.I. 2019/1302 revoked (17.12.2020) by The Social Security (Iceland, Liechtenstein and Norway) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1569), arts. 1(2), 2)
- Act modified by [S.I. 2019/1303 art. 2](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/1303 revoked (17.12.2020) by The Social Security (Switzerland) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1570), arts. 1(2), 2)

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

- s. 2G(1)(d) inserted by [2012 c. 5 s. 59\(5\)](#)
- s. 5(1A)-(1C) inserted by [2009 c. 24 s. 22\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 22 repealed (1.4.2013) by [2012 c. 5](#), s. 101(2); [S.I. 2013/358](#), art. 4(2))
- s. 78A inserted by [2009 c. 24 s. 16\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 16-21 repealed (1.4.2013) by [2012 c. 5](#), s. 73; [S.I. 2012/3090](#), art. 2(1)(b))
- s. 121B(1)(aa) inserted by [2007 asp 3 Sch. 5 para. 19\(a\)](#) (S. 121B repealed by [Finance Act 2008](#) (c. 9), Sch. 43 para. 14)
- s. 121B(4) words inserted by [2007 asp 3 Sch. 5 para. 19\(b\)](#) (S. 121B repealed by [Finance Act 2008](#) (c. 9), Sch. 43 para. 14)
- s. 122F(5) inserted by [2012 c. 5 Sch. 4 para. 12\(4\)](#)
- s. 122G inserted by [2009 c. 24 s. 18](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 16-21 repealed (1.4.2013) by [2012 c. 5](#), s. 73; [S.I. 2012/3090](#), art. 2(1)(b))
- s. 122H inserted by [2009 c. 24 s. 20\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 16-21 repealed (1.4.2013) by [2012 c. 5](#), s. 73; [S.I. 2012/3090](#), art. 2(1)(b))
- s. 134(2)-(2B) substituted for s. 134(2) by [2007 c. 5 s. 37](#)
- s. 148AB inserted by [2008 c. 30 Sch. 4 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 paras. 13-22 repealed (1.10.2014) without ever being in force by [2014 c. 19](#), Sch. 12 para. 96(c); [S.I. 2014/2377](#), art. 2(1)(a)(ii)(3)(c))
- s. 148AB(1)(2) words substituted by [2011 c. 19 Sch. 3 para. 8\(2\)](#)
- s. 148AB(9) inserted by [2011 c. 19 Sch. 3 para. 8\(3\)](#)
- s. 151(10)(b)(i)(ii) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 160C inserted by [2012 c. 5 Sch. 2 para. 24](#)
- s. 165(1)(b)(viii) and word inserted by [2023 c. 20 Sch. para. 19\(2\)\(b\)](#)

- s. 190(1)(ac) inserted by [2009 c. 24 s. 21](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- Sch. 4 Pt. 3 para. 5 word substituted by [S.I. 2010/978 art. 2](#)