



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART II

CONTRIBUTORY BENEFITS

Retirement pensions (Categories A and B)

43 Persons entitled to more than one retirement pension.

- (1) A person shall not be entitled for the same period to more than one retirement pension under this Part of this Act except as provided by subsection (2) below [^{F1}and section 61ZC below (which deals with unusual cases involving units of additional pension)].
- (2) A person who, apart from subsection (1) above, would be entitled for the same period to both—
 - (a) a Category A or a Category B retirement pension under this Part; and
 - (b) a Category C or a Category D retirement pension under Part III below,shall be entitled to both of those pensions for that period, subject to any adjustment of them in pursuance of regulations under section 73 of the Administration Act.
- (3) A person who, apart from subsection (1) above, would be entitled—
 - [^{F2}(a) to both a Category A retirement pension and one or more Category B retirement pensions under this Part for the same period,
 - (aa) to more than one Category B retirement pension (but not a Category A retirement pension) under this Part for the same period, or]
 - (b) to both a Category C and a Category D retirement pension under Part III below for the same period,

Status: Point in time view as at 12/10/2015. This version of this provision has been superseded.

Changes to legislation: Social Security Contributions and Benefits Act 1992, Section 43 is up to date with all changes known to be in force on or before 23 June 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)

may from time to time give notice in writing to the Secretary of State specifying which of the pensions referred to in [^{F3}paragraph (a), (aa) or (b) (as the case may be)] he wishes to receive.

(4) If a person gives such a notice, the pension so specified shall be the one to which he is entitled in respect of any week commencing after the date of the notice.

(5) If no such notice is given, the person shall be entitled to whichever of the pensions is from time to time the most favourable to him (whether it is the pension which he claimed or not).

[^{F4}(6) For the purposes of this section, a pension under section 55A below is not a retirement pension.]

Textual Amendments

- F1** Words in s. 43(1) inserted (12.10.2015) by [Pensions Act 2014 \(c. 19\)](#), s. 56(1), **Sch. 15 para. 5**; S.I. 2015/1475, art. 3(b)
- F2** S. 43(3)(a)(aa) substituted for s. 43(3)(a) (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), **ss. 296(a)**, 322(2)(c)(i)
- F3** Words in s. 43(3) substituted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), **ss. 296(b)**, 322(2)(c)(i)
- F4** S. 43(6) inserted (1.12.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), **Sch. 12 para. 18**; S.I. 2000/1047, art. 2(2)(d), Sch. Pt. IV

Status:

Point in time view as at 12/10/2015. This version of this provision has been superseded.

Changes to legislation:

Social Security Contributions and Benefits Act 1992, Section 43 is up to date with all changes known to be in force on or before 23 June 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.