



Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART II

PENSIONS

CHAPTER I

STATE PENSIONS

Other provisions

40 Home responsibilities protection.

In paragraph 5 of Schedule 3 to the ^{M1}Social Security Contributions and Benefits Act 1992 (contribution conditions for entitlement to Category A and B retirement pension, widowed mother's allowance and widow's pension), after sub-paragraph (7) (reduction of number of years for which contribution conditions must be satisfied) 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 Secretary of State.”

Marginal Citations

M1 1992 c. 4.

Status: Point in time view as at 18/11/2004.

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41 Sharing of state scheme rights.

- (1) In section 49 of the ^{M2}Welfare Reform and Pensions Act 1999 (creation of state scheme pension debits and credits), for subsection (4) there shall be substituted—

“(4) The Secretary of State may by regulations make provision about the calculation and verification of cash equivalents for the purposes of this section.

- (4A) The power conferred by subsection (4) 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.”

- (2) In section 45B of the ^{M3}Social Security Contributions and Benefits Act 1992 (pension sharing resulting in reduction of additional Category A retirement pension), for subsection (7) there shall be substituted—

“(7) The Secretary of State may by regulations make provision about 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 Secretary of State may by regulations make provision about 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 (pension sharing resulting in reduction of shared additional pension), for subsection (7) there shall be substituted—

“(7) The Secretary of State may by regulations make provision about 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

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- (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.”

Marginal Citations

M2 1999 c. 30.

M3 1992 c. 4.

42 Disclosure of state pension information.

- (1) This section applies to any state pension information which is held in relation to any individual—
- by the Secretary of State; or
 - in connection with the provision of any services provided to the Secretary of State for purposes connected with his functions relating to social security, by the person providing those services.
- (2) ^[F1]The Secretary of State may, in the prescribed manner, disclose or authorise the disclosure of any information] to which this section applies in any case in which—
- the person to whom the disclosure is made is a person falling within subsection (3) who has, in the prescribed manner, applied to the Secretary of State for the disclosure of the information; and
 - it appears to the Secretary of State 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—
- he is the trustee or manager of an occupational pension scheme of which the individual to whom the information relates is a member;
 - he is the trustee or manager of a personal pension scheme of which that individual is a member;
 - he is the employer in relation to an occupational pension scheme of which that individual is a member;
 - he is the employer in relation to any employed earner’s employment of that individual which is not contracted-out employment; or
 - 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.

^[F2](3A) For the purposes of this section and of any regulations made under it, anything done by or in relation to a person who—

- provides, or proposes to provide, relevant services to a person falling within subsection (3) (“the qualifying person”), and
- is authorised in writing by the qualifying person to act for the purposes of this section,

is treated as done by or in relation to the qualifying person.

In paragraph (a) “relevant services” means services that may involve the giving of advice or forecasts to which information to which this section applies may be relevant.]

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- (4) The Secretary of State shall secure that his 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 Secretary of State, 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 ^{M4}Pension Schemes Act 1993, in relation to any guaranteed minimum pension to which he is entitled; and
 - (ii) in accordance with the rules in paragraph 1 of Schedule 4 to the ^{M5}Pensions Act 1995;
 - (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 made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) Subsections (4) to (6) of section 189 of the ^{M6}Social Security Administration Act 1992 (supplemental and incidental powers etc.) shall apply in relation to any power to make regulations under this section as they apply in relation to the powers to make regulations that are conferred by that Act.
- (10) For the purposes of section 121E of the ^{M7}Social Security Administration Act 1992 (supply of information by the Inland Revenue to the Secretary of State for the purposes of the Secretary of State's functions relating to social security), the Secretary of State's

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functions relating to social security shall be taken to include any power conferred on him by regulations under this section.

(11) In this section—

[^{F3}“additional retirement pension” means any additional pension or shared additional pension under the Social Security Contributions and Benefits Act 1992, or any graduated retirement benefit under sections 36 and 37 of the National Insurance Act 1965;

“basic retirement pension” means any basic pension under the Social Security Contributions and Benefits Act 1992;]

“contracted-out employment” has the same meaning as in the ^{M8}Pension Schemes Act 1993;

“employed earner” has the same meaning as it has in Parts I to V of the ^{M9}Social Security Contributions and Benefits Act 1992 (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 I of the ^{M10}Pensions Act 1995; and

(b) in relation to employed earner’s employment, has the same meaning as in the ^{M11}Pension Schemes Act 1993;

“member”, in relation to an occupational pension scheme, has the same meaning as in Part I of the ^{M12}Pensions Act 1995;

“occupational pension scheme” and “personal pension scheme” have the same meanings as in the ^{M13}Pension Schemes Act 1993;

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

“regulations” means regulations made by the Secretary of State;

[^{F4}“trustee or manager”, in relation to an occupational or personal pension scheme, means—

(a) in the case of a scheme established under a trust, the trustee or trustees of the scheme, and

(b) in any other case, the person or persons responsible for the management of the scheme.]

Textual Amendments

F1 Words in s. 42(2) substituted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), **ss. 298(2)**, 322(2)(c)(iii)

F2 S. 42(3A) inserted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), **ss. 298(3)**, 322(2)(c)(iii)

F3 S. 42(11): definitions substituted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), **ss. 298(5)(a)**, 322(2)(c)(iii)

F4 Definition in s. 42(11) substituted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), **ss. 298(5)(c)**, 322(2)(c)(iii)

Commencement Information

II S. 42 wholly in force at 1.1.2001; s. 42 not in force at Royal Assent see s. 86(2); s. 42 in force for certain purposes at 1.12.2000 and for all other purposes at 1.1.2001 by [S.I. 2000/3166](#), **art. 2(1)**

Marginal Citations

M4 1993 c. 48.

M5 1995 c. 26.

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- M6** 1992 c. 5.
- M7** 1992 c. 5.
- M8** 1993 c. 48.
- M9** 1992 c. 4.
- M10** 1995 c. 26.
- M11** 1993 c. 48.
- M12** 1995 c. 26.
- M13** 1993 c. 48.

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