

Changes to legislation: There are currently no known outstanding effects for the Pensions Act 2014, Cross Heading: Gender Recognition Act 2004 (c. 7). (See end of Document for details)

SCHEDULES

SCHEDULE 12 **E+W+S**

STATE PENSION: AMENDMENTS

PART 1 **E+W+S**

AMENDMENTS TO DO WITH NEW STATE PENSION SYSTEM

Gender Recognition Act 2004 (c. 7)

46 The Gender Recognition Act 2004 is amended as follows.

Commencement Information

II Sch. 12 para. 46 in force at 6.4.2016, see s. 56(1)(4)

47 In section 23 of that Act (power to modify statutory provisions) “enactment” includes sections 11 and 12 of, and Schedules 6 and 7 to, this Act.

Commencement Information

I2 Sch. 12 para. 47 in force at 6.4.2016, see s. 56(1)(4)

48 (1) Schedule 5 (benefits and pensions) is amended as follows.

(2) After paragraph 6 insert—

“Pension under Part 1 of the Pensions Act 2014

6A (1) Any question—

- (a) whether the person is entitled to a state pension under Part 1 of the Pensions Act 2014 for any period after the certificate is issued, and
- (b) (if so) the rate at which the person is so entitled for the period, is to be decided as if the person's gender were the acquired gender.

(2) Accordingly, if (immediately before the certificate is issued) the person—

- (a) is a woman entitled to a state pension under Part 1 of the Pensions Act 2014, but
- (b) has not attained the age of 65,

the person ceases to be so entitled when it is issued.

(3) And, conversely, if (immediately before the certificate is issued) the person—

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- (a) is a man who has attained the age at which a woman of the same age attains pensionable age, but
 - (b) has not attained the age of 65,
- the person is to be treated for the purposes of Part 1 of the Pensions Act 2014 as attaining pensionable age when it is issued.
- (4) But sub-paragraph (1) does not apply if and to the extent that the decision of any question to which it refers is affected by the payment or crediting of contributions, or the crediting of earnings, in respect of a period ending before the certificate is issued.
 - (5) If the person's acquired gender is the male gender, sections 11 and 12 of, and Schedules 6 and 7 to, the Pensions Act 2014 (effect of reduced rate elections) apply in relation to the person as they apply in relation to a woman (but only once the person has reached pensionable age for a man).
 - (6) Paragraph 10 makes provision about deferment of state pensions under Part 1 of the Pensions Act 2014.”
- (3) In paragraph 7, in sub-paragraph (1), at the end insert “ (but this is subject to sub-paragraph (3)) ”.
 - (4) In paragraph 10, in sub-paragraph (1), before paragraph (a) insert—
“(za) a state pension under Part 1 of the Pensions Act 2014,”.

Commencement Information

I3 Sch. 12 para. 48 in force at 6.4.2016, see s. 56(1)(4)

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