



Social Security Pensions Act 1975

1975 CHAPTER 60

PART V

GENERAL

[^{F1}59K Registration of occupational and personal pension schemes.

- (1) The Secretary of State may by regulations make provision—
 - (a) for the compilation and maintenance of a register of occupational and personal pension schemes (“the register”);
 - (b) for the appointment of a Registrar of Occupational and Personal Pension Schemes (“the registrar”); and
 - (c) for conferring on the registrar such functions relating to the compilation and maintenance of the register as may be specified in the regulations.
- (2) The regulations—
 - (a) may make provision with respect to any of the following matters, that is to say—
 - (i) the remuneration and expenses, and any pensions, allowances or gratuities, or compensation for loss of office, payable to or in respect of the registrar;
 - (ii) the staff and other facilities that are to be available to the registrar;
 - (iii) the other terms and conditions upon which the registrar is to hold office; and
 - (iv) the removal of the registrar from office; and
 - (b) may confer upon the registrar power to appoint an agent to perform any of his functions on his behalf.
- (3) The register—
 - (a) may consist of one or more parts, as may be prescribed;
 - (b) shall be organised in such manner, and contain such information relating to occupational and personal pension schemes, as may be prescribed; and

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- (c) subject to the regulations, may be kept in such manner and form as the registrar may think fit.
- (4) The regulations may make provision—
- (a) for the register, or for extracts from the register, or for copies of the register or of extracts from the register, to be open to inspection by, and
 - (b) for copies of the register, or of extracts from it, to be supplied to, such persons, in such manner, at such times, upon payment of such fees, and subject to such other terms and conditions, as may be prescribed.
- (5) The regulations may require—
- (a) any person who is or has been—
 - (i) a trustee or manager of an occupational or personal pension scheme or an administration of a public service pension scheme, or
 - (ii) the employer in relation to employment of any description or category to which an occupational pension scheme relates, and
 - (b) such other persons as may be prescribed,
- to provide the registrar with such information for the purposes of the register in such form and within such time as may be prescribed.
- (6) The Secretary of State, the Inland Revenue and the Occupational Pensions Board may provide the registrar with such information as he may request for the purposes of the register; and no obligation as to secrecy or confidentiality imposed by statute or otherwise on—
- (a) persons employed in the Department of Social Security,
 - (b) persons employed in relation to the Inland Revenue, or
 - (c) the staff of the Occupational Pensions Board,
- shall prevent them from disclosing to the registrar such information as is necessary for the purposes of the register.
- (7) The Secretary of State may direct the registrar to submit to him, in such form and at such intervals as may be specified in the direction, such statistical and other reports as the Secretary of State may require; and the Secretary of State may determine at his discretion whether or not to publish a report submitted to him under this subsection.
- (8) In this section “employer”, in relation to a pension scheme, includes a person who is or has been treated under section 66(3) below as an employer in relation to the scheme for the purposes of Part 111 or IV of this Act.
- (9) Subsections (2) to (5) above are without prejudice to the generality of subsection (1) above and nothing in subsection (5) or (6) above shall be taken to imply that the Occupational Pensions Board may not be appointed as the registrar.]

Textual Amendments

F1 S. 59K inserted (with effect from 18.7.1990) by [Social Security Act 1990 \(c. 27\), s. 13\(1\)](#)

60 Determination of questions.

- (1) The questions to which [F2section 17(1) of the Administration Act] applies (questions for determination by the Secretary of State) shall include—

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- (a) ^{F3}
- (b) any question as to the amount of a person's guaranteed minimum for the purposes of section 33 or 36 above;
- (c) any question whether a state scheme premium is payable or has been paid in any case or as to the amount of any such premium.
- [^{F4}(d) any question whether a cash sum paid or an alternative arrangement made under the Policyholders Protection Act 1975 provides the whole or any part of the guaranteed minimum pension to which an earner or his widow was entitled under a contracted scheme.]
- (2) Any question arising under this Act whether the employment of an earner in employed earner's employment at any time is or was contracted-out employment in relation to him shall be referred by the Secretary of State to the Occupational Pensions Board and determined by that Board.
- (3) Neither the said [^{F5}section 17(1) nor section 20(1) of the Administration Act] (questions for determination by [^{F6}adjudication officers]) shall apply to any such question as is mentioned in subsection (2) above.
- (4) Section 86(1) of the ^{M1}Social Security Act 1973 (references and appeals from Occupational Pensions Board) shall apply to—
- (a) any matter which under subsection (2) above falls to be determined by that Board; and
- (b) any matter arising under Part III or IV of this Act for determination by the Board.

Textual Amendments

- F2** Words substituted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2, para. 35\(a\)](#)
- F3** [Ss. 1–10, 12–16A, 18–21, 23–25, 51A\(13\), 60\(1\)\(a\)](#), words in s. 60A, s. 62(1) and (3), words in s. 64(2), s. 65(4), words in s. 66(2)(a) and (b); [Sch. 1; Sch. 4, paras. 35–46, 49, 50, 53–64, 66, 67](#) repealed (1.7.1992) on consolidation by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)
- F4** [S. 60\(1\)\(d\)](#) added by [Social Security Act 1985 \(c. 53\), Sch. 5, para. 34](#)
- F5** Words substituted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2, para. 35\(b\)](#)
- F6** Words substituted (with effect from 23.4.1984) by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\), Sch. 8, para. 1\(3\)\(a\)](#)

Marginal Citations

- M1** [1973 c. 38.](#)

[^{F7}60ZA Levies towards meeting certain expenditure under this Act.

- (1) For the purpose of meeting some or all of the expenditure under section 57B, Part IVA, and section 59K of this Act, regulations may make provision for imposing a levy in respect of such occupational or personal pension schemes as may be prescribed.
- (2) Any levy imposed under this section shall be payable to the Secretary of State by or on behalf of—
- (a) the administrators of such public service pension schemes as may be prescribed,

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- (b) the trustees or managers of such other occupational or personal pension schemes as may be prescribed, or
 - (c) such other persons as may be prescribed
- at such rates and at such times as may be prescribed.
- (3) The amount payable by any person on account of the levy shall be a debt due from him to the Secretary of State and shall be recoverable accordingly.
- (4) Regulations under this section may include provision relating to the collection and recovery of amounts payable by way of levy under this section, but this subsection is without prejudice to the generality of subsection (1) above.]

Textual Amendments

F7 S. 60ZA inserted (with effect from 18.7.1990) by [Social Security Act 1990 \(c. 27\)](#), [Sch. 4](#), para. 12

[^{F8}60ZB Offences relating to state scheme premiums.

If a person fails to pay, at or within the time prescribed for the purpose, any state scheme premium which is payable by him, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

Textual Amendments

F8 Ss. 60ZB—60ZF inserted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2](#), para. 36

60ZC Questions arising in proceedings.

- (1) Where in any proceedings—
- (a) for an offence under this Act; or
 - (b) involving any question as to payment of a state scheme premium,
- any such question arises as is mentioned in section 60(1) above, the decision of the Secretary of State shall be conclusive for the purposes of the proceedings.
- (2) If—
- (a) a decision of any question is necessary for the determination of proceedings; and
 - (b) the decision of the Secretary of State has not been obtained or a question has been raised with a view to a review of the decision obtained,
- the question shall be referred to the Secretary of State for determination or review in accordance (subject to any necessary modifications) with sections 17 to 19 of the Administration Act.
- (3) subsection (1) above does not apply if—
- (a) an appeal under section 18 of that Act is pending; or
 - (b) the time for appealing has not expired; or
 - (c) a question has been raised with a view to a review of the Secretary of State's decision under section 19,

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and the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

60ZD Recovery of unpaid state scheme premiums on prosecution.

Where—

- (a) a person has been convicted of an offence under section 60ZB above of failing to pay a state scheme premium at or within the time prescribed for the purpose; and
- (b) the premium remains unpaid at the date of the conviction,

he shall be liable to pay to the Secretary of State a sum equal to the amount which he failed to pay.

60ZE Proof of various offences.

- (1) Subject to subsection (2) below, where a person is convicted of an offence mentioned in section 60ZD above, evidence may be given of any previous failure by him to pay state scheme premiums within the time prescribed for the purpose; and in that section “the conviction” and “the offence” mean respectively the conviction referred to in this subsection and the offence of which the person is convicted.
- (2) Such evidence may be given only if notice of intention to give it is served with the summons or warrant or, in Scotland, the complaint on which the person appeared before the court which convicted him.

60ZF Unpaid premiums— supplementary.

- (1) Where in England and Wales a person charged with an offence to which section 60ZD applies is convicted of that offence in his absence under section 12(2) of the Magistrates Courts Act 1980, then if—
 - (a) it is proved to the satisfaction of the court, on oath or in the manner prescribed by rules under section 144 of that Act, that notice under section 60ZE(2) above has been duly served specifying the other state scheme premiums in respect of which the prosecutor intends to give evidence; and
 - (b) the clerk of the court has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires to admit to failing to pay the other premiums so specified or any of them,section 60ZE shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.
- (2) In England and Wales, where—
 - (a) a person is convicted of an offence to which section 60DZ above applies; and
 - (b) an order is made under Part I of the Powers of Criminal Courts Act 1973 placing the offender on probation or discharging him absolutely or conditionally,sections 60ZD and 60ZE above and subsection (1) above shall apply as if it were a conviction for all purposes.
- (3) In Scotland, where—

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- (a) a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, any such offence; and
 - (b) an order is made under Part I of the Criminal Procedure (Scotland) Act 1975 discharging him absolutely or placing him on probation,
- sections 60ZD and 60ZE above shall apply as if—
- (i) the conviction on indictment were a conviction for all purposes; or
 - (ii) (as the case may be) the making of the order by the court of summary jurisdiction were a conviction.
- (4) In England and Wales, any sum which a person is liable to pay under sections 60ZD and 60ZE above and subsection (1) above shall be recoverable from him as a penalty.
- (5) State scheme premiums recovered by the Secretary of State under those provisions are to be treated for all purposes as premiums paid to the Secretary of State in the respect of the person in respect of whom they were originally payable.

[^{F9}60A Treatment of insignificant amounts.

Where an amount is required to be calculated in accordance with the provisions of sections . . . ^{F10}, 35(4) and (6) and 36(3) of, . . . ^{F10}this Act and, apart from this section, the amount so calculated is less than 1/2p, then, notwithstanding any other provision of this Act, that amount shall be taken to be zero, and other amounts so calculated shall be rounded to the nearest whole penny, taking 1/2p as nearest to the next whole penny above].

Textual Amendments

F9 S. 60A inserted by Social Security Act 1979 (c. 18), s. 18

F10 Words repealed by Social Security (Consequential Provisions) Act 1992 (c. 6), Sch. 1

[^{F11}60B Guaranteed minimum pensions attributable in part to period before 1988-1989.

Where a guaranteed minimum pension is attributable in part to earnings factors for the period before the tax year 1988-1989 and in part to earnings factors for that tax year or for that tax year and subsequent tax years, the pension shall be calculated by applying section 60A above separately to the amount attributable to the period before the tax year 1988-1989 and to the amount attributable to that and subsequent tax years and then aggregating the two amounts so calculated.]

Textual Amendments

F11 S. 60B inserted (with effect from 6.4.1988) by Social Security Act 1988 (c. 7), Sch. 2, para. 2

61 Consultation about regulations.

- (1) ^{F12}
- (2) [^{F13}Subject to section 61 of the Social Security Act 1986, where] the Secretary of State proposes to make any regulations for the purposes of [^{F14}(a)] Part III or IV of this Act

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[^{F15} Part I] of the Social Security Act 1986][^{F17} or
^{F16}(b)

(c) Schedule 5 to the Social Security Act 1989,

(other] than [^{F18}regulations under section 51A(10) above] regulations prescribing actuarial tables or regulations [^{F19}made for the purpose only of consolidating other regulations revoked thereby]) he shall refer the proposals, in the form of draft regulations or otherwise, to the Occupational Pensions Board.

- (3) The Board shall consider any proposals referred to them under subsection (2) above and make a report to the Secretary of State containing such recommendations as they think fit with regard to the subject-matter of the proposals; and if after receiving the Board's report the Secretary of State lays before Parliament regulations or draft regulations which comprise the whole or any part of the subject-matter of proposals referred to the Board he shall lay with the regulations or draft a copy of the report and a statement showing—
- (a) the extent, if any, to which the Secretary of State has, in framing the regulations, given effect to the recommendations contained in the Board's report; and
 - (b) in so far as he has not given effect to any such recommendations, his reasons for not doing so.
- (4) In relation to regulations required or authorised to be made by the Secretary of State in conjunction with the Treasury, any reference in this section to the Secretary of State shall be construed as a reference to him and the Treasury acting jointly.
- (5) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of subsection (3) above shall be deemed to be satisfied as respects either House of Parliament if a copy of the report and the statement referred to in that subsection are laid before that House not later than the second day on which the House sits after the laying of the regulations.

Textual Amendments

- F12** S. 61(1) repealed by Social Security Act 1980 (c. 30), **Sch. 5**, Pt. II
- F13** Words substituted by Social Security Act 1986 (c. 50), **Sch. 10**, para. 94(a)
- F14** “(a)” inserted by Social Security Act 1989 (c. 24), **Sch. 8**, para. 12(1)(a)
- F15** Words inserted by Social Security Act 1986 (c. 50), **Sch. 10**, para. 94(b)
- F16** Words substituted by Social Security Act 1989 (c. 24), **Sch. 8**, para. 12(1)(b)
- F17** Words (including para. (c)) substituted by Social Security Act 1989 (c. 24), **Sch. 8**, para. 12(1)(c)
- F18** Words inserted by Social Security and Housing Benefits Act 1982 (c. 24), **Sch. 4**, para. 21
- F19** Words substituted by Social Security Act 1979 (c. 18), **Sch. 3 para. 21**

[^{F20}61A Consultation with Social Security Advisory Committee about certain regulations.

- (1) Subject to section 173 of the Administration Act, where the Secretary of State proposes to make regulations under sections 51A(10) above, he shall refer the proposals, in the form of draft regulations or otherwise, to the Social Security Advisory Committee (“the Committee”).
- (2) The Committee shall consider any proposals referred to it by the Secretary of State under subsection (1) above and shall make to the Secretary of State a report containing

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such recommendations with regard to the subject-matter of the proposals as the committee thinks appropriate.

- (3) If after receiving a report of the Committee the Secretary of State lays before Parliament any regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, he shall lay with the regulations a copy of the Committee's report and a statement showing—
- (a) the extent (if any) to which he has, in framing the regulations, given effect to the committee's recommendations; and
 - (b) in so far as effect has not been given to them, his reasons why not.
- (4) In the case of any regulations laid before Parliament at a time when Parliament is not sitting, the requirements of subsection (3) above shall be satisfied as respects either House of Parliament if a copy of the report and statement there referred to are laid before that House not later than the second day on which the House sits after laying of the regulations.]

Textual Amendments

F20 Ss. 61A and 61B inserted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2](#), para. 37

61B Orders and regulations (general provisions).

- (1) Powers under this Act to make regulations or orders, except any power of the Occupational Pensions Board to make orders, are exercisable by statutory instrument.
- (2) Except in so far as this Act otherwise provides any power conferred thereby to make regulations or an order may be exercised—
- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified exemptions, or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
 - (iii) any such provision either unconditionally or subject to any specified condition;

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and powers to make regulations or an order for the purposes of any one provision of this Act are without prejudice to powers to make regulations or an order for the purposes of any other provision.

- (3) Without prejudice to any specific provision in this Act, a power conferred by this Act to make regulations or an order includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations or order to be expedient for the purposes of the regulations or order.

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- (4) Without prejudice to any specific provisions in this Act, a power conferred by this Act to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.
- (5) A power conferred on the Secretary of State to make any regulations or order, where the power is not expressed to be exercisable with the consent of the Treasury, shall if the Treasury so direct be exercisable only in conjunction with them.

62 Other provisions about regulations and orders.

(1) F21

[^{F22}(2) A statutory instrument—

- (a) which contains (whether alone or with other provisions) any order or regulations made under this Act by the Secretary of State, other than an order which, under any provision of this Act, is required to be laid before Parliament after being made; and
- (b) which is not subject to any requirement that a draft of the instrument shall be laid before and approved by a resolution of each house of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

(3) F21

(4) Where any provision of Part III or IV of this Act allows for specified matters to be dealt with by, or determined in accordance with, regulations made by the Secretary of State, any regulations made by virtue of that provision may provide for those matters to be dealt with by the Occupational Pensions Board in their discretion or to be determined in accordance with the exercise by the Board of a discretion vested in them by the regulations, and for the Board's discretion to be exercised either generally in regard to those matters or differently in regard to particular cases or classes of case.

Textual Amendments

F21 Ss. 1–10, 12–16A, 18–21, 23–25, 51A(13), 60(1)(a), words in s. 60A, s. 62(1) and (3), words in s. 64(2), s. 65(4), words in s. 66(2)(a) and (b); Sch. 1; Sch. 4, paras. 35–46, 49, 50, 53–64, 66, 67 repealed (1.7.1992) on consolidation by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

F22 S. 62(2) substituted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 2](#), para. 38

63 Transitional provisions.

- (1) Regulations may make provision for any transitional matter connected with the coming into force of this Act.
- (2) Without prejudice to the generality of subsection (1) above, regulations may in particular—
 - (a) make provision whereby a contribution paid or credited before (or in respect of a period before) commencement is treated, for the purposes of entitlement to or the calculation of any benefit, as having been paid or credited at a specified time or in respect of earnings of a specified amount;

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- (b) make provision whereby a person who has satisfied any contribution condition before commencement is treated as having satisfied any contribution condition having effect by virtue of this Act;
 - (c) modify any contribution condition in cases where the period in relation to which it is to be satisfied begins before and ends after commencement;
 - (d) modify any provision of this Act in relation to persons who have attained the age of 16 before commencement;
 - (e) make provision with respect to the operation of Schedule 1 to this Act in relation to persons who have attained pensionable age before commencement but have not then retired from regular employment;
 - (f) make provision for effecting orderly transition between Part III of the ^{M2}National Insurance Act 1965 and Part III of this Act, including provision modifying for that purpose any provision of those Parts;
 - (g) make provision for enabling the Occupational Pensions Board to issue contracting-out certificates on the basis of such undertakings and information as may be prescribed;
 - (h) make provision for the preservation of rights under any provision repealed or modified by this Act or otherwise for securing continuity between any such provision and any provision of this Act.
- (3) In subsection (2) above “commencement” means the time of the coming into force of any provision of this Act specified in the regulations in question.

Marginal Citations

M2 1965 c. 51.

64 Expenses and receipts.

- (1) There shall be paid out of moneys provided by Parliament—
- (a) any expenses of the Secretary of State or any other government department under this Act;
 - (b) any increase attributable to this Act in the sums falling to be paid out of moneys so provided under any other Act.
- (2) [^{F23}Section 165(5) of the Administration Act] (reimbursement of expenses out of the National Insurance Fund) shall have effect in relation to the expenses mentioned in paragraph (a) of subsection (1) above as it has effect in relation to the expenses mentioned in [^{F23}section 163(2)(a) of that Act]; . . . ^{F24}
- (3) Any state scheme premium received by the Secretary of State under this Act shall be paid by him into the National Insurance Fund.

Textual Amendments

F23 Words substituted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2, para. 39](#)

F24 [Ss. 1–10, 12–16A, 18–21, 23–25, 51A\(13\), 60\(1\)\(a\)](#), words in s. 60A, s. 62(1) and (3), words in s. 64(2), s. 65(4), words in s. 66(2)(a) and (b); [Sch. 1; Sch. 4, paras. 35–46, 49, 50, 53–64, 66, 67](#) repealed (1.7.1992) on consolidation by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

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65 Amendments of enactments; repeals.

- (1) The enactments mentioned in Part I of Schedule 4 to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of this Act and otherwise required in connection with those provisions.
- (2) The enactments mentioned in Part II of Schedule 4 to this Act shall have effect, and be deemed always to have had effect, with the amendments there specified, being amendments required for the correction in certain minor respects of the ^{M3}social security consolidation Acts passed in March 1975; and paragraph 1 of Schedule 5 to the Social Security Benefits Act 1975 (commencement orders) shall be deemed not to have been repealed.
- (3) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) ^{F25}
- (5) The Secretary of State may, with the consent of the Minister for the Civil Service, make payments to the chairman and members of the Reserve Pension Board in consequence of its abolition by this Act.

Textual Amendments

F25 Ss. 1–10, 12–16A, 18–21, 23–25, 51A(13), 60(1)(a), words in s. 60A, s. 62(1) and (3), words in s. 64(2), s. 65(4), words in s. 66(2)(a) and (b); Sch. 1; Sch. 4, paras. 35–46, 49, 50, 53–64, 66, 67 repealed (1.7.1992) on consolidation by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)

Modifications etc. (not altering text)

C1 The text of s. 65(1)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M3 1975 c. 11.

66 Interpretation.

- (1) In this Act—

^{F26}

.....
[^{F27}“the Administration Act” means the Social Security Administration Act 1992;]

[^{F28}“average salary benefits” means benefits the rate or amount of which is calculated by reference to a member’s average salary over the period of service on which the benefits are based;]

[^{F27}“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;]

“guaranteed minimum pension” has the meaning given in section 26 above;

“linked qualifying service” shall be construed in accordance with [^{F29}section 43(2A) and (2B)] above;

“long-term benefit” means a Category A or Category B retirement pension, a widowed mother’s allowance, a widow’s pension or an invalidity pension;

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[^{F28}“minimum payments” shall be construed in accordance with section 30 above;

“money purchase benefits” in relation to an occupational pension scheme, means benefits the rate or amount of which is calculated by reference to a payment or payments made by a member of the scheme or by any other person in respect of a member, other than average salary benefits;

“money purchase contracted-out scheme” means an occupational pension scheme which is contracted-out by virtue of satisfying section 32(2A) above;]

“normal pension age”, in relation to a member of an occupational pension scheme, means the earliest age at which that member can become entitled to receive a pension under the scheme apart from any special provision as to early retirement on grounds of ill-health or otherwise;

“occupational pension scheme” means any scheme or arrangement which is comprised in one or more instruments or agreements and which has, or is capable of having, effect in relation to one or more descriptions or categories of employments so as to provide benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of earners with qualifying service in an employment of any such description or category;

[^{F30}“personal pension scheme” has the meaning assigned to it by section 84(1) of the Social Security Act 1986;]

“the principal Act” means the ^{M4}Social Security Act 1975;

[^{F31}“protected rights” has the meaning given by Schedule 1 to the Social Security Act 1986 with the substitution made by section 32(2B) above.]

“public service pension scheme” means an occupational pension scheme established by or under an enactment or the Royal prerogative or a Royal charter, being a scheme—

- (a) all the particulars of which are set out in, or in a legislative instrument made under, an enactment, Royal warrant or charter; or
- (b) which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department,

and includes [^{F32}any occupational pension scheme established, with the concurrence of the Minister for the Civil Service, by or with the approval of another Minister of the Crown and] any occupational pension scheme prescribed by regulations made by the Secretary of State and the Minister for the Civil Service jointly as being a scheme which ought in their opinion to be treated as a public service pension scheme for the purposes of this Act;

“qualifying earnings factor” has the meaning given in section 5(3) above;

^{F33}

“resources”, in relation to an occupational pension scheme, means the funds out of which the benefits provided by the scheme . . . ^{F34} are payable from time to time, including the proceeds of any policy of insurance taken out, or annuity contract entered into, for the purposes of the scheme;

[^{F35} “transfer credits” means rights allowed to an earner under the rules of an occupational pension scheme by reference to a transfer to that scheme of his accrued rights from another scheme.]

Status: Point in time view as at 06/04/1992.

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- (2) Except as respects commencement and extent, and subject to sections 61 and 62 above, this Act and the principal Act shall have effect as if the provisions of this Act other than [F36 sections 59 and 59A] were contained in that Act; and for that purpose—
 - (a) F37 sections 27 and 28 of this Act shall be treated as included in Part I of that Act (contributions); and
 - (b) Part II . . . F37 and [F38 sections 29 and 29C] of this Act shall be treated as included in Chapter I of Part II of that Act (contributory benefits).
- (3) References in Parts III and IV of this Act to employers are to be treated, in relation to persons within the application of an occupational pension scheme and qualifying or prospectively qualifying for its benefits, as including references to persons who in relation to them and their employment are treated by regulations as being employers for the purposes of those Parts of this Act; and, subject to any such regulations, references in those Parts to an employer shall, in relation to an earner employed in an office with emoluments, be construed as references to—
 - (a) such person as may be prescribed in relation to that office; or
 - (b) if no person is prescribed, the government department, public authority or body of persons responsible for paying the emoluments of that office.
- (4) Regulations may, for any purpose of Parts III and IV of this Act, prescribe the persons who are to be regarded as members or prospective members of an occupational pension scheme and as to the times at which and the circumstances in which a person is to be treated as becoming, or as ceasing to be, a member or prospective member.
- (5) F39
- (6) Except where the context otherwise requires, references in this Act to any Part of it include references to any Schedule having effect by virtue of any provision in that Part.
- (7) Any reference in this Act to another enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment, including an enactment contained in this Act.

Textual Amendments

- F26** Definition repealed by [Social Security Act 1985 \(c. 53\)](#), **Sch. 6**
- F27** Definition inserted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), **Sch. 2, para. 40(1)**
- F28** Definition inserted (with effect from 6.4.1988) by [Social Security Act 1986 \(c. 50\)](#), **Sch. 2, para. 11**
- F29** Words substituted (with effect from 1.10.1989) by [Social Security Act 1989 \(c. 24\)](#), **Sch. 6, para. 9(3)**
- F30** Definition inserted (with effect from 1.5.1987) by [Social Security Act 1986 \(c. 50\)](#), **Sch. 10, para. 28**
- F31** Definition inserted (with effect from 6.4.1988) by [Social Security Act 1986 \(c. 50\)](#), **Sch. 2, para. 11**
- F32** Words inserted by [Social Security Act 1980 \(c. 30\)](#), **s. 4(1)**
- F33** Definition repealed by [Social Security Act 1986 \(c. 50\)](#), **Sch. 11**
- F34** Words repealed by [Social Security Act 1986 \(c. 50\)](#), **Sch. 11**
- F35** Definition substituted by [Health and Social Security Act 1984 \(c. 48\)](#), **Sch. 7, para. 5(b)**
- F36** Words substituted by [Social Security Act 1979 \(c. 18\)](#), **Sch. 3 para. 22**
- F37** [Ss. 1–10, 12–16A, 18–21, 23–25, 51A\(13\), 60\(1\)\(a\)](#), words in s. 60A, s. 62(1) and (3), words in s. 64(2), s. 65(4), words in s. 66(2)(a) and (b); [Sch. 1](#); [Sch. 4, paras. 35–46, 49, 50, 53–64, 66, 67](#) repealed (1.7.1992) on consolidation by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#)
- F38** Words substituted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), **Sch. 2, para. 40(2)**

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F39 S. 66(5) repealed by Social Security Act 1985 (c. 53), **Sch. 6**

Marginal Citations

M4 1975 c. 14.

67 Commencement.

- (1) This Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different provisions or for different purposes of the same provision.
- (2) Without prejudice to subsection (1) above there may by an order under this section be appointed different days for the coming into force of section 22 of this Act, and of other provisions of this Act relevant to the operation of that section, in relation to persons of different age groups.
- (3) An order under this section may make such transitional provision or savings as appear to the Secretary of State to be necessary or expedient in connection with provisions of this Act which are thereby brought (wholly or partly) into force, and may make such adaptations of those provisions or of any provisions of this Act then in force as appear to the Secretary of State to be necessary or expedient in consequence of the partly postponed or postponed operation of any provision of this Act.
- (4) The power to make an order under this section includes power to vary or revoke a previous order; and any statutory instrument containing such an order shall be laid before Parliament after being made.

Modifications etc. (not altering text)

C2 Power under s. 67 exercised by **S.I. 1975/1318**, 1975/1572, 1975/1689, 1975/2079, 1976/141, 1976/1173, 1976/2129, 1977/778, 1977/1403, 1977/1485, 1977/1617, 1977/2038, 1978/367, 1979/171, 1979/367, 1979/394, 1979/1030

68 Short title, citation and extent.

- (1) This Act may be cited as the Social Security Pensions Act 1975.
- (2) The ^{M5}Social Security Act 1975 and this Act may be cited together as the Social Security Acts 1975.
- (3) The following provisions of this Act have the same extent as the ^{M6}Pensions (Increase) Act 1971—
 - (a) [^{F40}sections 59 and 59A];
 - (b) paragraph 18 of Schedule 4;
 - (c) Schedule 5, so far as it repeals provisions of that Act.
- (4) [^{F41}The following provisions of this Act, namely, sections 57, 59B, other than subsections (4) and (5)(b), and 59K(1),(2), other than paragraph (a)(ii),(3),(4) and (9) extend] to Northern Ireland; and this Act extends to Northern Ireland so far as it—
 - (a) amends sections 66, 67(4) and 89 of, and Schedule 17 to, the ^{M7}Social Security Act 1973;

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- (b) amends section 99(1) of that Act by inserting definitions of “the Pensions Act” and “state scheme premium”;
 - (c) repeals Part III and section 89(3)(c) and (4) of that Act, and Schedules 18 to 20 to that Act;
 - (d) by section 65(2) and Part II of Schedule 4 amends the ^{M8}Social Security (Northern Ireland) Act 1975 and the ^{M9}Social Security (Consequential Provisions) Act 1975 and reinstates paragraph 1 of Schedule 5 to the ^{M10}Social Security Benefits Act 1975;
 - (e) repeals paragraphs 47 and (in part) 58 of Schedule 2 to the Social Security (Consequential Provisions) Act 1975;
 - (f) amends or repeals provisions of the ^{M11}Income and Corporation Taxes Act 1970;
 - (g) amends provisions of the ^{M12}Finance Act 1971;
 - (h) repeals provisions of the ^{M13}Public Records Act 1958, the ^{M14}Superannuation Act 1972, the ^{M15}Parliamentary and other Pensions Act 1972, the ^{M16}Pensions (Increase) Act 1974 and the ^{M17}House of Commons Disqualification Act 1975;
- but subject to the foregoing provisions of this subsection and to subsection (3) above, this Act does not extend to Northern Ireland.

Textual Amendments

F40 Words substituted by [Social Security Act 1979 \(c. 18\)](#), [Sch. 3 para. 22](#)

F41 Words substituted (with effect from 18.7.1990) by [Social Security Act 1990 \(c. 27\)](#), [Sch. 4](#), para. 13, and Sch. 7

Marginal Citations

M5 1975 c. 14.

M6 1971 c. 56.

M7 1973 c. 38.

M8 1975 c. 15.

M9 1975 c. 18.

M10 1975 c. 11.

M11 1970 c. 10.

M12 1971 c. 68.

M13 1958 c. 51.

M14 1972 c. 11.

M15 1972 c. 48.

M16 1974 c. 9.

M17 1975 c. 24.

Status:

Point in time view as at 06/04/1992.

Changes to legislation:

There are currently no known outstanding effects for the Social Security Pensions Act 1975, Part V.