



Pensions Act 2008

2008 CHAPTER 30

PART 2 **E+W+S**

SIMPLIFICATION ETC

State pensions etc

106 Contracting-out: abolition of all protected rights **E+W+S**

- (1) As from the contracting-out abolition date, pension schemes are not required to make special provision in relation to the protected rights of members.
- (2) Accordingly—
 - (a) the provisions of the Pension Schemes Act 1993 (c. 48) (“the 1993 Act”) within subsection (3) cease to have effect as from that date, and
 - (b) sections 25A, 27A and 32A of the 1993 Act (as inserted by paragraphs 9, 10 and 12 of Schedule 4 to the Pensions Act 2007 (c. 22)) are not to have any effect as from that date (in spite of section 15(4) of that Act of 2007).
- (3) The provisions of the 1993 Act within this subsection are—
 - (a) section 10 (protected rights and money purchase benefits),
 - (b) section 26 (persons who may establish scheme),
 - (c) section 27 (identification and valuation of protected rights),
 - (d) section 30 (securing of liability for protected rights),
 - (e) section 32 (suspension or forfeiture), and
 - (f) section 33A (appropriate schemes: “blowing the whistle”).
- (4) In this section—

“the contracting-out abolition date” means the day appointed under section 30 of the Pensions Act 2007 (c. 22) for the coming into force of section 15(1) of that Act (abolition of contracting-out for defined contribution pension schemes), and

Changes to legislation: *Pensions Act 2008, Section 106 is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

“protected rights” has the same meaning as in the 1993 Act (see section 10 of that Act).

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

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

- s. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)