

Welfare Reform and Pensions Act 1999

Chapter 30

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An Act to make provision about pensions and social security; to make provision for reducing under-occupation of dwellings by housing benefit claimants; to authorise certain expenditure by the Secretary of State having responsibility for social security; and for connected purposes.

[11th November 1999]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I STAKEHOLDER PENSION SCHEMES

Meaning of “stakeholder pension scheme”.

1.—(1) A pension scheme is a stakeholder pension scheme for the purposes of this Part if it is registered as such a scheme under section 2 and each of the following is fulfilled, namely—

- (a) the conditions set out in subsections (2) [¹to [²(10)]]; and
- (b) such other conditions as may be prescribed.

(2) The first condition is that the scheme is established under a trust or in such other way as may be prescribed.

(3) The second condition is that the provisions made by the instruments establishing the scheme comply with such requirements as may be prescribed.

(4) The third condition is that, subject to such exceptions as may be prescribed, the benefits provided by the scheme are money purchase benefits within the meaning given by section 181 of the Pension Schemes Act 1993 (“the 1993 Act”).

(5) The fourth condition is that the scheme complies with such requirements as may be prescribed as regards the extent to which, and the circumstances in which—

- (a) any payment made to the scheme [¹by, or on behalf or in respect of,] a member of the scheme,
- (b) any income or capital gain arising from the investment of such a payment, or
- (c) the value of rights under the scheme,

may be used to defray the administrative expenses of the scheme, to pay commission or in any other way which does not result in the provision of benefits for or in respect of members.

(6) The fifth condition is that the scheme complies with such of the requirements of regulations under section 113 of the 1993 Act (disclosure of information about schemes to members etc.) as are applicable to it.

(7) The sixth condition is that, subject to such minimum contribution levels and other restrictions as may be prescribed, members of the scheme may make such contributions to the scheme as they think appropriate.

(8) The seventh condition is that [...³] the scheme accepts transfer payments in respect of members' rights under—

- (a) other pension schemes;
- [³(b) contracts and schemes that became registered pension schemes by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004 (pension schemes etc.: transitional provisions and savings)]

¹ In s. 1, words in subsecs. (1)(a) & (5)(a) substituted (6.4.05) by s. 285(2) & (3) of the Pensions Act 2004 (c. 35).

² “(9)” to be substituted for “(10)” (prosp.) by the Pensions Act 2007 (c. 22), Sch. 4, para. 37.

³ Words omitted in s. 1(8) & 1(8)(b) substituted (6.4.06) by art. 15(2) of S.I. 2006/745.

- (c) annuities and insurance policies purchased or transferred for the purpose of giving effect to rights under pension schemes; and
- (d) annuities purchased or entered into for the purpose of discharging liability in respect of pension credits under section 29(1)(b) or under corresponding Northern Ireland legislation.

[¹(9) The eighth condition is that the scheme is a registered pension scheme under section 153 of the Finance Act 2004 (registration of pension schemes).]

[^{2,3}(10) The ninth condition is that—

- (a) if the scheme is an occupational pension scheme, it is specified in a contracting-out certificate in relation to all categories of employment to which the scheme relates, and
- (b) if the scheme is a personal pension scheme, it is an appropriate scheme within the meaning of section 7(4) of the 1993 Act.]

2.—(1) The [⁴Authority] shall keep a register of stakeholder pension schemes.

Registration of stakeholder pension schemes.

(2) Subject to subsection (3), the Authority shall register a pension scheme under this section if the trustees of the scheme, or any person or persons prescribed in relation to the scheme—

- (a) make an application for the purpose and pay such fee as the Authority may determine; and
- (b) declare that each of the following is fulfilled in relation to the scheme, namely—
 - (i) the conditions set out in subsections (2) [⁵to (9)] of section 1; and
 - (ii) such other conditions as may be prescribed under subsection (1) of that section.

(3) Where the Authority are satisfied on reasonable grounds that any of those conditions is not fulfilled in relation to a pension scheme, the Authority may [⁴by direction]—

- (a) refuse to register the scheme; or
- (b) where the scheme is registered under this section, remove it from the register.

(4) [⁴Section 10 of the Pensions Act 1995 (“the 1995 Act”) (civil penalties) applies to any trustee of a pension scheme which is or has been registered under this section, and] to any person prescribed in relation to such a scheme, if—

- (a) he fails to take all such steps as are reasonable to secure that each of those conditions is fulfilled in relation to the scheme or (as the case may be) while the scheme was so registered he failed to take all such steps as were reasonable to secure that each of those conditions was so fulfilled; or
- (b) where the scheme was registered on his application, any of those conditions was not fulfilled in relation to the scheme at the time of the application.

(5)-(6) [...⁶]

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

- (a) for the register, or 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,

¹ S. 1(9) substituted (6.4.06) by art. 15(2) of S.I. 2006/745.

² In s. 1, subsec. (10) inserted (6.4.05) by the Pensions Act 2004 (c. 35), s. 285(4) & (5).

³ S. 2(10) to be omitted (prosp.) by the Pensions Act 2007 (c. 22), Sch. 4, para. 37.

⁴ In s. 2 words substituted & inserted in subsecs. (1)-(4) (6.4.05) by the Pensions Act 2004 (c. 35), Sch. 12, para. 73.

⁵ “to (9)” to be substituted for “to (10)” (prosp.) by the Pensions Act 2007, Sch. 4, para. 38.

⁶ S. 2(5) & (6) repealed (6.4.05) by the Pensions Act 2005 (c. 35), Sch. 13.

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Duty of employers to facilitate access to stakeholder pension schemes.

such persons, in such manner, at such times, on payment of such fees, and subject to such other terms and conditions, as may be prescribed.

3.—(1) Except in so far as regulations otherwise provide, it shall be the duty of an employer of relevant employees to comply with [¹the requirement in subsection (5)].

[²(1A) A relevant employee, in relation to an employer, is an employee of the employer who, on the relevant date, satisfies the conditions in subsection (1B).

(1B) The conditions are that—

- (a) the employee is a member of a stakeholder pension scheme;
- (b) the employee made a request under subsection (5) before the relevant date and that request has not been withdrawn;
- (c) the employee pays contributions (which are deducted in accordance with that request) to the scheme at regular intervals;
- (d) at least one deduction has been made before the relevant date in accordance with that request.

(1C) A person ceases to be a relevant employee—

- (a) on ceasing to be employed by the employer;
- (b) on withdrawing a request under subsection (5);
- (c) on ceasing to pay contributions at regular intervals].

(2)-(4) [¹...]

(5) The [¹...] requirement is that, subject to such exceptions and qualifications as may be prescribed, the employer shall, if he is requested to do so by a relevant employee [¹...]-

- (a) deduct the employee's contributions to the [¹stakeholder pension scheme] from his remuneration; and
- (b) pay them to the trustees or managers of the scheme or, if regulations so provide, to a prescribed person.

[²(5A) That requirement only applies in relation to a request to make deductions made before the relevant date (whether or not that request is varied after that date).]

(6) [¹...]

(7) Section 10 of the 1995 Act (civil penalties) applies to an employer who fails to comply with [¹the requirement] set out above.

(8) An employer is not, [¹while subject to the requirement in subsection (5)] under any duty—

- (a) to make any enquiries, or act on any information, about the scheme for any purpose not connected with—
 - (i) ascertaining whether the scheme is for the time being registered under section 2,

[¹...] or

- (b) in particular, to investigate or monitor, or make any judgment as to, the past, present or future performance of the scheme.

(9) In this section—

“employer” means any employer, whether or not resident or incorporated in any part of the United Kingdom;

¹ Words substituted & deleted in s. 3(1)-(5), (5a), (6)-(8), (8)(ii) & (8)(iii) (1.10.12) by the Pensions Act 2008, (c. 30), s. 87(3), (5), (6), (8), (10)(a) & (b).

² Words inserted in s. 3(1A)-(1C) & (5A) (1.10.12) by the Pensions Act 2009 (c. 30), s. 87(4), (7) & (11).

[¹“relevant date” means the date on which section 87 of the Pensions Act 2008 comes into force.]

[²...]

[²...]

4.-5. [...³]

¹ Words inserted in s. 3(9) (1.10.12) by the Pensions Act 2009 (c. 30), s. (11).

² Words substituted & deleted in s. 3(9) (1.10.12) by the Pensions Act 2008, (c. 30), s. 87(12)(a) & (b).

³ Ss. 4 & 5 repealed (6.4.05) by the Pensions Act 2004 (c. 35), Sch. 13.

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Application of certain enactments.

6.—(1)-(2) [1...]

(3) Schedule 1 (application of the 1993 and 1995 Acts to registered schemes) shall have effect.

(4) [1...]

Reduced rates of contributions etc: power to specify different percentages.

[²7.—(1) An order under section 42B(2) of the 1993 Act (determination and alteration of reduced rates of Class 1 contributions, and rebates, for members of money purchase contracted-out schemes) may specify different percentages in respect of earners by reference to whether the money purchase contracted-out scheme of which the earner is a member is or is not for the time being registered under section 2.

(2) An order under section 45A(2) of that Act (determination and alteration of minimum contributions to be paid to appropriate personal pension schemes) may—

- (a) specify different percentages in respect of earners by reference to whether the appropriate personal pension scheme of which the earner is a member is or is not for the time being registered under section 2; and
- (b) specify different percentages in respect of earners by reference to the time when the earner first became a member of the scheme.

(3) This section is without prejudice to section 182 of that Act (orders and regulations: general provisions).]

Interpretation and application of Part I.

8.—(1) In this Part—

“the 1993 Act” means the Pension Schemes Act 1993;

“the 1995 Act” means the Pensions Act 1995;

[³“the Authority” means the Pensions Regulator;]

[1...]

“occupational pension scheme” and “personal pension scheme” have the meanings given by section 1 of the 1993 Act;

“pension scheme” means an occupational pension scheme or a personal pension scheme;

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

“stakeholder pension scheme” shall be construed in accordance with section 1.

(2) The Secretary of State may by regulations make provision for a stakeholder pension scheme which—

- (a) is [⁴prescribed or is] of a prescribed description, and
- (b) would (apart from the regulations) be an occupational pension scheme,

to be treated for all purposes, or for such purposes as may be prescribed, as if it were a personal pension scheme and not an occupational pension scheme.

(3) This Part applies to a pension scheme managed by or on behalf of the Crown as it applies to other pension schemes; and, accordingly, references in this Part to a person in his capacity as a trustee or manager of, or person prescribed in relation to, a pension scheme include the Crown, or a person acting on behalf of the Crown, in that capacity.

¹ S. 6(1), (2) & (4) & words in s. 8 deleted (1.10.12) by para. 13 & 14 of s. 87 by the Pensions Act 2008 (c. 30).

² S. 7 to be omitted (prosp.) by the Pensions Act 2007 (c. 22), Sch. 4, para. 39.

³ Defn. of “the Authority” substituted (6.4.05) by the Pensions Act 2004 (c. 35), s. 7(2)(c).

⁴ Words in s. 8(2)(a) inserted (22.9.05) by the Pensions Act 2004 (c. 35), Sch. 12, para. 74.

(4) This Part applies to persons employed by or under the Crown in like manner as if such persons were employed by a private person; and references in this Part to a person in his capacity as an employer include the Crown, or a person acting on behalf of the Crown, in that capacity.

(5) Subsections (3) and (4) do not apply to any provision of this Part under or by virtue of which a person may be prosecuted for an offence; but such a provision applies to persons in the public service of the Crown as it applies to other persons.

(6) Nothing in this Part applies to Her Majesty in Her private capacity (within the meaning of the Crown Proceedings Act 1947).

PART II PENSIONS: GENERAL

9.....amends 1993 (c. 48), see Annex 1, page 2.6201

10.....amends 1995 (c. 26) see Annex 1, page 2.6201

Pensions and bankruptcy

11.—(1) Where a bankruptcy order is made against a person on a petition presented after the coming into force of this section, any rights of his under an approved pension arrangement are excluded from his estate.

Effect of bankruptcy on pension rights: approved arrangements.

(2) In this section “approved pension arrangement” means—

[¹(a) a pension scheme registered under Section 153 of the Finance Act 2004;]

(b) [...¹]

(c) [¹an occupational pension scheme] set up by a government outside the United Kingdom for the benefit, or primarily for the benefit, of its employees;

(d)–(f) [...¹]

[¹(g) an annuity purchased for the purpose of giving effect to rights under a scheme falling within paragraph (a), including an annuity in payment before 6th April 2006, giving effect to rights under any scheme approved—

(i) before that date under chapters 1, 3 or 4 of Part 14 of the Taxes Act; or

(ii) any relevant statutory scheme, as defined in section 611 of that Act;]

(h) any pension arrangements of any description which may be prescribed by regulations made by the Secretary of State.

(3) [...¹]

[¹(4) Subsection (5) applies if—

(a) at the time when a bankruptcy order is made against a person, an appeal against a decision not to register a pension scheme has been made under section 156 of the Finance Act 2004, and

(b) the decision of the [²tribunal] (see section 156(3) of that Act) is to uphold the decision of Her Majesty’s Revenue and Customs not to register the scheme.]

(5) Any rights of that person under the scheme shall (without any conveyance, assignment or transfer) vest in his trustee in bankruptcy, as part of his estate, immediately on—

¹ In s. 11 words substituted in (2)(c); (2)(a), (g) & (4) substituted; 2(b), (d)-(f) & (3) omitted (6.4.06) by art. 15(3) of S.I. 2006/745.

² Words substituted in s. 11(4)(b) (1.4.09) by S.I. 2009/56, art. 284(2).

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- (a) the [¹tribunal's] decision being made, or
- (b) (if later) the trustee's appointment taking effect or, in the case of the official receiver, his becoming trustee.

[²(6) Subsection (7) applies if, at any time after a bankruptcy order is made against a person Her Majesty's Revenue and Customs—

- (a) give notice withdrawing registration of the pension scheme under section 157 of the Finance Act 2004, and
- (b) the date specified as being that from which de-registration occurs under subsection (4) of that section ("the de-registration date") is the date from which the scheme ceases to be a registered pension scheme.]

(7) Any rights of that person under the scheme or arising by virtue of the arrangements, and any rights of his under any related annuity, shall (without any conveyance, assignment or transfer) vest in his trustee in bankruptcy, as part of his estate, immediately on—

- (a) the giving of the notice, or
- (b) (if later) the trustee's appointment taking effect or, in the case of the official receiver, his becoming trustee.

(8) In subsection (7) "related annuity" means an annuity purchased on or after the [²de-registration date] for the purpose of giving effect to rights under the scheme or (as the case may be) to rights arising by virtue of the arrangements.

(9) Where under subsection (5) or (7) any rights vest in a person's trustee in bankruptcy, the trustee's title to them has relation back to the commencement of the person's bankruptcy; but where any transaction is entered into by the trustees or managers of the scheme in question—

- (a) in good faith, and
- (b) without notice of the making of the decision mentioned in subsection (4)(b) or (as the case may be) the giving of the notice mentioned in subsection (6),

the trustee in bankruptcy is not in respect of that transaction entitled by virtue of this subsection to any remedy against them or any person whose title to any property derives from them.

(10) Without prejudice to section 83, regulations under subsection (2)(h) may, in the case of any description of arrangements prescribed by the regulations, make provision corresponding to any provision made by subsections (4) to (9).

(11) In this section—

- [²(a) "occupational pension scheme" has the meaning given in section 150(5) of the Finance Act 2004;
- (b) "pension scheme" has the meaning given in section 150(1) of the Finance Act 2004 and "registered pension scheme" means a pension scheme registered under section 153 of the Finance Act 2004;]
- (c) "estate", in relation to a person against whom a bankruptcy order is made, means his estate for the purposes of Parts VIII to XI of the Insolvency Act 1986;
- (d) "the Taxes Act" means the Income and Corporation Taxes Act 1988.

(12) For the purposes of this section a person shall be treated as having a right under an approved pension arrangement where—

- (a) he is entitled to a credit under section 29(1)(b) as against the person responsible for the arrangement (within the meaning of Chapter I of Part IV), and

¹ Words substituted in s. 11(5)(a) (1.4.09) by S.I. 2009/56, art. 284(3).

² In s. 11 words substituted in (5)(a) & (8), (6) & (11)(a) & (b) substituted (6.4.06) by art. 15(3) of S.I. 2006/745.

- (b) the person so responsible has not discharged his liability in respect of the credit.

12.—(1) The Secretary of State may by regulations make provision for or in connection with enabling rights of a person under an unapproved pension arrangement to be excluded, in the event of a bankruptcy order being made against that person, from his estate for the purposes of Parts VIII to XI of the Insolvency Act 1986.

Effect of bankruptcy on pension rights: unapproved arrangements.

(2) Regulations under this section may, in particular, make provision—

- (a) for rights under an unapproved pension arrangement to be excluded from a person's estate—
- (i) by an order made on his application by a prescribed court, or
 - (ii) in accordance with a qualifying agreement made between him and his trustee in bankruptcy;
- (b) for the court's decision whether to make such an order in relation to a person to be made by reference to—
- (i) future likely needs of him and his family, and
 - (ii) whether any benefits (by way of a pension or otherwise) are likely to be received by virtue of rights of his under other pension arrangements and (if so) the extent to which they appear likely to be adequate for meeting any such needs;
- (c) for the prescribed persons in the case of any pension arrangement to provide a person or his trustee in bankruptcy on request with information reasonably required by that person or trustee for or in connection with the making of such applications and agreements as are mentioned in paragraph (a).

(3) In this section—

“prescribed” means prescribed by regulations under this section;
 “qualifying agreement” means an agreement entered into in such circumstances, and satisfying such requirements, as may be prescribed;
 “unapproved pension arrangement” means a pension arrangement which—

- (a) is not an approved pension arrangement within the meaning of section 11, and
- (b) is of a prescribed description.

(4) For the purposes of this section a person shall be treated as having a right under an unapproved pension arrangement where—

- (a) he is entitled to a credit under section 29(1)(b) as against the person responsible for the arrangement (within the meaning of Chapter I of Part IV), and
- (b) the person so responsible has not discharged his liability in respect of the credit.

13.—(1) This section shall have effect for the purposes of the application of sections 11 and 12 to Scotland.

Sections 11 and 12: application to Scotland.

(2) A reference to—

- (a) the making of a bankruptcy order against a person is a reference to the award of sequestration on his estate or the making of the appointment on his estate of a judicial factor under section 41 of the Solicitors (Scotland) Act 1980;
- (b) the estate of a person is a reference to his estate for the purposes of the Bankruptcy (Scotland) Act 1985 or of the Solicitors (Scotland) Act 1980, as the case may be;
- (c) assignment is a reference to assignation;
- (d) a person's trustee in bankruptcy is a reference to his permanent trustee or judicial factor, as the case may be;

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(e) the commencement of a person's bankruptcy is a reference to the date of sequestration (within the meaning of section 12(4) of the Bankruptcy (Scotland) Act 1985) or of the judicial factor's appointment taking effect, as the case may be.

(3) For paragraph (b) of each of subsections (5) and (7) of section 11 there shall be substituted—

“(b) if later, the date of sequestration (within the meaning of section 12(4) of the Bankruptcy (Scotland) Act 1985) or of the judicial factor's appointment taking effect, as the case may be.”

No forfeiture on bankruptcy of rights under pension schemes.

14.—(1) - (2) amends 1993 (c. 48), see Annex 1, page 2.6201.

(3) In section 92(2) of the Pensions Act 1995 (exceptions to the rule preventing forfeiture of rights under occupational pension schemes), paragraph (b) (which allows forfeiture of such rights by reference to a scheme member's bankruptcy) shall cease to have effect.

15 - 16. amends statutes outside the scope of this volume

17. amends 1995 (c. 26), see Annex 1, page 2.6201

Miscellaneous amendments.

18. Schedule 2 (which contains amendments of the law relating to pensions) shall have effect.

**PART III
PENSIONS ON DIVORCE ETC.**

Pension sharing orders

Orders in England & Wales.

19. Schedule 3 (which amends the Matrimonial Causes Act 1973 for the purpose of enabling the court to make pension sharing orders in connection with proceedings in England and Wales for divorce or nullity of marriage, and for supplementary purposes) shall have effect.

20. amends statute not reproduced in this work

Sections 25B to 25D of the Matrimonial Causes Act 1973

Amendments.

21. Schedule 4 (which amends the sections about pensions inserted in the Matrimonial Causes Act 1973 by section 166 of the Pensions Act 1995) shall have effect.

22. amends statute not reproduced in this work

Miscellaneous

Supply of pension information in connection with divorce etc.

23.—(1) The Secretary of State may by regulations—

(a) make provision imposing on the person responsible for a pension arrangement, or on the Secretary of State, requirements with respect to the supply of information relevant to any power with respect to—

(i) financial relief under Part II of the Matrimonial Causes Act 1973 or Part III of the Matrimonial and Family Proceedings Act 1984 (England and Wales powers in relation to domestic and overseas divorce etc.),

- [¹(ia) financial relief under Schedule 5 or 7 to the Civil Partnership Act 2004 (England and Wales powers in relation to domestic and overseas dissolution of civil partnerships etc.),]
- (ii) financial provision under the Family Law (Scotland) Act 1985 or Part IV of the Matrimonial and Family Proceedings Act 1984 [¹or Schedule 11 to the 2004 Act] (corresponding Scottish powers), [...]¹
- (iii) financial relief under Part III of the Matrimonial Causes (Northern Ireland) Order 1978 or Part IV of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 [²(Northern Ireland powers corresponding to those mentioned in sub-paragraph (i)); or
- (iv) financial relief under Schedule 15 or 17 to the 2004 Act (Northern Ireland powers corresponding to those mentioned in sub-paragraph (ia));]
- (b) make provision about calculation and verification in relation to the valuation of—
 - (i) benefits under a pension arrangement, or
 - (ii) shareable state scheme rights, for the purposes of regulations under paragraph (a)(i) [²(ia), (iii) or (iv)];
- (c) make provision about calculation and verification in relation to—
 - (i) the valuation of shareable rights under a pension arrangement or shareable state scheme rights for the purposes of regulations under paragraph (a)(ii), so far as relating to the making of orders for financial provision (within the meaning of the Family Law (Scotland) Act 1985), or
 - (ii) the valuation of benefits under a pension arrangement for the purposes of such regulations, so far as relating to the making of orders under section 12A of that Act;
- (d) make provision for the purpose of enabling the person responsible for a pension arrangement to recover prescribed charges in respect of providing information in accordance with regulations under paragraph (a).

(2) Regulations under subsection (1)(b) or (c) may include provision for calculation or verification in accordance with guidance from time to time prepared by a person prescribed by the regulations.

(3) Regulations under subsection (1)(d) may include provision for the application in prescribed circumstances, with or without modification, of any provision made by virtue of section 41(2).

(4) In subsection (1)—

- (a) the reference in paragraph (c)(i) to shareable rights under a pension arrangement is to rights in relation to which pension sharing is available under Chapter I of Part IV, or under corresponding Northern Ireland legislation, and
- (b) the references to shareable state scheme rights are to rights in relation to which pension sharing is available under Chapter II of Part IV, or under corresponding Northern Ireland legislation.

24. The Secretary of State may by regulations make provision for the purpose of enabling the person responsible for a pension arrangement to recover prescribed charges in respect of complying with—

- (a) an order under section 23 of the Matrimonial Causes Act 1973 (financial provision orders in connection with divorce etc.), so far as it includes provision made by virtue of section 25B or 25C of that Act (powers to include provision about pensions),

Charges by pension arrangements in relation to earmarking orders.

¹ In s. 23 sub-para. (1)(a)(ia) inserted, words inserted & omitted in sub-para. (1)(ii) (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 27, para. 157.

² Words substituted & omitted in ss. 23 & s. 23(1)(a)(iv) inserted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 27, paras. 157 & 158.

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- [¹(aa) an order under Part 1 of Schedule 5 to the Civil Partnership Act 2004 (financial provision orders in connection with dissolution of civil partnerships etc.) so far as it includes provision made by virtue of Part 6 of that Schedule (powers to include provision about pensions),]
- (b) an order under section 12A(2) or (3) of the Family Law (Scotland) Act 1985 (powers in relation to pensions lump sums when making a capital sum order), [...¹]
- (c) an order under Article 25 of the Matrimonial Causes (Northern Ireland) Order 1978, so far as it includes provision made by virtue of Article 27B or 27C of that Order (Northern Ireland powers corresponding to those mentioned in paragraph (a)) [¹, or
- (d) an order under Part 1 of Schedule 15 to the 2004 Act so far as it includes provision made by virtue of Part 5 of that Schedule (Northern Ireland powers corresponding to those mentioned in paragraph (aa)).]

Supplementary

Power to make consequential amendments of Part III.

25.—(1) If any amendment by the Family Law Act 1996 of Part II or IV of the Matrimonial Causes Act 1973 comes into force before the day on which any provision of this Part comes into force, the Lord Chancellor may by order make such consequential amendment of that provision as he thinks fit.

(2) No order under this section may be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

Interpretation of Part III.

- 26.—**(1) In this Part—
- “occupational pension scheme” has the same meaning as in the Pension Schemes Act 1993;
- “pension arrangement” means—
- (a) an occupational pension scheme,
 - (b) a personal pension scheme,
 - (c) a retirement annuity contract,
 - (d) an annuity or insurance policy purchased, or transferred, for the purpose of giving effect to rights under an occupational pension scheme or a personal pension scheme, and
 - (e) an annuity purchased, or entered into, for the purpose of discharging liability in respect of a pension credit under section 29(1)(b) or under corresponding Northern Ireland legislation;
- “personal pension scheme” has the same meaning as in the Pension Schemes Act 1993;
- “prescribed” means prescribed by regulations made by the Secretary of State;
- [²“retirement annuity contract” means an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which became a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004.]
- “trustees or managers”, in relation to an occupational pension scheme or a personal pension scheme, means—
- (a) in the case of a scheme established under a trust, the trustees of the scheme, and
 - (b) in any other case, the managers of the scheme.
- (2) References to the person responsible for a pension arrangement are—
- (a) in the case of an occupational pension scheme or a personal pension scheme, to the trustees or managers of the scheme,

¹ S. 24(aa) & (d) inserted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 27, paras. 157 & 158.

² Defn. of “retirement annuity contract” substituted (6.4.06) by art. 15(4) of S.I. 2006/745.

- (b) in the case of a retirement annuity contract or an annuity falling within paragraph (d) or (e) of the definition of “pension arrangement” above, the provider of the annuity, and
- (c) in the case of an insurance policy falling within paragraph (d) of the definition of that expression, the insurer.

PART IV
PENSION SHARING
CHAPTER I

SHARING OF RIGHTS UNDER PENSIONS ARRANGEMENTS

Pension sharing mechanism

Application of s. 27 is modified in certain circumstances. See S.I. 2006/1690, page 5.11781.

27.—(1) Pension sharing is available under this Chapter in relation to a person’s shareable rights under any pension arrangement other than an excepted public service pension scheme. Scope of mechanism.

(2) For the purposes of this Chapter, a person’s shareable rights under a pension arrangement are any rights of his under the arrangement, other than rights of a description specified by regulations made by the Secretary of State.

(3) For the purposes of subsection (1), a public service pension scheme is excepted if it is specified by order made by such Minister of the Crown or government department as may be designated by the Treasury as having responsibility for the scheme.

28.—(1) Section 29 applies on the taking effect of any of the following relating to a person’s shareable rights under a pension arrangement— Activation of pension sharing.

- (a) a pension sharing order under the Matrimonial Causes Act 1973,
- [¹(aa) a pension sharing order under Schedule 5 to the Civil Partnership Act 2004,]
- (b) provision which corresponds to the provision which may be made by such an order and which—
 - (i) is contained in a qualifying agreement between the parties to a marriage, and
 - (ii) takes effect on the dissolution of the marriage under the Family Law Act 1996,
- (c) provision which corresponds to the provision which may be made by such an order and which—
 - (i) is contained in a qualifying agreement between the parties to a marriage or former marriage, and
 - (ii) takes effect after the dissolution of the marriage under the Family Law Act 1996,
- (d) an order under Part III of the Matrimonial and Family Proceedings Act 1984 (financial relief in England and Wales in relation to overseas divorce etc.) corresponding to such an order as is mentioned in paragraph (a),
- [¹(da) an order under Schedule 7 to the 2004 Act (financial relief in England and Wales after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (aa),]
- (e) a pension sharing order under the Family Law (Scotland) Act 1985,
- (f) provision which corresponds to the provision which may be made by such an order and which—

¹ In s. 28(1) sub-paras. (aa) & (da) inserted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 27, para. 159.

- (i) is contained in a qualifying agreement between the parties to a marriage [¹or between persons who are civil partners of each other],
- (ii) is in such form as the Secretary of State may prescribe by regulations, and
- (iii) takes effect on the grant, in relation to the marriage, of decree of divorce under the Divorce (Scotland) Act 1976 or of declarator of nullity [¹or (as the case may be) on the grant, in relation to the civil partnership, of decree of dissolution or of declarator of nullity],
- (g) an order under Part IV of the Matrimonial and Family Proceedings Act 1984 (financial relief in Scotland in relation to overseas divorce etc.) [¹or under Schedule 11 to the 2004 Act (financial provision in Scotland after overseas proceedings)] corresponding to such an order as is mentioned in paragraph (e),
- (h) a pension sharing order under [¹the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I.15)),]
- (i) an order under Part IV of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (financial relief in Northern Ireland in relation to overseas divorce etc.) corresponding to such an order as is mentioned in paragraph (h),
- [¹(j) a pension sharing order under Schedule 15 to the 2004 Act, and
- (k) an order under Schedule 17 to the 2004 Act (financial relief in Northern Ireland after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (j).]

(2) For the purposes of subsection (1)(b) and (c), a qualifying agreement is one which—

- (a) has been entered into in such circumstances as the Lord Chancellor may prescribe by regulations, and
- (b) satisfies such requirements as the Lord Chancellor may so prescribe.

(3) For the purposes of subsection (1)(f), a qualifying agreement is one which—

- (a) has been entered into in such circumstances as the Secretary of State may prescribe by regulations, and
- (b) is registered in the Books of Council and Session.

(4) Subsection (1)(b) does not apply if—

- (a) the pension arrangement to which the provision relates is the subject of a pension sharing order under the Matrimonial Causes Act 1973 in relation to the marriage, or
- (b) there is in force a requirement imposed by virtue of section 25B or 25C of that Act (powers to include in financial provision orders requirements relating to benefits under pension arrangements) which relates to benefits or future benefits to which the party who is the transferor is entitled under the pension arrangement to which the provision relates.

(5) Subsection (1)(c) does not apply if—

- (a) the marriage was dissolved by an order under section 3 of the Family Law Act 1996 (divorce not preceded by separation) and the satisfaction of the requirements of section 9(2) of that Act (settlement of future financial arrangements) was a precondition to the making of the order,
- (b) the pension arrangement to which the provision relates—
 - (i) is the subject of a pension sharing order under the Matrimonial Causes Act 1973 in relation to the marriage, or
 - (ii) has already been the subject of pension sharing between the parties, or

¹ In s. 28(1) words inserted & substituted & sub-paras. (j) & (k) inserted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 27, para. 159.

- (c) there is in force a requirement imposed by virtue of section 25B or 25C of that Act which relates to benefits or future benefits to which the party who is the transferor is entitled under the pension arrangement to which the provision relates.

(6) Subsection (1)(f) does not apply if there is in force an order under section 12A(2) or (3) of the Family Law (Scotland) Act 1985 which relates to benefits or future benefits to which the party who is the transferor is entitled under the pension arrangement to which the provision relates.

(7) For the purposes of this section, an order or provision falling within subsection (1)(e), (f) or (g) shall be deemed never to have taken effect if the person responsible for the arrangement to which the order or provision relates does not receive before the end of the period of 2 months beginning with the relevant date—

- (a) copies of the relevant [...] documents, and
- (b) such information relating to the transferor and transferee as the Secretary of State may prescribe by regulations under section 34(1)(b)(ii).

(8) The relevant date for the purposes of subsection (7) is—

- (a) in the case of an order or provision falling within subsection (1)(e) or (f), the date of the extract of the decree or declarator responsible for the divorce [¹, dissolution] or annulment to which the order or provision relates, and
- (b) in the case of an order falling within subsection (1)(g), the date of disposal of the application under section 28 of the Matrimonial and Family Proceedings Act 1984 [¹or, where the order is under Schedule 11 to the 2004 Act, the date of disposal of the application under paragraph 2 of that Schedule].

(9) The reference in subsection (7)(a) to the relevant [...] documents is—

- (a) in the case of an order falling within subsection (1)(e) or (g), to copies of the order and the order, decree or declarator responsible for the divorce [¹, dissolution] or annulment to which it relates, and
- (b) in the case of provision falling within subsection (1)(f), to—
 - (i) copies of the provision and the order, decree or declarator responsible for the divorce [¹, dissolution] or annulment to which it relates, and
 - (ii) documentary evidence that the agreement containing the provision is one to which subsection (3)(a) applies.

(10) [²The Court of session or the sheriff] may, on the application of any person having an interest, make an order—

- (a) extending the period of 2 months referred to in subsection (7), and
- (b) if that period has already expired, providing that, if the person responsible for the arrangement receives the documents and information concerned before the end of the period specified in the order, subsection (7) is to be treated as never having applied.

¹ Words omitted & inserted in s. 28(7), (8) & (9) (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 24, para. 159.

² Words in s. 28(10) substituted (26.1.09) by the Pensions Act 2008 (c. 30), s. 128(2).

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(11) In subsections (4)(b), (5)(c) and (6), the reference to the party who is the transferor is to the party to whose rights the provision relates.

Creation of pension debits and credits.

29.—(1) On the application of this section—

- (a) the transferor's shareable rights under the relevant arrangement become subject to a debit of the appropriate amount, and
- (b) the transferee becomes entitled to a credit of that amount as against the person responsible for that arrangement.

(2) Where the relevant order or provision specifies a percentage value to be transferred, the appropriate amount for the purposes of subsection (1) is the specified percentage of the cash equivalent of the relevant benefits on the valuation day.

(3) Where the relevant order or provision specifies an amount to be transferred, the appropriate amount for the purposes of subsection (1) is the lesser of—

- (a) the specified amount, and
- (b) the cash equivalent of the relevant benefits on the valuation day.

(4) Where the relevant arrangement is an occupational pension scheme and the transferor is in pensionable service under the scheme on the transfer day, the relevant benefits for the purposes of subsections (2) and (3) are the benefits or future benefits to which he would be entitled under the scheme by virtue of his shareable rights under it had his pensionable service terminated immediately before that day.

(5) Otherwise, the relevant benefits for the purposes of subsections (2) and (3) are the benefits or future benefits to which, immediately before the transfer day, the transferor is entitled under the terms of the relevant arrangement by virtue of his shareable rights under it.

(6) The Secretary of State may by regulations provide for any description of benefit to be disregarded for the purposes of subsection (4) or (5).

(7) For the purposes of this section, the valuation day is such day within the implementation period for the credit under subsection (1)(b) as the person responsible for the relevant arrangement may specify by notice in writing to the transferor and transferee.

(8) In this section—

- “relevant arrangement” means the arrangement to which the relevant order or provision relates;
- “relevant order or provision” means the order or provision by virtue of which this section applies;
- “transfer day” means the day on which the relevant order or provision takes effect;
- “transferor” means the person to whose rights the relevant order or provision relates;
- “transferee” means the person for whose benefit the relevant order or provision is made.

Application of s. 30 is modified in certain circumstances. See S.I. 2006/1690 page 5.11781.

Cash equivalents.

30.—(1) The Secretary of State may by regulations make provision about the calculation and verification of cash equivalents for the purposes of section 29.

(2) The power conferred by subsection (1) includes power to provide for calculation or verification—

- (a) in such manner as may, in the particular case, be approved by a person prescribed by the regulations, or
- (b) in accordance with guidance from time to time prepared by a person so prescribed.

Pension debits

31.—(1) Subject to subsection (2), where a person's shareable rights under a pension arrangement are subject to a pension debit, each benefit or future benefit— Reduction of benefit.

- (a) to which he is entitled under the arrangement by virtue of those rights, and
- (b) which is a qualifying benefit,

is reduced by the appropriate percentage.

(2) Where a pension debit relates to the shareable rights under an occupational pension scheme of a person who is in pensionable service under the scheme on the transfer day, each benefit or future benefit—

- (a) to which the person is entitled under the scheme by virtue of those rights, and
- (b) which corresponds to a qualifying benefit,

is reduced by an amount equal to the appropriate percentage of the corresponding qualifying benefit.

(3) A benefit is a qualifying benefit for the purposes of subsections (1) and (2) if the cash equivalent by reference to which the amount of the pension debit is determined includes an amount in respect of it.

(4) The provisions of this section override any provision of a pension arrangement to which they apply to the extent that the provision conflicts with them.

(5) In this section—

“appropriate percentage”, in relation to a pension debit, means—

- (a) if the relevant order or provision specifies the percentage value to be transferred, that percentage;
- (b) if the relevant order or provision specifies an amount to be transferred, the percentage which the appropriate amount for the purposes of subsection (1) of section 29 represents of the amount mentioned in subsection (3)(b) of that section;

“relevant order or provision”, in relation to a pension debit, means the pension sharing order or provision on which the debit depends;

“transfer day”, in relation to a pension debit, means the day on which the relevant order or provision takes effect.

32.amends 1993 (c. 48), see Annex 1, page 2.6201

Pension credits

33.—(1) A person subject to liability in respect of a pension credit shall discharge his liability before the end of the implementation period for the credit. Time for discharge of liability.

(2) Where the trustees or managers of an occupational pension scheme have not done what is required to discharge their liability in respect of a pension credit before the end of the implementation period for the credit—

- (a) they shall, except in such cases as the Secretary of State may prescribe by regulations, notify the Regulatory Authority of that fact within such period as the Secretary of State may so prescribe, and
- (b) section 10 of the Pensions Act 1995 (power of the Regulatory Authority to impose civil penalties) shall apply to any trustee or manager who has failed to take all such steps as are reasonable to ensure that liability in respect of the credit was discharged before the end of the implementation period for it.

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(3) If trustees or managers to whom subsection (2)(a) applies fail to perform the obligation imposed by that provision, section 10 of the Pensions Act 1995 shall apply to any trustee or manager who has failed to take all reasonable steps to ensure that the obligation was performed.

(4) On the application of the trustees or managers of an occupational pension scheme who are subject to liability in respect of a pension credit, the Regulatory Authority may extend the implementation period for the credit for the purposes of this section if it is satisfied that the application is made in such circumstances as the Secretary of State may prescribe by regulations.

(5) In this section “the Regulatory Authority” means [1the Pensions Regulator].

“Implementation period”.

34.—(1) For the purposes of this Chapter, the implementation period for a pension credit is the period of 4 months beginning with the later of—

- (a) the day on which the relevant order or provision takes effect, and
- (b) the first day on which the person responsible for the pension arrangement to which the relevant order or provision relates is in receipt of—
 - (i) the relevant [...²] documents, and
 - (ii) such information relating to the transferor and transferee as the Secretary of State may prescribe by regulations.

(2) The reference in subsection (1)(b)(i) to the relevant [...²] documents is to copies of—

- (a) the relevant order or provision, and
- (b) the order, decree or declarator responsible for the divorce [², dissolution] or annulment to which it relates,

and, if the pension credit depends on provision falling within subsection (1)(f) of section 28, to documentary evidence that the agreement containing the provision is one to which subsection (3)(a) of that section applies.

(3) Subsection (1) is subject to any provision made by regulations under section 41(2)(a).

(4) The Secretary of State may by regulations—

- (a) make provision requiring a person subject to liability in respect of a pension credit to notify the transferor and transferee of the day on which the implementation period for the credit begins;
- (b) provide for this section to have effect with modifications where the pension arrangement to which the relevant order or provision relates is being wound up;
- (c) provide for this section to have effect with modifications where the pension credit depends on a pension sharing order and the order is the subject of an application for leave to appeal out of time.

(5) In this section—

“relevant order or provision”, in relation to a pension credit, means the pension sharing order or provision on which the pension credit depends;

“transferor” means the person to whose rights the relevant order or provision relates;

“transferee” means the person for whose benefit the relevant order or provision is made.

Mode of discharge of liability.

35.—(1) Schedule 5 (which makes provision about how liability in respect of a pension credit may be discharged) shall have effect.

¹ Words in s. 33(5) substituted (6.4.05) by the Pensions Act 2004 (c. 35), s. 7(2)(d).

² Words omitted & inserted in s. 34 (5.12.06) by the Civil Partnership Act 2004 (c. 33), Sch. 27, para. 160.

(2) Where the person entitled to a pension credit dies before liability in respect of the credit has been discharged—

- (a) Schedule 5 shall cease to have effect in relation to the discharge of liability in respect of the credit, and
- (b) liability in respect of the credit shall be discharged in accordance with regulations made by the Secretary of State.

36- 37. amends 1993 (c. 48), see Annex 1, page 2.6201

38.—(1) amends 1995 (c. 26), see Annex 1, page 2.6201

Treatment in winding up.

(2) In the case of an occupational pension scheme which is not a scheme to which [1this section] applies, rights attributable (directly or indirectly) to a pension credit are to be accorded in a winding up the same treatment—

- (a) if they have come into payment, as the rights of a pensioner member, and
- (b) if they have not come into payment, as the rights of a deferred member.

[1(2A) This section applies to an occupational pension scheme other than—

- (a) a money purchase scheme, or
- (b) a prescribed scheme or a scheme of a prescribed description.]

(3) Subsection (2) overrides the provisions of a scheme to the extent that it conflicts with them, and the scheme has effect with such modifications as may be required in consequence.

(4) In subsection (2)—

- (a) “deferred member” and “pensioner member” have the same meanings as in Part I of the Pensions Act 1995,
- (b) “pension credit” includes a credit under Northern Ireland legislation corresponding to section 29(1)(b), and
- (c) references to rights attributable to a pension credit having come into payment are to the person to whom the rights belong having become entitled by virtue of the rights to the present payment of pension or other benefits.

39. amends statute not reproduced in this work.

40.—(1) The Secretary of State may by regulations make provision for a pension to which subsection (2) applies to be increased, as a minimum, by reference to [2relevant percentage increases] so far as not exceeding [3the maximum percentage] per annum.

Other pension schemes.

(2) [3Subject to subsection (2A), this] subsection applies to—

- (a) a pension provided to give effect to eligible pension credit rights of a member under a qualifying occupational pension scheme,
- (b) [...4]

[3(2A) Subsection (2) does not apply to pensions which—

- (a) are money purchase benefits, and
- (b) become pensions in payment on or after the commencement day.

[2(2AA) In subsection (1) “relevant percentage increases” means percentage increases estimated by the Secretary of State from time to time for the purposes of paragraph

¹ In s. 38 words substituted in para. (2) & para. (2A) inserted (4.12.05 for reg. making purposes, 30.12.05 for all others) by para. 75 of Sch. 12 to the Pensions Act 2004 (c. 35).

² Words substituted in s. 40(1) & ss. (2AA) inserted (3.1.12) by the Pensions Act 2011 (c. 19), s. 19(10) & (11).

³ In s. 40, words substituted in subsecs. (1) & (2), subsecs. (2A) & (2B) (6.4.05) by the Pensions Act 2004 (c. 35), s. 280.

⁴ S. 40(2)(b) repealed (26.1.09) by the Pensions Act 2008 (c. 30), Sch. 11, pt. 2.

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2(3)(a) of Schedule 3 to the Pension Schemes Act 1993 for revaluation periods of 12 months.]

(2B) For the purposes of subsection (1) the “maximum percentage” means—

(a) 5%; in a case where—

(i) the pension is in payment before the commencement day, or

(ii) the pension is not in payment before the commencement day but the entitlement to the relevant pension credit arose before that day, and

(b) 2.5%; in a case where the entitlement to the relevant pension credit arises on or after the commencement day.]

(3) In this section—

[¹“commencement day” means the day appointed for the coming into force of section 280 of the Pensions Act 2004 (amendments to section 40);]

“eligible”, in relation to pension credit rights, means of a description prescribed by regulations made by the Secretary of State;

[¹“money purchase benefit” has the meaning given by section 181(1) of the Pension Schemes Act 1993;]

“pension credit rights”, in relation to an occupational pension scheme, means rights to future benefits under the scheme which are attributable (directly or indirectly) to a credit under section 29(1)(b) or under corresponding Northern Ireland legislation;

“qualifying occupational pension scheme” means an occupational pension scheme which is not a public service pension scheme;

[¹“relevant pension credit” means the pension credit to which the eligible pension credit rights [...²] are (directly or indirectly) attributable;]

[...²].

¹ In s. 40, defns. in subsec. (3) inserted (6.4.05) by the Pensions Act 2004 (c. 35), s. 280.

² Words in defn. of “relevant pension credit” and defn. of “safeguarded rights” repealed (26.1.09) by the Pensions Act 2008 (c. 30), Sch. 11, pt. 2.

Charges by pension arrangements

41.—(1) The Secretary of State may by regulations make provision for the purpose of enabling the person responsible for a pension arrangement involved in pension sharing to recover from the parties to pension sharing prescribed charges in respect of prescribed descriptions of pension sharing activity.

(2) Regulations under subsection (1) may include—

- (a) provision for the start of the implementation period for a pension credit to be postponed in prescribed circumstances;
- (b) provision, in relation to payments in respect of charges recoverable under the regulations, for reimbursement as between the parties to pension sharing;
- (c) provision, in relation to the recovery of charges by deduction from a pension credit, for the modification of Schedule 5;
- (d) provision for the recovery in prescribed circumstances of such additional amounts as may be determined in accordance with the regulations.

Charges in respect of pension sharing costs.

(3) For the purposes of regulations under subsection (1), the question of how much of a charge recoverable under the regulations is attributable to a party to pension sharing is to be determined as follows—

- (a) where the relevant order or provision includes provision about the apportionment of charges under this section, there is attributable to the party so much of the charge as is apportioned to him by that provision;
- (b) where the relevant order or provision does not include such provision, the charge is attributable to the transferor.

(4) For the purposes of subsection (1), a pension arrangement is involved in pension sharing if section 29 applies by virtue of an order or provision which relates to the arrangement.

(5) In that subsection, the reference to pension sharing activity is to activity attributable (directly or indirectly) to the involvement in pension sharing.

(6) In subsection (3)—

- (a) the reference to the relevant order or provision is to the order or provision which gives rise to the pension sharing, and
- (b) the reference to the transferor is to the person to whose rights that order or provision relates.

(7) In this section “prescribed” means prescribed in regulations under subsection (1).

Adaptation of statutory schemes

42.—(1) Power under an Act to establish a pension scheme shall include power to make provision for the provision, by reference to pension credits which derive from rights under—

Extension of scheme-making powers.

- (a) the scheme, or
- (b) a scheme in relation to which the scheme is specified as an alternative for the purposes of paragraph 2 of Schedule 5,

¹ In s. 40, defn. in subsec. (3) inserted (6.4.05) by the Pensions Act 2004 (c. 35), s. 280.

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of benefits to or in respect of those entitled to the credits.

(2) Subsection (1) is without prejudice to any other power.

(3) Subsection (1) shall apply in relation to Acts whenever passed.

(4) No obligation to consult shall apply in relation to the making, in exercise of a power under an Act to establish a pension scheme, of provision of a kind authorised by subsection (1).

(5) Any provision of, or under, an Act which makes benefits under a pension scheme established under an Act a charge on, or payable out of—

- (a) the Consolidated Fund,
- (b) the Scottish Consolidated Fund, or
- (c) the Consolidated Fund of Northern Ireland,

shall be treated as including any benefits under the scheme which are attributable (directly or indirectly) to a pension credit which derives from rights to benefits charged on, or payable out of, that fund.

(6) In this section—

“pension credit” includes a credit under Northern Ireland legislation corresponding to section 29(1)(b);

“pension scheme” means a scheme or arrangement providing benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of persons to whom the scheme or arrangement applies.

Power to extend judicial pension schemes.

43.—(1) The appropriate minister may by regulations amend the Sheriffs’ Pensions (Scotland) Act 1961, the Judicial Pensions Act 1981 or the Judicial Pensions and Retirement Act 1993 for the purpose of—

- (a) extending a pension scheme under the Act to include the provision, by reference to pension credits which derive from rights under—
 - (i) the scheme, or
 - (ii) a scheme in relation to which the scheme is specified as an alternative for the purposes of paragraph 2 of Schedule 5,

of benefits to or in respect of those entitled to the credits, or

- (b) restricting the power of the appropriate minister to accept payments into a pension scheme under the Act, where the payments represent the cash equivalent of rights under another pension scheme which are attributable (directly or indirectly) to a pension credit.

(2) Regulations under subsection (1)—

- (a) may make benefits provided by virtue of paragraph (a) of that subsection a charge on, and payable out of, the Consolidated Fund;
- (b) may confer power to make subordinate legislation, including subordinate legislation which provides for calculation of the value of rights in accordance with guidance from time to time prepared by a person specified in the subordinate legislation.

(3) The appropriate minister for the purposes of subsection (1) is—

- (a) in relation to a pension scheme whose ordinary members are limited to those who hold judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State, and
- (b) in relation to any other pension scheme, the Lord Chancellor.

(4) In this section—

“pension credit” includes a credit under Northern Ireland legislation corresponding to section 29(1)(b);

“pension scheme” means a scheme or arrangement providing benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of persons to whom the scheme or arrangement applies.

Supplementary

44.—(1) Nothing in any of the following provisions (restrictions on alienation of pension rights) applies in relation to any order or provision falling within section 28(1)—

- (a) section 203(1) and (2) of the Army Act 1955, section 203(1) and (2) of the Air Force Act 1955, section 128G(1) and (2) of the Naval Discipline Act 1957 and section 159(4) and (4A) of the Pension Schemes Act 1993,
- (b) section 91 of the Pensions Act 1995,
- (c) any provision of any enactment (whether passed or made before or after this Act is passed) corresponding to any of the enactments mentioned in paragraphs (a) and (b), and
- (d) any provision of a pension arrangement corresponding to any of those enactments.

(2) In this section, “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

45.—(1) The Secretary of State may by regulations require the person responsible for a pension arrangement involved in pension sharing to supply to such persons as he may specify in the regulations such information relating to anything which follows from the application of section 29 as he may so specify.

(2) Section 168 of the Pension Schemes Act 1993 (breach of regulations) shall apply as if this section were contained in that Act (otherwise than in Chapter II of Part VII).

(3) For the purposes of this section, a pension arrangement is involved in pension sharing if section 29 applies by virtue of an order or provision which relates to the arrangement.

Application of s. 46 is modified in certain circumstances. See S.I. 2006/1690 page 5.11781.

46.—(1) In this Chapter—

- “implementation period”, in relation to a pension credit, has the meaning given by section 34;
- “occupational pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;
- “pension arrangement” means—
 - (a) an occupational pension scheme,
 - (b) a personal pension scheme,
 - (c) a retirement annuity contract,
 - (d) an annuity or insurance policy purchased, or transferred, for the purpose of giving effect to rights under an occupational pension scheme or a personal pension scheme, and
 - (e) an annuity purchased, or entered into, for the purpose of discharging liability in respect of a credit under section 29(1)(b) or under corresponding Northern Ireland legislation;
- “pension credit” means a credit under section 29(1)(b);
- “pension debit” means a debit under section 29(1)(a);
- “pensionable service”, in relation to a member of an occupational pension scheme, means service in any description or category of employment to which the scheme relates which qualifies the member (on the assumption that it continues for the appropriate period) for pension or other benefits under the scheme;
- “personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;
- “retirement annuity contract” means a contract or scheme approved under Chapter III of Part XIV of the Income and Corporation Taxes Act 1988;
- “shareable rights” has the meaning given by section 27(2);

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“trustees or managers”, in relation to an occupational pension scheme or a personal pension scheme means—

- (a) in the case of a scheme established under a trust, the trustees of the scheme, and
- (b) in any other case, the managers of the scheme.

(2) In this Chapter, references to the person responsible for a pension arrangement are—

- (a) in the case of an occupational pension scheme or a personal pension scheme, to the trustees or managers of the scheme,
- (b) in the case of a retirement annuity contract or an annuity falling within paragraph (d) or (e) of the definition of “pension arrangement” in subsection (1), to the provider of the annuity, and
- (c) in the case of an insurance policy falling within paragraph (d) of the definition of that expression, to the insurer.

(3) In determining what is “pensionable service” for the purposes of this Chapter—

- (a) service notionally attributable for any purpose of the scheme is to be disregarded, and
- (b) no account is to be taken of any rules of the scheme by which a period of service can be treated for any purpose as being longer or shorter than it actually is.

CHAPTER II

SHARING OF STATE SCHEME RIGHTS

Shareable state scheme rights.

47.—(1) Pension sharing is available under this Chapter in relation to a person’s shareable state scheme rights.

(2) For the purposes of this Chapter, a person’s shareable state scheme rights are—

- (a) his entitlement, or prospective entitlement, to a Category A retirement pension by virtue of section 44(3)(b) of the Contributions and Benefits Act (earnings-related additional pension), and
- (b) his entitlement, or prospective entitlement, to a pension under section 55A of that Act (shared additional pension).

Activation of benefit sharing.

48.—(1) [¹Section 49 or 49A applies where any of the following has taken effect in relation to a person’s shareable state scheme rights]—

- (a) a pension sharing order under the Matrimonial Causes Act 1973,
- [²(aa) a pension sharing order under Schedule 5 to the Civil Partnership Act 2004,]
- (b) provision which corresponds to the provision which may be made by such an order and which—
 - (i) is contained in a qualifying agreement between the parties to a marriage, and
 - (ii) takes effect on the dissolution of the marriage under the Family Law Act 1996,
- (c) provision which corresponds to the provision which may be made by such an order and which—
 - (i) is contained in a qualifying agreement between the parties to a marriage or former marriage, and
 - (ii) takes effect after the dissolution of the marriage under the Family Law Act 1996,

¹ Words in s. 48(1) substituted (5.2.15) by the Pensions Act 2014 (c. 19), Sch. 11, para. 11 and S.I. 2015/134.

² S. 48(1)(aa) inserted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 27, para. 161.

- (d) an order under Part III of the Matrimonial and Family Proceedings Act 1984 (financial relief in England and Wales in relation to overseas divorce etc.) corresponding to such an order as is mentioned in paragraph (a),
 - [¹(da) an order under Schedule 7 to the 2004 Act (financial relief in England and Wales after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (aa),]
 - (e) a pension sharing order under the Family Law (Scotland) Act 1985,
 - (f) provision which corresponds to the provision which may be made by such an order and which—
 - (i) is contained in a qualifying agreement between the parties to a marriage [¹or between persons who are civil partners of each other],
 - (ii) is in such form as the Secretary of State may prescribe by regulations, and
 - (iii) takes effect on the grant, in relation to the marriage, of decree of divorce under the Divorce (Scotland) Act 1976 or of declarator of nullity [¹or (as the case may be) on the grant, in relation to the civil partnership, of decree of dissolution or of declarator of nullity],
 - (g) an order under Part IV of the Matrimonial and Family Proceedings Act 1984 (financial relief in Scotland in relation to overseas divorce etc.) [¹or under Schedule 11 to the 2004 Act (financial provision in Scotland after overseas proceedings)] corresponding to such an order as is mentioned in paragraph (e),
 - (h) a pension sharing order under [¹the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15)),]
 - (i) an order under Part IV of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (financial relief in Northern Ireland in relation to overseas divorce etc.) corresponding to such an order as is mentioned in paragraph (h).
 - [¹(j) a pension sharing order under Schedule 15 to the 2004 Act, and
 - (k) an order under Schedule 17 to the 2004 Act (financial relief in Northern Ireland after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (j).]
- (2) For the purposes of subsection (1)(b) and (c), a qualifying agreement is one which—
- (a) has been entered into in such circumstances as the Lord Chancellor may prescribe by regulations, and
 - (b) satisfies such requirements as the Lord Chancellor may so prescribe.
- (3) For the purposes of subsection (1)(f), a qualifying agreement is one which—
- (a) has been entered into in such circumstances as the Secretary of State may prescribe by regulations, and
 - (b) is registered in the Books of Council and Session.
- (4) Subsection (1)(b) does not apply if the provision relates to rights which are the subject of a pension sharing order under the Matrimonial Causes Act 1973 in relation to the marriage.
- (5) Subsection (1)(c) does not apply if—
- (a) the marriage was dissolved by an order under section 3 of the Family Law Act 1996 (divorce not preceded by separation) and the satisfaction of the requirements of section 9(2) of that Act (settlement of future financial arrangements) was a precondition to the making of the order,

¹ In s. 48 words inserted, substituted & omitted & sub-paras. 48(1)(da), (j) & (k) inserted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 27, para. 161.

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- (b) the provision relates to rights which are the subject of a pension sharing order under the Matrimonial Causes Act 1973 in relation to the marriage, or
- (c) shareable state scheme rights have already been the subject of pension sharing between the parties.

(6) For the purposes of this section, an order or provision falling within subsection (1)(e), (f) or (g) shall be deemed never to have taken effect if the Secretary of State does not receive before the end of the period of 2 months beginning with the relevant date—

- (a) copies of the relevant [...] documents, and
- (b) such information relating to the transferor and transferee as the Secretary of State may prescribe by regulations under section 34(1)(b)(ii).

(7) The relevant date for the purposes of subsection (6) is—

- (a) in the case of an order or provision falling within subsection (1)(e) or (f), the date of the extract of the decree or declarator responsible for the divorce [¹, dissolution] or annulment to which the order or provision relates, and
- (b) in the case of an order falling within subsection (1)(g), the date of disposal of the application under section 28 of the Matrimonial and Family Proceedings Act 1984 [¹or, where the order is under Schedule 11 to the 2004 Act, the date of disposal of the application under paragraph 2 of that Schedule].

(8) The reference in subsection (6)(a) to the relevant [...] documents is—

- (a) in the case of an order falling within subsection (1)(e) or (g), to copies of the order and the order, decree or declarator responsible for the divorce [¹, dissolution] or annulment to which it relates, and
- (b) in the case of provision falling within subsection (1)(f), to—
 - (i) copies of the provision and the order, decree or declarator responsible for the divorce [¹, dissolution] or annulment to which it relates, and
 - (ii) documentary evidence that the agreement containing the provision is one to which subsection (3)(a) applies.

(9) [²The Court of session or the sheriff] may, on the application of any person having an interest, make an order—

- (a) extending the period of 2 months referred to in subsection (6), and
- (b) if that period has already expired, providing that, if the Secretary of State receives the documents and information concerned before the end of the period specified in the order, subsection (6) is to be treated as never having applied.

Creation of state scheme pension debits and credits.

49.—(1) On the application of this section—

- (a) the transferor becomes subject, for the purposes of Part II of the Contributions and Benefits Act (contributory benefits), to a debit of the appropriate amount, and
- (b) the transferee becomes entitled, for those purposes, to a credit of that amount.

(2) Where the relevant order or provision specifies a percentage value to be transferred, the appropriate amount for the purposes of subsection (1) is the specified percentage of the cash equivalent on the transfer day of the transferor's shareable state scheme rights immediately before that day.

(3) Where the relevant order or provision specifies an amount to be transferred, the appropriate amount for the purposes of subsection (1) is the lesser of—

- (a) the specified amount, and

¹ Words omitted & inserted in s. 48(6), (7) & (8) (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 27, para. 161.

² Words in s. 48(9) substituted (26.1.09) by the Pensions Act 2008 (c. 30), s. 128(3).

- (b) the cash equivalent on the transfer day of the transferor's relevant state scheme rights immediately before that day.

[¹(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.]

(5) In determining prospective entitlement to a Category A retirement pension for the purposes of this section, only tax years before that in which the transfer day falls shall be taken into account.

- (6) In this section—
 “relevant order or provision” means the order or provision by virtue of which this section applies;
 “transfer day” means the day on which the relevant order or provision takes effect;
 “transferor” means the person to whose rights the relevant order or provision relates;
 “transferee” means the person for whose benefit the relevant order or provision is made.

50.—(1) Schedule 6 (which amends the Contributions and Benefits Act for the purpose of giving effect to debits and credits under section 49(1)) shall have effect.

Effect of state scheme pension debits and credits.

(2) ...²

- 51.** In this Chapter—
 “shareable state scheme rights” has the meaning given by section 47(2); and
 “tax year” has the meaning given by section 122(1) of the Contributions and Benefits Act.

Interpretation of Chapter II.

PART V
WELFARE
CHAPTER I
SOCIAL SECURITY BENEFITS

Additional pensions

52.—(1) The Secretary of State may by regulations make such provision as is authorised by one or more of subsections (2) to (4).

Preservation of rights in respect of additional pensions.

(2) The regulations may provide for any prescribed provision of Part II of the Contributions and Benefits Act (contributory benefits) which relates to additional pension for [³widows, widowers or surviving civil partners] to have effect, in relation to persons of any prescribed description, with such modifications as may be prescribed for securing—

- (a) that any such additional pension, or

¹ S. 49(4) substituted (29.9.00) by s. 41(1) of the Child Support, Pensions & Social Security Act 2000 (c. 19).

² In s. 50, subsec. (2) omitted & in s. 52(2)(b) words inserted (18.11.04 for reg. making purposes, 6.4.05 for all other purposes) by the Pensions Act 2004 (c. 35), Sch. 11, paras. 24 & 25.

³ In s. 52(2) words substituted (25.7.05) by art. 26 of S.I. 2005/2053.

(b) in the case of any provision of Schedule 5 to that Act (increase of pension [or payment of lump sum] where entitlement is deferred), that any constituent element of an increase [or of a lump sum] provided for by that Schedule, is increased by such percentage as may be prescribed (which may be 100 per cent.).

(3) The regulations may amend (or further amend) any prescribed provision of Part II of the Contributions and Benefits Act falling within subsection (2) by substituting for any reference to the year 2000 (or any year previously substituted by virtue of this subsection) a reference to such later year as may be prescribed.

(4) The regulations may make provision for and in connection with—

- (a) the establishment, for a prescribed period, of a scheme for dealing with claims made by persons on the grounds that, in reliance on any incorrect or incomplete information provided by a government department with respect to the SERPS reduction (however that information came to their knowledge), they—
 - (i) failed to take any, or any particular, relevant steps which they would have taken, or
 - (ii) took any steps which they would not have taken,

had they instead received correct and complete information with respect to that reduction; and

- (b) securing that, where persons have made successful claims under the scheme, surviving spouses of those persons (or, as the case may be, those persons themselves) will not be affected by the SERPS reduction.

(5) In subsection (4) “relevant steps”, in relation to a person, means steps towards safeguarding the financial position of that person’s spouse in the event of the spouse becoming that person’s surviving spouse or (as the case may be) towards safeguarding that person’s own financial position in the event of that person becoming a surviving spouse (whether or not, in either case, that person was at any material time already married); and “the SERPS reduction” means—

- (a) (in the context of subsection (4)(a)) the operation of any of—
 - (i) the provisions of section 19 of the Social Security Act 1986, or
 - (ii) the provisions of Part II of the Contributions and Benefits Act reproducing the effect of those provisions;
- (b) (in the context of subsection (4)(b)) the operation of any of the provisions of the Contributions and Benefits Act mentioned in paragraph (a)(ii) above or of section 39C(4) or 48BB(7) of that Act.

(6) Regulations under subsection (4) may, in particular, make provision—

- (a) with respect to the time within which, and the manner in which, claims under the scheme are to be made;
- (b) for requiring claimants—
 - (i) to supply such information in connection with their claims as may be prescribed or reasonably requested by any person for the purpose of dealing with their claims,
 - (ii) to attend interviews at such time and place as may be reasonably specified by any person for that purpose;
- (c) for a claim to be disallowed where the claimant fails to comply with a requirement imposed by virtue of paragraph (a) or (b) above and does not show within the prescribed period that he had good cause for that failure;
- (d) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any failure to comply with any such requirement, or

- (ii) circumstances in which a person is or is not to be regarded as having or not having good cause for any such failure;
- (e) prescribing the conditions which must be satisfied in relation to any claim in order for it to be a successful claim under the scheme;
- (f) with respect to—
 - (i) the manner in which decisions under the scheme are to be made (which may include authorising decisions of any prescribed description to be made by a computer), and
 - (ii) the time within which, and the manner in which, such decisions are to be notified to claimants;
- (g) for provisions of Chapter II of Part I of the Social Security Act 1998 (social security decisions and appeals) to apply in relation to decisions under the scheme with such modifications as may be prescribed;
- (h) for provisions of Part II of the Contributions and Benefits Act to apply in relation to—

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- (i) surviving spouses of persons who have made successful claims under the scheme, or
- (ii) persons who have themselves made such claims,

with such modifications as may be prescribed.

(7) If no regulations under this section are in force on 6th April 2000, then until such time as any such regulations come into force—

- (a) any provisions of Part II of the Contributions and Benefits Act which (whether alone or together with other provisions) would otherwise result in a reduction of one-half in the amount payable by way of additional pension in cases where a person’s spouse dies after 5th April 2000 shall be taken—
 - (i) as not applying, or
 - (ii) as providing for the full amount to be payable by way of additional pension,

as the case may require; and

- (b) in Schedule 5 to that Act—
 - (i) any provision which is expressed to apply in relation to deaths occurring after that date shall not apply, and
 - (ii) any provision which (with or without any other limitation) is expressed to apply in relation to deaths occurring before 6th April 2000 shall be taken as applying also in relation to deaths occurring on or after that date.

(8) No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.

(9) In this section “prescribed” means prescribed by regulations under subsection (2), (3) or (4), as the case may be.

State maternity allowance

53.—(1)-(3)amends 1992 (c. 4), see Annex 1, page 2.6201

(4) This section applies in relation to the payment of maternity allowance in cases where a woman’s expected week of confinement (within the meaning of section 35 of the Contributions and Benefits Act) begins on or after 20th August 2000.

54-56.amends 1992 (c. 4), see Annex 1, page 2.6201

S. 57-58 has been repealed by Sch. 14 of the Welfare Reform Act 2012 (c. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.

Extension of entitlement to state maternity allowance.

[...¹]

57 - 58.amends 1992 (c. 5), see annex 1, page 2.6201

59. Schedule 7 (which makes provision in connection with requiring certain couples to make joint claims for an income-based jobseeker’s allowance) shall have effect.

Couples to make joint claim for allowance.

60.—(1) The Secretary of State may by regulations make provision for or in connection with the participation of claimants for a jobseeker’s allowance in schemes of any prescribed description, being schemes established for designated areas in Great Britain (or for the whole of Great Britain) and designed to assist such persons to obtain sustainable employment.

Special schemes for claimants for jobseeker’s allowance.

¹ S. 57 & 58 repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14.

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- (2) Regulations under this section may, in particular, make provision—
- (a) for the imposition during any prescribed period, as additional conditions for entitlement to a jobseeker's allowance applying in the case of persons participating in schemes, of requirements to take steps determined in accordance with the regulations with a view to improving those persons' prospects of securing employment;
 - (b) for the suspension, during any prescribed period, of any prescribed conditions that would otherwise apply to such persons.

(3) Regulations under this section may make provision for any provisions of the Jobseekers Act 1995 to apply for the purposes of the regulations subject to prescribed modifications.

(4) The provisions of that Act which may be so applied include in particular any provisions of—

- (a) section 19 or 20A (circumstances in which jobseeker's allowance is not payable); or
- (b) section 20 or 20B (exemptions from section 19 or 20A).

(5) The Secretary of State may for the purposes of, or in connection with, any scheme—

- (a) make such arrangements (whether or not with other persons) for the provision of any facilities,
- (b) provide such support (by whatever means) for arrangements made by other persons for the provision of any facilities,
- (c) make such payments—
 - (i) by way of fees, grants, loans or otherwise, to persons undertaking the provision of facilities under arrangements within paragraph (a) or (b),
 - (ii) by way of grants, loans or otherwise, to persons participating in the scheme, or
 - (iii) in respect of any incidental expenses,

as he considers appropriate.

(6) For the purposes of, or in connection with, a scheme established for (or for an area which includes) Wales or a part of Wales, the National Assembly for Wales may, if it considers that facilities whose provision any person (including the Secretary of State) is undertaking under arrangements within subsection (5)(a) or (b) are capable of being supportive of the training of persons for employment, make such payments to that person as the Assembly considers appropriate; and any such payments—

- (a) may be by way of fees, grants, loans or otherwise, and
- (b) may, unless the Assembly otherwise specifies, be used by the person to whom they are made for the provision of any of the facilities provided under the arrangements.

(7) In subsections (5) and (6) "facilities" includes services, and any reference to the provision of facilities includes the making of payments to persons participating in the scheme.

(8) The power of the Secretary of State to make an order under section 26 of the Employment Act 1988 (status of trainees etc.) shall include power to make, in relation to—

- (a) persons participating in any scheme, and
- (b) payments received by them by virtue of subsection (5) above,

provision corresponding to any provision which (by virtue of subsection (1) or (2) of that section) may be made in relation to persons using such facilities, and to such payments received by them, as are mentioned in subsection (1) of that section.

(9) In this section—

- “designated” means designated by the Secretary of State;
- “employment” has the meaning given by regulations under this section;
- “prescribed” means specified in or determined in accordance with regulations under this section;
- “scheme” means a scheme such as is mentioned in subsection (1).

61 - 64.amends 1992 (c. 4), see Annex 1, page 2.6201

65. *Sections 68 and 69 of the Contributions and Benefits Act (severe disablement allowance) shall cease to have effect.* *Abolition of severe disablement allowance.*

66.amends 1992 (c. 4), see Annex 1, page 2.6201

Disability living allowance.

67.— (1) - (3)amends 1992 (c. 4), see Annex 1, page 2.6201

(4) Subsection (3) does not affect awards made before the day on which that subsection comes into force.

Miscellaneous

68.—(1) An overpayment to which this section applies shall not be recoverable from the payee, whether by the Secretary of State or a local authority, under any provision made by or under Part III of the Administration Act (overpayments and adjustments of benefit). *Certain overpayments of benefit not to be recoverable.*

(2) This section applies to an overpayment if—

- (a) it is in respect of a qualifying benefit;
- (b) it is referable to a decision given on a review that there has been an alteration in the relevant person’s condition, being a decision to which effect is required to be given as from a date earlier than that on which it was given;
- (c) the decision was given before 1st June 1999; and
- (d) the overpayment is not excluded by virtue of subsection (6).

(3) In subsection (2)(b) the reference to a decision on a review that there has been an alteration in the relevant person’s condition is a reference to a decision so given that that person’s physical or mental condition either was at the time when the original decision was given, or has subsequently become, different from that on which that decision was based, with the result—

- (a) that he did not at that time, or (as the case may be) has subsequently ceased to, meet any of the conditions contained in the following provisions of the Contributions and Benefits Act, namely—
 - (i) section 64 (attendance allowance),
 - (ii) section 72(1) or (2) (care component of disability living allowance), and
 - (iii) section 73(1) or (2) (mobility component of that allowance); or
- (b) that he was at that time, or (as the case may be) has subsequently become, capable of work in accordance with regulations made under section 171C(2) of that Act (the all work test).

(4) For the purposes of this section “qualifying benefit” means—

- (a) attendance allowance;
- (b) disability living allowance;
- (c) any benefit awarded wholly or partly by reason of a person being (or being treated as being) in receipt of a component (at any rate) of disability living allowance or in receipt of attendance allowance;
- (d) incapacity benefit;

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- (e) any benefit (other than incapacity benefit) awarded wholly or partly by reason of a person being (or being treated as being) incapable of work; or
- (f) any benefit awarded wholly or partly by reason of a person being (or being treated as being) in receipt of any benefit falling within paragraph (c), (d) or (e).

(5) For the purposes of this section—

- (a) “review” means a review taking place by virtue of section 25(1)(a) or (b), 30(2)(a) or (b) or 35(1)(a) or (b) of the Administration Act;
- (b) “the relevant person”, in relation to a review, means the person to whose entitlement to a qualifying benefit or to whose incapacity for work the review related; and
- (c) “the original decision”, in relation to a review, means the decision as to any such entitlement or incapacity to which the review related.

(6) An overpayment is excluded by virtue of this subsection if (before or after the passing of this Act)—

- (a) the payee has agreed to pay a penalty in respect of the overpayment under section 115A of the Administration Act,
- (b) the payee has been convicted of any offence (under section 111A or 112(1) or (1A) of that Act or otherwise) in connection with the overpayment, or
- (c) proceedings have been instituted against the payee for such an offence and the proceedings have not been determined or abandoned.

(7) Nothing in this section applies to an overpayment to the extent that it was recovered from the payee (by any means) before 26th February 1999.

(8) In this section—

“benefit” includes any amount included in—

- (a) the applicable amount in relation to an income-related benefit (as defined by section 135(1) of the Contributions and Benefits Act), or
- (b) the applicable amount in relation to a jobseeker’s allowance (as defined by section 4(5) of the Jobseekers Act 1995);

“income-related benefit” has the meaning given by section 123(1) of the Contributions and Benefits Act;

“overpayment” means an amount of benefit paid in excess of entitlement;

“the payee”, in relation to an overpayment, means the person to whom that amount was paid.

69. amends 1992 (c. 5), see Annex 1, page 2.6201

Welfare benefits:
miscellaneous
amendments.

70. Schedule 8 (which makes minor and consequential amendments of provisions relating to welfare benefits) shall have effect.

71. amends 1992 (c. 5), see Annex 1, page 2.6201

Supply of information
for certain purposes.

72.—(1) The Secretary of State may by regulations make such provision for or in connection with any of the following matters, namely—

- (a) the use by a person within subsection (2) of social security information [¹, or information relating to employment or training,] held by that person,
- (b) the supply (whether to a person within subsection (2) or otherwise) of social security information [¹, or information relating to employment or training,] held by a person within that subsection,
- (c) the relevant purposes for which a person to whom such information is supplied under the regulations may use it, and

¹ Words inserted in s. 72(a) & (b) (12.11.09) by the Welfare Reform Act 2009 (c. 24), s. 34(4)(a).

- (d) the circumstances and extent (if any) in and to which a person to whom such information is supplied under the regulations may supply it to any other person (whether within subsection (2) or not),

as the Secretary of State considers appropriate in connection with any provision to which subsection (3) applies or in connection with any scheme or arrangements to which subsection (4) applies.

(2) The persons within this subsection are—

- (a) a Minister of the Crown;
- (b) a person providing services to, or designated for the purposes of this section by an order of, a Minister of the Crown;
- (c) a local authority (within the meaning of the Administration Act); and
- (d) a person providing services to, or authorised to exercise any function of, any such authority.

(3) This subsection applies to any provision made by or under—

- [¹(a) any of sections 2A to 2F and 7A of the Administration Act,]
- (b) section 60 of this Act, or
- (c) the Jobseekers Act 1995 [², [³...]
- (d) Part 1 of the Welfare Reform Act 2007][³, or
- (e) Part 1 of the Welfare Reform Act 2012.]

(4) This subsection applies to—

- (a) any scheme designated by regulations under subsection (1), being a scheme operated by the Secretary of State (whether under arrangements with any other person or not) for any purposes connected with employment or training in the case of persons of a particular category or description;
- (b) any arrangements of a description specified in such regulations, being arrangements made by the Secretary of State for any such purposes.

(5) Regulations under subsection (1) may, in particular, authorise information supplied to a person under the regulations—

- (a) to be used for the purpose of amending or supplementing other information held by that person; and
- (b) if it is so used, to be supplied to any other person, and used for any purpose, to whom or for which that other information could be supplied or used.

(6) In this section—

“relevant purposes” means purposes connected with—

- (a) social security, child support or war pensions, or
- (b) employment or training;

“social security information” means information relating to social security, child support or war pensions;

and in this subsection “war pensions” means war pensions within the meaning of section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees).

(7) Any reference in this section to [⁴information relating to, or purposes connected with, employment or training includes information relating to, or purposes connected with,] the existing or future employment or training prospects or needs of persons, and (in particular) assisting or encouraging persons to enhance their employment prospects.

¹ S. 72(3)(a) & (aa) substituted for 72(3)(a) (12.11.09) by the Welfare Reform Act 2009 (c. 24), s. 2(5).

² Para. (d) inserted in s. 72(3) (27.10.08) by the Welfare Reform Act 2007 (c. 5) Sch. 3, s. 18.

³ Words omitted in 72(3)(c) & s. 72(3)(e) inserted by reg. 15 of S.I. 2013/630 as from 29.4.13.

⁴ Words substituted in s. 72(7) (12.1.10) by the Welfare Reform Act 2009 (c. 24), s. 34(4)(b).

CHAPTER II

NATIONAL INSURANCE CONTRIBUTIONS

New threshold for primary Class 1 contributions.

73. Schedule 9 (which amends the Contributions and Benefits Act, the Administration Act and the Pension Schemes Act 1993 so as to make provision for and in connection with the introduction of a new primary threshold for primary Class 1 contributions) shall have effect.

74. concerns N. Ireland statute outside the scope of this work

75 - 77. amends 1992 (c. 4), see annex 1, page 2.6201

78. amends N. Ireland statute outside the scope of this work

CHAPTER III

OTHER WELFARE PROVISIONS

Measures to reduce under-occupation by housing benefit claimants.

79.—(1) The Secretary of State may by regulations make a scheme providing for a housing benefit claimant, where he moves from an under-occupied dwelling in the public or social rented sector to a qualifying dwelling, to be entitled to be paid an amount calculated by reference to the difference between—

- (a) the prescribed payments he was liable to make in respect of his former dwelling, and
- (b) those he is liable to make in respect of his new dwelling. Measures to reduce under-occupation by housing benefit claimants.

(2) In subsection (1) the reference to a qualifying dwelling is to a dwelling (whether in the public or social rented sector or not) which, in relation to the claimant, either—

- (a) is not under-occupied, or
- (b) is under-occupied to a lesser extent than the claimant’s former dwelling.

(3) Regulations under this section may, in particular, make provision—

- (a) as to the circumstances in which, in relation to a housing benefit claimant, a dwelling is or is not to be regarded for the purposes of the scheme as under-occupied or under-occupied to a lesser extent than another dwelling;
- (b) as to the manner in which an amount payable to such a claimant under the scheme is to be calculated;
- (c) for any such amount to be payable (subject to subsection (7))—
 - (i) in a case where the claimant’s former and new dwellings are situated in the area of the same local authority, by that authority, or
 - (ii) in a case where they are situated in the areas of different local authorities, by whichever of those authorities is prescribed.

(4) Regulations made in pursuance of subsection (3)(b) may provide for the amount payable to a housing benefit claimant under the scheme (“the relevant amount”) to be reduced on account of—

- (a) any arrears of rent payable by him, or
- (b) any amount paid to him by way of housing benefit which constitutes an overpayment for housing benefit purposes;

but regulations under this section shall not otherwise provide for the making of any reduction in the relevant amount on account of any sum due to or recoverable by any public or local authority.

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(5) A person aggrieved by a determination of any prescribed description made under regulations under this section may appeal to such court or tribunal as may be prescribed; and the regulations may make provision as to the procedure to be followed in connection with appeals under this subsection.

(6) Regulations under this section may provide that the scheme is to apply only in relation to one or more prescribed areas; and, if they do so, they may also—

(a) provide that (unless continued in force by subsequent regulations under this section) the scheme is to remain in force there only for a prescribed period;

- (b) include such transitional, consequential or saving provisions as the Secretary of State considers appropriate in connection with the scheme ceasing to be in force in relation to the area or areas at the end of that period.

(7) Despite the fact that the scheme is in force in relation to the area of a local authority (whether by virtue of subsection (6) or otherwise), it shall not have effect in relation to the authority unless it has been adopted by resolution of the authority.

(8) Where a local authority makes any payment under the scheme the authority shall be reimbursed by the Secretary of State in respect of that payment in such manner and subject to such conditions as to claims, records, certificates or other information or evidence as may be prescribed (any reduction made by virtue of subsection (4) being disregarded for the purposes of this subsection).

(9) Subject to any prescribed exceptions or modifications, the provisions of the Administration Act shall have effect in relation to payments under the scheme as they have effect in relation to housing benefit.

(10) For the purposes of this section a dwelling occupied by a housing benefit claimant is in the public or social rented sector if the payments which the claimant is liable to make in respect of the dwelling (and on account of which he is entitled to housing benefit) are to be made to—

- (a) a local authority,
 - [¹(b) an unregistered housing association within the meaning of the Housing Associations Act 1985,
 - (ba) a private registered provider of social housing,
 - (bb) a registered social landlord within the meaning of Part 1 of the Housing Act 1996,]
 - (c) in Scotland, a registered housing association within the meaning of the Housing Association Act 1985.
- [¹(10A) But if the payments are to be made to a profit-making private registered provider of social housing the dwelling is in the public or social rented sector for the purposes of this section only if the dwelling is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.]

- (11) In this section—
 “dwelling” has the same meaning as in Part VII of the Contributions and Benefits Act (income-related benefits);
 “housing benefit claimant”, in relation to a dwelling, means a person entitled to housing benefit by virtue of being liable to make payments in respect of the dwelling;
 “local authority” has the same meaning as in the Administration Act;
 “prescribed” means specified in or determined in accordance with regulations under this section.

80. amends *Child Support statute outside the scope of this work*

PART VI

GENERAL

Miscellaneous

81. Schedule 11 (which contains amendments dealing with administrative matters relating to contributions and pensions) shall have effect.

Contributions and
pensions administration.

¹ S. 79(10)(b)-(bb) substitutes ss. (10)(b) & s. 79(10A) inserted (1.4.10) by Sch. 2, para. 117(1)-(3) of S.I. 2010/866.

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Ss. 82-83

Authorisation of certain expenditure.

82.—(1) Where—

- (a) a Minister of the Crown is proposing that or considering whether an Act should change the law as from a specified date, or a date to be determined, and
- (b) the Secretary of State is of the opinion that the change is such that, unless expenditure for preparing for the change is incurred during the period before the passing of that Act, it will not be possible for a service for which he has or will have responsibility to be effectively provided as from that date,

the Secretary of State may, subject to subsections (2) and (3), incur such expenditure during that period.

(2) Expenditure is not authorised by virtue of subsection (1) unless—

- (a) the Secretary of State has with the consent of the Treasury laid before the House of Commons a report which states—
 - (i) the change in the law which the Minister of the Crown is proposing or considering, and
 - (ii) the amount of the expenditure which the Secretary of State proposes to incur and the purposes for which he proposes to incur it; and
- (b) the report has been approved by a resolution of the House of Commons.

(3) Expenditure is not authorised by virtue of subsection (1) at any time after the end of the period of two years beginning with the day on which the resolution under subsection (2)(b) is passed.

(4) Subsection (1) is without prejudice to any power of the Secretary of State to incur expenditure otherwise than by virtue of that subsection.

(5) There shall be made out of the National Insurance Fund into the Consolidated Fund such payments as the Secretary of State determines (in accordance with any directions of the Treasury) to be appropriate in consequence of the operation of this section.

(6) Any payments falling to be made by virtue of subsection (5) shall be made at such times and in such manner as may be determined by the Treasury.

(7) In this section “the Secretary of State” means the Secretary of State having responsibility for social security.

Supplementary

Regulations and orders.

83.—(1) Any power under this Act to make regulations or orders (other than orders under section 72(2)) shall be exercisable by statutory instrument.

(2) A statutory instrument—

- (a) which contains (whether alone or with other provisions) regulations made under this Act, and
- (b) which is not subject to any requirement that a draft of the instrument 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) A statutory instrument containing an order under section 27(3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any power under this Act to make regulations or orders 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 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.

(5) Where any such 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.

(6) Any such power includes power—

- (a) to make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking enactments) as appears to the authority making the regulations or order to be expedient; and
- (b) to provide for a person to exercise a discretion in dealing with any matter.

(7) Any power to make regulations or an order for the purposes of any provision of this Act is without prejudice to any power to make regulations or an order for the purposes of any other provision of this or any other Act.

(8) Any power conferred by this Act to make regulations or an order relating to—

- (a) housing benefit, or
- (b) council tax benefit,

includes power to make different provision for different areas or different authorities; and regulations under section 60 or 79 may make different provision for different areas.

(9) Without prejudice to the generality of any of the preceding provisions of this section, regulations under section 60 or 72 may provide for all or any of the provisions of the regulations to apply only in relation to any area or areas specified in the regulations.

(10) Any power to make regulations under Part IV, except sections 28 and 48, shall, if the Treasury so direct, be exercisable only in conjunction with them.

(11) Before exercising any power to make regulations under Part IV, the authority on whom the power is conferred, or, if the power is the subject of a direction under subsection (10), that authority and the Treasury acting jointly, shall consult such persons as the authority, or the authority and the Treasury, may consider appropriate.

84.—(1) The consequential amendments specified in Schedule 12 shall have effect.

Consequential
amendments etc.

(2) The Secretary of State may by regulations make such amendments or revocations of any instrument made under an Act as he thinks necessary or expedient in consequence of the coming into force of any of the provisions specified in subsection (4).

(3) The Secretary of State may, for the purposes of or in connection with the coming into force of any of the provisions specified in subsection (4), make by regulations any provision which could be made by an order bringing the provision into force.

(4) The provisions mentioned in subsections (2) and (3) are—

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- (a) Part IV;
- (b) subsection (1) above so far as relating to paragraphs 14 to 63 of Schedule 12; and
- (c) section 88 so far as relating to Part III of Schedule 13.

Transitional provisions.

85.—(1) The Secretary of State may, for the purposes of or in connection with the coming into force of any provisions of Parts I and II, by regulations make such transitional adaptations or modifications—

- (a) of those provisions, or
- (b) in connection with those provisions, of any provisions of—
 - (i) this Act,
 - (ii) the Pension Schemes Act 1993, or
 - (iii) the Pensions Act 1995,

then in force, as he considers necessary or expedient.

(2) For the purposes of subsection (1), section 88 so far as relating to Part I of Schedule 13, together with that Part of that Schedule, shall be taken to be comprised in Part II of this Act.

(3) No pension sharing order may be made—

- (a) under section 24B of the Matrimonial Causes Act 1973 if the proceedings in which the decree is granted were begun before the day on which section 19 comes into force, or*
- (b) under section 31(7B) of that Act if the marriage was dissolved by a decree granted in proceedings so begun.*

(4) Paragraph 3 of Schedule 3 does not have effect if the proceedings in which the decree is granted were begun before the day on which section 19 comes into force.

(5) Where an action of divorce or an action for declarator of nullity has been brought before the day on which section 20 comes into force—

- (a) no pension-sharing order may be made under section 8(1) of the Family Law (Scotland) Act 1985, and*
- (b) neither paragraph (f) of section 28(1) nor paragraph (f) of section 48(1) shall apply,*

in relation to that divorce or declarator.

(6) The Secretary of State may by regulations make such transitional or consequential provision, or such savings, as he considers necessary or expedient for the purposes of or in connection with—

- (a) the coming into force of any provision of Part V, or
- (b) the operation of any enactment repealed or amended by a provision of Part V during any period when the repeal or amendment is not wholly in force.

(7) For the purposes of subsection (6), section 88 so far as relating to Parts IV to VII of Schedule 13, together with those Parts of that Schedule, shall be taken to be comprised in Part V of this Act.

General financial provisions.

86.—(1) There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown or government department under this Act; and
- (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.

(2) There shall be paid into the Consolidated Fund any increase attributable to this Act in the sums which under any other Act are payable into that Fund.

87. An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to those of this Act—

Corresponding provisions for Northern Ireland.

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

88. The enactments specified in Schedule 13 (which include certain enactments no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

Repeals.

89.—(1) Subject to the provisions of this section, the provisions of this Act shall not come into force until such day as the Secretary of State may by order appoint.

Commencement.

(2) The following provisions shall not come into force until such day as the Lord Chancellor may by order appoint—

- (a) sections 19, 21 and 22;
- (b) section 84(1) so far as relating to paragraphs 1 to 4 and 64 to 66 of Schedule 12;
- (c) section 85(3) and (4); and
- (d) section 88 so far as relating to the entries in Part II of Schedule 13 in respect of the Matrimonial Causes Act 1973, the Matrimonial and Family Proceedings Act 1984 and sections 9(8) and 16 of the Family Law Act 1996.

(3) The following provisions shall not come into force until such day as the Treasury may by order appoint—

- (a) sections 73 to 78;
- (b) section 84(1) so far as relating to paragraphs 74, 76 to 78 and 84 to 86 of Schedule 12; and
- (c) section 88 so far as relating to Parts VI and VII of Schedule 13.

(4) The following provisions come into force on the day on which this Act is passed—

- (a) sections 52, 57, 58, 60, 68 and 71;
- (b) section 70 so far as relating to Part V of Schedule 8;
- (c) section 72;
- (d) sections 79 to 83;
- (e) section 84(1) so far as relating to paragraphs 13, 79 to 83 and 87 of Schedule 12;
- (f) section 84(2) to (4);
- (g) section 85(1), (2), (6) and (7); and
- (h) sections 86 and 87, this section and sections 90 and 91.

(5) The following provisions come into force on the day on which this Act is passed, but for the purpose only of the exercise of any power to make regulations—

- (a) Parts I to IV;
- (b) sections 59 and 61; and
- (c) section 70 so far as relating to paragraph 23 of Schedule 8.

(6) Without prejudice to section 83, an order under this section may appoint different days for different purposes or different areas.

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Extent.

- 90.—(1) The following provisions extend to England and Wales only—
- (a) section 15;
 - (b) paragraph 2 of Schedule 2, and section 18 so far as relating thereto;
 - (c) sections 19, 21 and 22 and Schedules 3 and 4;
 - (d) paragraphs 1 to 4, 64 to 66 and 70 to 72 of Schedule 12, and section 84(1) so far as relating thereto; and
 - (e) section 85(3) and (4).
- (2) The following provisions extend to Scotland only—
- (a) sections 13 and 16;
 - (b) paragraph 1 of Schedule 2, and section 18 so far as relating thereto;
 - (c) section 20;
 - (d) paragraphs 5 to 12 and 67 to 69 of Schedule 12, and section 84(1) so far as relating thereto; and
 - (e) section 85(5).
- (3) The following provisions extend to England and Wales and Scotland only—
- (a) Part I;
 - (b) sections 9 to 12, 14 and 17;
 - (c) Schedule 2 (except for paragraphs 1, 2, 3(1), 7(2) and 16), and section 18 so far as relating thereto;
 - (d) sections 23, 24 and 26;
 - (e) Part IV except sections 42 to 44;
 - (f) Chapter I of Part V (except paragraph 1 of Schedule 8, and section 70 so far as relating thereto);
 - (g) sections 73, 75 and 77 and Schedule 9;
 - (h) section 79;
 - (i) paragraphs 1 to 8, 20 to 23, 32(b), 33, 35 and 37 of Schedule 11, and section 81 so far as relating thereto;
 - (j) paragraphs 14 to 63, 66(17), 76 to 80, 82, 83 and 87 of Schedule 12, and section 84(1) so far as relating thereto; and
 - (k) section 84(2) to (4).
- (4) The following provisions extend to England and Wales, Scotland and Northern Ireland—
- (a) paragraphs 3(1) and 16 of Schedule 2, and section 18 so far as relating thereto;
 - (b) sections 42 to 44;
 - (c) paragraph 1 of Schedule 8, and section 70 so far as relating thereto;
 - (d) section 80;
 - (e) paragraphs 29 to 31 and 32(a) of Schedule 11, and section 81 so far as relating thereto;
 - (f) sections 82 and 83;
 - (g) paragraphs 13, 73 to 75 and 81 of Schedule 12, and section 84(1) so far as relating thereto;
 - (h) sections 85(1), (2), (6) and (7) and 86; and
 - (i) section 89, this section and section 91.
- (5) The following provisions extend to Northern Ireland only—
- (a) paragraph 7(2) of Schedule 2, and section 18 so far as relating thereto;
 - (b) sections 74, 76 and 78 and Schedule 10;

- (c) paragraphs 9 to 19, 24 to 28, 34, 36 and 38 of Schedule 11, and section 81 so far as relating thereto;
- (d) paragraphs 84 to 86 of Schedule 12, and section 84(1) so far as relating thereto; and
- (e) section 87.

(6) Nothing in the preceding provisions of this section applies to any repeal made by this Act; and the extent of any such repeal is the same as that of the enactment repealed.

91.—(1) This Act may be cited as the Welfare Reform and Pensions Act 1999.

Short title, general interpretation and Scottish devolution.

(2) In this Act—

“the Administration Act” means the Social Security Administration Act 1992;
“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992.

(3) In this Act, except sections 84(2) and (3), 85(1) and (6) and 89, and in any Act amended by this Act, references to the coming into force of any provision of this Act are to its coming into force otherwise than for the purpose of authorising the making of regulations.

(4) For the purposes of the Scotland Act 1998, the following provisions shall be taken to be pre-commencement enactments within the meaning of that Act—

- (a) paragraphs 8(3) and (4) and 10 of Schedule 12; and
- (b) so far as relating to those provisions, sections 83, 84(1) and 89(1) and (5).

SCHEDULES

SCHEDULE 1

APPLICATION OF 1993 AND 1995 ACTS TO REGISTERED SCHEMES

1.—(1) The provisions specified in sub-paragraph (2) shall apply as if any pension scheme established under a trust which—

- (a) is not an occupational pension scheme, but
- (b) is or has been registered under section 2,

were an occupational pension scheme.

(2) The provisions are—

(a) ...¹

(b) the following provisions of Part I of the 1995 Act—

(i) sections 3 to 11[...¹] and 15 (supervision by the Authority)[²except sections 7(5A)(b), 8(1)(a) and (c) and (2), 11(3A) and (3B) and 15(1)];

(ii) sections 27 to [³30] (trustees: general);

(iii) sections 32 to 36 and 39 (functions of trustees) [...³];

(iv) section 41 (functions of trustees or managers);

[³(v) section 47 (professional advisers);]

(vi) section 49 (receipts, payment and records) except subsections (5) and (8) to (13)

(vii) section 50 (resolution of disputes);

(viii) section 68 (power of trustees to modify scheme by resolution) except subsection (3);

(ix) ...¹

(x) sections 91, 92 and 94 (assignment and forfeiture etc.) except section 91(5)(d);

(xi)-(xiii) ...¹

(xiv) section 117 (overriding requirements); and

(xv) sections 124 and 125 (interpretation)

[⁴; and

(c) the following provisions of the Pensions Act 2004—

(i) section 67 (accessibility of register of prohibited trustees);

(ii) Chapters 4 and 5 of Part 2 (fraud compensation and information gathering);

(iii) sections 247 to 249 (requirements for knowledge and understanding); and

(iv) section 318 (interpretation).]

(3) Section 47(9) of the 1995 Act (as applied by sub-paragraph (1)) shall have effect as if the reference to any person who is or has been the employer were a reference to any person who, in pursuance of section 3(5), is or has been required—

¹ In para. 1, sub-para. (2)(a) repealed (1.4.05), words in (2)(b)(i) repealed (6.4.05), (2)(b)(ix) & (xi)-(xiii) repealed (1.9.05 & 6.4.05 respectively by the Pensions Act 2004 (c. 35), Sch. 13.

² Words in para. 1(2)(b)(i) substituted & inserted (6.4.05) by the Pensions Act 2004 (c. 35), Sch. 12, para. 76(2)(a) & (4).

³ In para. 1(2)(b) words in sub-para. (ii) & sub-para. (v) substituted (9.12.05) & words in sub-para. (iii) repealed (4.12.05 for reg. making purposes, 30.12.05 for all others) by para. 76(2) of Sch. 12 to the Pensions Act 2004 (c. 35).

⁴ In para. 1, sub-para. (2)(c) inserted (30.6.05) by the Pensions Act 2004 (c. 35), Sch. 12, para. 76(3).

- (a) to deduct an employee’s contributions to the scheme from his remuneration; and
- (b) to pay them to the trustees or managers of the scheme or to a prescribed person.

(4) Section 68 of the 1995 Act (as so applied) shall have effect as if the purposes specified in subsection (2) included enabling the conditions set out in section 1 to be fulfilled in relation to the scheme.

(5) Section 124(1) of the 1995 Act [¹, and section 318(1) of the Pensions Act 2004,] (as so applied) shall have effect as if the definition of “member” were omitted.

[²(6) Chapters 4 and 5 of Part 2 of the Pensions Act 2004 (as applied by sub-paragraph (1)) shall have effect with such modifications as the Secretary of State may prescribe by regulations.]

2.-3. ...³

SCHEDULE 2

PENSIONS: MISCELLANEOUS AMENDMENTS

..... various amends, see Annex 1, page 2.6201

SCHEDULE 3

PENSION SHARING ORDERS: ENGLAND AND WALES

..... various amends, see Annex 1, page 2.6201.

SCHEDULE 4

AMENDMENTS OF SECTIONS 25B TO 25D OF THE MATRIMONIAL CAUSES ACT 1973

..... various amends, see Annex 1, page 2.6201

¹ Words in para. 5 inserted (6.4.05) by the Pensions Act 2004 (c. 35), Sch. 12, para. 76(4).
² In para. 1 sub-para. (6) inserted (12.7.05 for reg. making purposes 1.9.05 all other purposes) by the Pensions Act 2004 (c. 35), Sch. 12, para. 76(5).
³ Paras. 2 & 3 repealed (6.4.05) by the Pensions Act 2004 (c. 35), Sch. 13.

SCHEDULE 5

PENSION CREDITS: MODE OF DISCHARGE

Application of Sch. 5 is modified in certain circumstances. See S.I. 2006/1690 page 5.11781.

Funded pension schemes

- 1.—(1) This paragraph applies to a pension credit which derives from—
- (a) a funded occupational pension scheme, or
 - (b) a personal pension scheme.
- (2) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by conferring appropriate rights under that scheme on the person entitled to the credit—
- (a) with his consent, or
 - (b) in accordance with regulations made by the Secretary of State.
- (3) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by paying the amount of the credit to the person responsible for a qualifying arrangement with a view to acquiring rights under that arrangement for the person entitled to the credit if—
- (a) the qualifying arrangement is not disqualified as a destination for the credit,
 - (b) the person responsible for that arrangement is able and willing to accept payment in respect of the credit, and
 - (c) payment is made with the consent of the person entitled to the credit, or in accordance with regulations made by the Secretary of State.
- (4) For the purposes of sub-paragraph (2), no account is to be taken of consent of the person entitled to the pension credit unless—
- (a) it is given after receipt of notice in writing of an offer to discharge liability in respect of the credit by making a payment under sub-paragraph (3), or
 - (b) it is not withdrawn within 7 days of receipt of such notice.

Unfunded public service pension schemes

- 2.—(1) This paragraph applies to a pension credit which derives from an occupational pension scheme which is—
- (a) not funded, and
 - (b) a public service pension scheme.
- (2) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by conferring appropriate rights under that scheme on the person entitled to the credit.
- (3) If such a scheme as is mentioned in sub-paragraph (1) is closed to new members, the appropriate authority in relation to that scheme may by regulations specify another public service pension scheme as an alternative to it for the purposes of this paragraph.
- (4) Where the trustees or managers of a scheme in relation to which an alternative is specified under sub-paragraph (3) are subject to liability in respect of a pension credit, they may—
- (a) discharge their liability in respect of the credit by securing that appropriate rights are conferred on the person entitled to the credit by the trustees or managers of the alternative scheme, and
 - (b) for the purpose of so discharging their liability, require the trustees or managers of the alternative scheme to take such steps as may be required.

(5) In sub-paragraph (3), “the appropriate authority”, in relation to a public service pension scheme, means such Minister of the Crown or government department as may be designated by the Treasury as having responsibility for the scheme.

Other unfunded occupational pension schemes

3.—(1) This paragraph applies to a pension credit which derives from an occupational pension scheme which is—

- (a) not funded, and
- (b) not a public service pension scheme.

(2) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by conferring appropriate rights under that scheme on the person entitled to the credit.

(3) The trustees or managers of the scheme from which a pension credit to which this paragraph applies derives may discharge their liability in respect of the credit by paying the amount of the credit to the person responsible for a qualifying arrangement with a view to acquiring rights under that arrangement for the person entitled to the credit if—

- (a) the qualifying arrangement is not disqualified as a destination for the credit,
- (b) the person responsible for that arrangement is able and willing to accept payment in respect of the credit, and
- (c) payment is made with the consent of the person entitled to the credit, or in accordance with regulations made by the Secretary of State.

Other pension arrangements

4.—(1) This paragraph applies to a pension credit which derives from—

- (a) a retirement annuity contract,
- (b) an annuity or insurance policy purchased or transferred for the purpose of giving effect to rights under an occupational pension scheme or a personal pension scheme, or
- (c) an annuity purchased, or entered into, for the purpose of discharging liability in respect of a pension credit.

(2) The person responsible for the pension arrangement from which a pension credit to which this paragraph applies derives may discharge his liability in respect of the credit by paying the amount of the credit to the person responsible for a qualifying arrangement with a view to acquiring rights under that arrangement for the person entitled to the credit if—

- (a) the qualifying arrangement is not disqualified as a destination for the credit,
- (b) the person responsible for that arrangement is able and willing to accept payment in respect of the credit, and
- (c) payment is made with the consent of the person entitled to the credit, or in accordance with regulations made by the Secretary of State.

(3) The person responsible for the pension arrangement from which a pension credit to which this paragraph applies derives may discharge his liability in respect of the credit by entering into an annuity contract with the person entitled to the credit if the contract is not disqualified as a destination for the credit.

(4) The person responsible for the pension arrangement from which a pension credit to which this paragraph applies derives may, in such circumstances as the Secretary of State may prescribe by regulations, discharge his liability in respect of the credit by assuming an obligation to provide an annuity for the person entitled to the credit.

(5) In sub-paragraph (1)(c), “pension credit” includes a credit under Northern Ireland legislation corresponding to section 29(1)(b).

Appropriate rights

5. For the purposes of this Schedule, rights conferred on the person entitled to a pension credit are appropriate if—

- (a) they are conferred with effect from, and including, the day on which the order, or provision, under which the credit arises takes effect, and
- (b) their value, when calculated in accordance with regulations made by the Secretary of State, equals the amount of the credit.

Qualifying arrangements

6.—(1) The following are qualifying arrangements for the purposes of this Schedule—

- (a) an occupational pension scheme,
- (b) a personal pension scheme,
- (c) an appropriate annuity contract,
- (d) an appropriate policy of insurance, and
- (e) an overseas arrangement within the meaning of the Contracting-out (Transfer and Transfer Payment) Regulations 1996.

(2) An annuity contract or policy of insurance is appropriate for the purposes of sub-paragraph (1) if, at the time it is entered into or taken out, the [¹insurer] with which it is entered into or taken out—

- (a) is carrying on [...¹] long-term insurance business in the United Kingdom or any other [²EEA state], and
- (b) satisfies such requirements as the Secretary of State may prescribe by regulations.

[¹(3) “Insurer” and “long-term insurance business” have the meaning given in section 180A of The Pension Schemes Act 1993.]

Disqualification as destination for pension credit

7.—(1) If a pension credit derives from a pension arrangement which is [³a registered pension scheme under Section 153 of the Finance Act 2004,] an arrangement is disqualified as a destination for the credit unless—

- (a) it is also [³registered] for those purposes, or
- (b) it satisfies such requirements as the Secretary of State may prescribe by regulations.

(2) [...⁴].

(3) An occupational pension scheme is disqualified as a destination for a pension credit unless the rights to be acquired under the arrangement by the person entitled to the credit are rights whose value, when calculated in accordance with regulations made by the Secretary of State, equals the credit.

(4) An annuity contract or insurance policy is disqualified as a destination for a pension credit in such circumstances as the Secretary of State may prescribe by regulations.

¹ In para. 6(2) words substituted & repealed; para 6(3) substituted (1.12.01) by art. 159 of S.I. 2001/3649.

² Words substituted in para. 6(2)(a) of Sch. 5 (26.11.07) by Sch. to S.I. 2007/3014.

³ Words substituted in para. 7(1) (6.4.06) by art. 15(5) of S.I. 2006/745.

⁴ Sch. 5, para. 7(2) repealed (26.1.09) by the Pensions Act 2008 (c. 30), Sch. 11, pt. 2.

(5) The requirements which may be prescribed under sub-paragraph (1)(b) include, in particular, requirements of the Inland Revenue.

(6) [...¹]

Adjustments to amount of pension credit

8.—(1) If—

- (a) a pension credit derives from an occupational pension scheme,
- (b) the scheme is one to which [²Part 3 of the Pensions Act 2004 (scheme funding)] applies,
- (c) the scheme is underfunded on the valuation day, and
- (d) such circumstances as the Secretary of State may prescribe by regulations apply,

paragraph 1(3) shall have effect in relation to the credit as if the reference to the amount of the credit were to such lesser amount as may be determined in accordance with regulations made by the Secretary of State.

(2) Whether a scheme is underfunded for the purposes of sub-paragraph (1)(c) shall be determined in accordance with regulations made by the Secretary of State.

(3) For the purposes of that provision, the valuation day is the day by reference to which the cash equivalent on which the amount of the pension credit depends falls to be calculated.

9. If—

- (a) a person's shareable rights under a pension arrangement have become subject to a pension debit, and
- (b) the person responsible for the arrangement makes a payment which is referable to those rights without knowing of the pension debit,

this Schedule shall have effect as if the amount of the corresponding pension credit were such lesser amount as may be determined in accordance with regulations made by the Secretary of State.

10. The Secretary of State may by regulations make provision for paragraph 1(3), 3(3) or 4(2) to have effect, where payment is made after the end of the implementation period for the pension credit, as if the reference to the amount of the credit were to such larger amount as may be determined in accordance with the regulations.

General

11. Liability in respect of a pension credit shall be treated as discharged if the effect of paragraph 8(1) or 9 is to reduce it to zero.

12. Liability in respect of a pension credit may not be discharged otherwise than in accordance with this Schedule.

13. Regulations under paragraph 5(b) or 7(3) may provide for calculation of the value of rights in accordance with guidance from time to time prepared by a person specified in the regulations.

[³**13A** The provisions of this Schedule are subject to—

- (a) section 73A(3) and (6) of the Pensions Act 1995 (prohibition on new members during winding up of scheme: exception for discharge of pension credit derived from the scheme), and

¹ Sch. 5, para. 7(6) repealed (26.1.09) by the Pensions Act 2008 (c. 30), Sch. 11, pt. 2.

² Words in para. 8(1)(b) substituted (4.12.05 for reg. making purposes, 30.12.05 for all other purposes) by para. 77(2) of Sch. 12 to the Pensions Act 2004 (c. 35).

³ Para. 13A inserted (6.4.05) in Sch. 5 by the Pensions Act 2004 (c. 35), Sch. 12, para. 77(3).

WELFARE REFORM AND PENSIONS ACT 1999 (c. 30)

Schs. 5-9

- (b) section 133(2) and (8) of the Pensions Act 2004 (prohibition on new members during an assessment period in relation to a scheme: exception for discharge of pension credit derived from the scheme).]

14. In this Schedule—
“funded”, in relation to an occupational pension scheme, means that the scheme meets its liabilities out of a fund accumulated for the purpose during the life of the scheme;
“public service pension scheme” has the same meaning as in the Pension Schemes Act 1993.

SCHEDULE 6

EFFECT OF STATE SCHEME PENSION DEBITS AND CREDITS

..... various amends, see Annex 1, page 2.6201

SCHEDULE 7

JOINT CLAIMS FOR JOBSEEKER’S ALLOWANCE

..... various amends, see Annex 1, page 2.6201

- Paras. 2(3) and (4),
4, 5(3) and (4), 6,
9 to 11 repealed (see art. 4 of S.I. 2013/983) by the Welfare Reform Act 2012 (c. 5), Sch. 3.
- Paras. 12 & 13 repealed (14.10.12) by the Welfare Reform Act 2012 (c. 5), Sch. 14, part 3.
- Paras. 15 and 16 repealed (see art. 4 of S.I. 2013/983) by the Welfare Reform Act 2012 (c. 5), Sch. 3.

SCHEDULE 8

WELFARE BENEFITS: MINOR AND CONSEQUENTIAL AMENDMENTS

..... various amends, see Annex 1, page 2.6201

- Para. 1(2) repealed (6.4.03) by the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 8.
- Para. 26 repealed (12.1.10) by the Welfare Reform Act 2009 (c. 24), Sch. 7, part 2.
- Para. 29(5) repealed (14.10.12) by the Welfare Reform Act 2012 (c. 5), Sch. 14, part 3.
- Para. 34(2)(a) repealed (2.4.01) by the Child Support, Pensions and Social Security Act 2000 (c. 19), s. 85.

SCHEDULE 9

NEW THRESHOLD FOR PRIMARY CLASS 1 CONTRIBUTIONS

..... various amends, see Annex 1, page 2.6201

- Para. 7 repealed (6.4.12) by the Pensions Act 2007 (c. 22), Sch. 7

SCHEDULE 10

NEW THRESHOLD FOR PRIMARY CLASS 1 CONTRIBUTIONS: NORTHERN IRELAND

..... amends *N. Ireland statute outside scope of this work*

SCHEDULE 11

CONTRIBUTIONS AND PENSIONS ADMINISTRATION

Transfer of certain functions under subordinate legislation: Great Britain

Para. 21 repealed (6.4.12) by the Pensions Act 2007 (c. 22), s. 7

35. *There are hereby transferred to the Commissioners of Inland Revenue—*

- (a) *all functions of the Secretary of State under the Social Security (Contributions) Regulations 1979 which are not transferred to the Commissioners of Inland Revenue by virtue of section 1(2) of, and Schedule 2 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999, except his functions under regulation 44 of those regulations,*
- (b) *the functions of the Secretary of State under those provisions of the Occupational Pension Schemes (Contracting-out) Regulations 1984 ("the 1984 regulations") which remain in force by virtue of regulation 77(a) of the Occupational Pension Schemes (Contracting-out) Regulations 1996 ("the 1996 regulations"), including his functions under the modifications of section 60(4) and (5) of the Pension Schemes Act 1993 made by regulation 23(10)(a)(iii) of the 1984 regulations, but excluding—*
 - (i) *his functions under paragraph (2) of regulation 20 of the 1984 regulations so far as relating to any extension of the period first referred to in that paragraph by more than six months, and*
 - (ii) *his functions under regulations 23(4) and 23A(4) of the 1984 regulations,*
- (c) *the functions of the Secretary of State under regulation 2 of the Occupational Pension Schemes (Contracted-out Protected Rights Premiums) Regulations 1987 (so far as remaining in force by virtue of regulation 77(b) of the 1996 regulations), and*
- (d) *the functions of the Secretary of State under the Personal Pension Schemes (Personal Pension Protected Rights Premiums) Regulations 1987 ("the 1987 regulations") (so far as remaining in force by virtue of regulation 4(2) of the Personal and Occupational Pension Schemes (Miscellaneous Amendments) Regulations 1997), except—*
 - (i) *his functions under paragraph (3) of regulation 5 of the 1987 regulations so far as relating to any extension of the period first referred to in that paragraph by more than six months, and*
 - (ii) *his functions under regulation 6(4) of the 1987 regulations.*

Savings

37. *Paragraphs 1 and 2 of Schedule 8 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (general provisions relating to transfers of functions) shall have effect as if paragraphs 2, 3, 6, 21 and 35 of this Schedule were provisions of that Act specified in section 21(1) of that Act.*

WELFARE REFORM AND PENSIONS ACT 1999 (c. 30)

Schs. 12-13

..... other paras make various amends, see Annex 1, page 2.6201

SCHEDULE 12

CONSEQUENTIAL AMENDMENTS

..... various amends, see Annex 1, page 2.6201

Para. 85 repealed (6.4.03) by the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 8.

SCHEDULE 13

REPEALS

..... various repeals, see Annex 1, page 2.6201

WELFARE REFORM AND PENSIONS ACT 1999 LIST OF OMISSIONS

The following provisions have been omitted from the text for the reasons stated:-

- | | | |
|----------------|--------|--|
| Ss. 9 & 10... | ... .. | makes consequential amendments to the Pension Schemes Act 1993 (c. 48) |
| s. 14(1) & (2) | ... .. | makes consequential amendments to the Pension Schemes Act 1993 (c. 48) |
| Ss. 15 & 16 | ... .. | amends statutes not reproduced in these volumes |
| s. 17 | ... .. | makes consequential amendments to the Pensions Act 1995 (c. 26) |
| s. 20 | ... .. | amends statute not reproduced in these volumes |
| s. 22 | ... .. | amends statute not reproduced in these volumes |
| s. 32 | ... .. | makes consequential amendments to the Pension Schemes Act 1993 (c. 48) |
| Ss. 36 & 37... | ... .. | makes consequential amendments to the Pension Schemes Act 1993 (c. 48) |
| s. 38(1) | ... .. | makes consequential amendments to the Pensions Act 1995 (c. 26) |
| s. 39 | ... .. | amends statute not reproduced in these volumes |
| s. 53(1) – (3) | ... .. | makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4) |
| Ss. 54 – 56 | ... .. | makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4) |
| Ss. 57 & 58 | ... .. | makes consequential amendments to the Administration Act 1992 (c. 5) |
| Ss. 61 – 64 | ... .. | makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4) |
| Ss. 66 – 67(3) | ... .. | makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4) |
| s. 69 | ... .. | makes consequential amendments to the Administration Act 1992 (c. 5) |
| s. 71 | ... .. | makes consequential amendments to the Administration Act 1992 (c. 5) |
| s. 75 | ... .. | makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4) |
| s. 76 | ... .. | amends statute not reproduced in these volumes |
| s. 77 | ... .. | makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4) |
| s. 78 | ... .. | amends statute not reproduced in these volumes |
| s. 80 | ... .. | amends statute not reproduced in these volumes |

WELFARE REFORM AND PENSIONS ACT 1999 (c. 30)

Annex 1

Sch. 2	...	...	...	makes consequential amendments to the Pension Schemes Act 1993 (c. 48); the Pensions Act 1995 (c. 26); the Employment Rights Act 1996 (c. 18) and other statutes not reproduced in these volumes
Sch. 3 - 4	...	...	...	amends statute not reproduced in these volumes
Sch. 6	...	...	...	makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4)
Sch. 7	...	...	...	makes consequential amendments to the Jobseekers Act 1995 (c. 18) and the Social Security Act 1998 (c. 14)
Sch. 8	...	...	...	makes consequential amendments to the Contributions and Benefits Act 1992 (c. 14), the Administration Act 1992 (c. 5), Pension Schemes Act 1993 (c. 48), Pensions Act 1995 (c. 26), Jobseekers Act 1995 (c. 18) and other statutes not reproduced in these volumes
Para. 1(2)	...	...	...	repealed (6.4.03) by the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 8.
Para. 26	...	...	...	repealed (12.1.10) by the Welfare Reform Act 2009 (c. 24), Sch. 7, part 2.
Para. 34(2)(a)	...	...	...	repealed (2.4.01) by the Child Support, Pensions and Social Security Act 2000 (c. 19), s. 85
Sch. 9	...	...	...	makes consequential amendments to the Contributions and Benefits Act 1992 (c. 14), the Administration Act 1992 (c. 5), Pension Schemes Act 1993 (c. 48), Pensions Act 1995 (c. 26), Jobseekers Act 1995 (c. 18) and other statutes not reproduced in these volumes.
Sch. 10	...	...	...	amends statute not reproduced in these volumes
Sch. 11 - 12	...	...	...	makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4), Administration Act 1992 (c. 5), Pensions Act 1993 (c. 48), Pensions Act 1995 (c. 26), Social Security Act 1998 (c. 14), Transfer of Functions Act 1999 (c. 2), Welfare and Pensions Act 1999 (c. 30), and other statutes not reproduced in these volumes
Sch. 13	...	...	...	makes repeals in various statutes

WELFARE REFORM AND PENSIONS ACT 1999 COMMENCEMENT DATES

(a) List of Commencement Orders

<i>S.I. no.</i>	<i>Title of Order</i>	<i>Page No. if reproduced in these volumes</i>
1999/3309 (c. 88)	The Welfare Reform and Pensions Act 1999 (Commencement No. 1) Order 1999	3.741
1999/3420 (c. 92)	The Welfare Reform and Pensions Act 1999 (Commencement No. 2) Order 1999	3.743
2000/629 (c. 13)	The Welfare Reform and Pensions Act 1999 (Commencement No. 3) Order 2000	3.745
2000/1047 (c. 29)	The Welfare Reform and Pensions Act 1999 (Commencement No. 4) Order 2000	3.747
2000/1116 (c. 35)	The Welfare Reform and Pensions Act 1999 (Commencement No. 5) Order 2000	3.753
2000/111 (c. 36)	The Welfare Reform and Pensions Act 1999 (Scotland) (Commencement No. 6) Order 2000	3.755
2000/1382 (c. 41)	The Welfare Reform and Pensions Act 1999 (Commencement No. 7) Order 2000	3.757
2000/238 (c. 7)	The Welfare Reform and Pensions Act 1999 (Scotland) (Commencement No. 8) Order 2000	3.759
2000/2958 (c. 89)	The Welfare Reform and Pensions Act 1999 (Commencement No. 9, and Transitional and Savings Provisions) Order 2000	3.761
2001/933 (c. 34)	The Welfare Reform and Pensions Act 1999 (Commencement No. 10, and Transitional Provisions) Order 2001	3.765
2001/1219 (c. 44)	The Welfare Reform and Pensions Act 1999 (Commencement No. 11) Order 2001	3.769
2001/4049 (c. 130)	The Welfare Reform and Pensions Act 1999 (Commencement No. 12) Order 2001	3.771
2002/153 (c. 3)	The Welfare Reform and Pensions Act 1999 (Commencement No. 13) Order 2002	3.773
2002/381 (c. 9)	The Welfare Reform and Pensions Act 1999 (Commencement No. 14) Order 2002	3.775

(b) Dates on which provisions of the Welfare Reform and Pensions Act 1999 came into force [Note: In the list below only those sections commenced will be included.]

<i>Section (etc) of Welfare Reform and Pensions Act 1999</i>	<i>Date of commencement</i>	<i>Commencing authority</i>
Section 1	1st October 2000	2000/1047
Section 2	1st October 2000	2000/1047
Section 3	6th April 2001 and 8th October 2001	2001/933
Sections 4 and 5	8th October 2001	2000/1047
Section 6(1), (2) and (4)	8th October 2001	2000/1047

WELFARE REFORM AND PENSIONS ACT 1999 (c. 30)

<i>Section (etc.) of Welfare Reform and Pensions Act 1999</i>	<i>Date of commencement</i>	<i>Commencing authority</i>
Schedule 1, except paragraph 1(3), and section 6(3) except so far as it relates to that paragraph 1(3)	1st October 2000	2000/1047
Schedule 1, paragraph 1(3), and section 6(3) so far as it relates to that paragraph 1(3)	8th October 2001	2000/1047
Section 7	1st October 2000	2000/1047
Section 8, except the definition of “designated scheme”	1st October 2000	2000/1047
Section 8(1) so far as it relates to the definition of “designated scheme”	8th October 2001	2000/1047
Section 9	6th April 2001	2000/2958
Section 10	3rd April 2000	2000/629
Section 11(1), (2), (3) and (11)	29th May 2000	2000/1382
Section 11(12)	1st December 2000	2000/1382
Section 13(1) and (2)	29th May 2000	2000/1382
Schedule 2 in the following respects, and section 18 so far as it relates to them:—		
paragraphs 1 and 2	29th May 2000	2000/1382
paragraphs 3 and 4	25th April 2000	2000/1047
paragraph 5	1st January 2002	2001/4049
paragraph 7	6th April 2002	2001/4049
paragraphs 8 to 13	25th April 2000	2000/1047
paragraph 14	1st February 2002	2001/4049
paragraphs 15 to 19	25th April 2000	2000/1047
Sections 19, 21 and 22 and Schedules 3 and 4	1st December 2000	2000/1116
Section 20	1st December 2000	2000/1047
Sections 23 and 24	1st December 2000	2000/1047
Sections 26 to 51 and Schedules 5 and 6	1st December 2000	2000/1047
Section 53	12th January 2000 and 2nd April 2000	1999/3309
Sections 54 to 56	24th April 2000 and 9th April 2001	2000/1047
Section 59 and Schedule 7	19th March 2001	2000/2958
Section 61	3rd April 2000	1999/3309
Sections 62 to 65	3rd November 2000 and 6th April 2001	2000/2958
Section 66	12th January 2000	1999/3309
Section 67(1) and (2)	12th January 2000	1999/3309
Section 67(3) and (4)	9th April 2001	2000/1382
Section 69	17th April 2000 and 15th May 2000	2000/1047
Schedule 8 in the following respects, and section 70 so far as it relates to them:—		
paragraphs 1 to 19	24th April 2000 and 9th April 2001	2000/1047
paragraph 20	3rd November 2000	2000/2958
paragraphs 21 and 22	3rd November 2000 and 6th April 2001	2000/2958
paragraph 23(1), (2) and (4)	13th December 1999	1999/3309
paragraph 23(3)	3rd April 2000	1999/3309

WELFARE REFORM AND PENSIONS ACT 1999 (c. 30)

<i>Section (etc.) of Welfare Reform and Pensions Act 1999</i>	<i>Date of commencement</i>	<i>Commencing authority</i>
paragraph 24	3rd April 2000	1999/3309
paragraph 25	3rd November 2000	2000/2958
paragraph 26	3rd November 2000 and 6th April 2001	2000/2958
paragraph 27	6th April 2001	2000/2958
paragraph 28	19th March 2001	2001/933
paragraphs 30 to 32	12th January 2000 and 2nd April 2000	1999/3309
paragraph 33	1st December 2000	2000/1047
paragraph 34	6th April 2003	2003/936
Section 73 and Schedule 9	22nd December 1999 and 6th April 2000	1999/3420
Section 74 and Schedule 10	22nd December 1999 and 6th April 2000	1999/3420
Sections 75 and 76	22nd December 1999	1999/3420
Sections 77 and 78	6th April 2000	1999/3420
Schedule 12 in the following respects, and section 84(1) so far as it relates to them:—		
paragraphs 1 to 4	1st December 2000	2000/1116
paragraphs 5 to 7, and 8(1), (2), (5) and (6)	1st December 2000	2000/1047
paragraph 8(3) and (4)	15th April 2000	S.S.I. 2000/111
paragraphs 9, 10, 11, 12 and 14 to 63	1st December 2000	2000/1047, S.S.I. 2000/238
paragraphs 64 to 66	1st December 2000	2000/1116
paragraphs 67 to 72	26th March 2002 and 6th April 2002	2002/818
paragraph 73	25th April 2000	2000/1047
paragraph 74	6th April 2000	1999/3420
paragraph 75	25th April 2000	2000/1047
paragraphs 76 to 78	6th April 2000	1999/3420
paragraphs 84 to 86	6th April 2000	1999/3420
Section 85(3) and (4)	1st December 2000	2000/1116
Section 85(5)	1st December 2000	2000/1047
Schedule 13 in the following respects, and section 88 so far as it relates to them:—		
Part I (partially)	25th April 2000 and 19th March 2001 23rd April 2001 1st January 2002, 1st February 2002 and 6th April 2002	2000/1047, 2001/933 2001/1219 2001/4049
Part II	1st December 2000	2000/1047, 2000/1116
Part III	1st December 2000	2000/1047
Part IV	3rd November 2000 and 6th April 2001	2000/2958
Part V	2nd April 2000, 24th April 2000 and 9th April 2001 6th April 2002	1999/3309, 2000/1047 2001/4049
Parts VI and VII	6th April 2000	1999/3420

