



# Social Security Pensions Act 1975

## 1975 CHAPTER 60

### PART III

#### CONTRACTING-OUT

##### *Requirements for contracting-out*

#### **33 Requisite benefit for earner.**

- (1) Subject to the provisions of this Part of this Act, for an occupational pension scheme [<sup>F1</sup>which is not a money purchase contracted-out scheme] to be contracted-out in relation to an earner's employment it must provide for him to be entitled to a pension under the scheme if he attains pensionable age and contain—
- (a) .....<sup>F2</sup>
  - (b) a rule to the effect that if the earner has a guaranteed minimum under section 35 below the weekly rate of the pension will be not less than his guaranteed minimum under that section.

[<sup>F3</sup>(1A) In the case of an earner who is a married woman or widow who is liable to pay primary Class 1 contributions at a reduced rate by virtue of [<sup>F4</sup>section 19(4) of the Contributions and Benefits Act], subject to the provisions of this Part of the Act, for a scheme to be contracted-out in relation to her employment it must—

- (a) provide for her to be entitled to a pension under the scheme if she attains pensionable age [<sup>F5</sup>and does not have a guaranteed minimum under section 35 below]; and
  - (b) satisfy such other conditions as may be prescribed.]
- (2) Subject to subsections (3) . . . <sup>F6</sup> below, the scheme must provide for the pension to commence on the date on which the earner attains pensionable age and to continue for his life.
- (3) The scheme may provide for the commencement of the earner's guaranteed minimum pension to be postponed for any period for which he continues in employment after attaining pensionable age but so that his consent is required—

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- (a) for any postponement by virtue of employment to which the scheme does not relate; and
  - (b) for any postponement after the expiration of five years from the date on which he attains pensionable age.
- (4) ..... F7
- (5) Equivalent pension benefits for the purposes of the former legislation are not to be regarded as constituting any part of the earner’s guaranteed minimum pension.
- (6) The benefits referred to in subsection (5) above are any to which the earner may be immediately or prospectively entitled in respect of a period of employment which—
- (a) was for him non-participating employment under that legislation; and
  - (b) was not on its termination the subject of any payment in lieu of contributions;
- but subsection (5) excludes so much only of those benefits as (and no more than) had to be provided in order that the employment should for that period be treated as non-participating.
- (7) In this section “the former legislation” means Part III of the <sup>M1</sup>National Insurance Act 1965 and the previous corresponding enactments.

**Textual Amendments**

- F1 Words inserted (with effect from 6.4.1988) by [Social Security Act 1986 \(c. 50\)](#), **Sch. 2**, para. 6(1)(a)
- F2 [S. 33\(1\)\(a\)](#) repealed by [Social Security Act 1986 \(c. 50\)](#), **Sch. 11**
- F3 [S. 33\(1A\)](#) inserted by [Social Security Act 1986 \(c. 50\)](#), **Sch. 10 para. 17**
- F4 Words substituted (with effect from 1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#) Sch. 2, para. 26
- F5 Words inserted (*prosp.*) by [Social Security Act 1990 \(c. 27\)](#), **Sch. 4**, para. 7(1)
- F6 Words repealed (with effect from 1.10.1990) by [Social Security Act 1990 \(c. 27\)](#), **Sch. 7**
- F7 [S. 33\(4\)](#) repealed by [Social Security Act 1986 \(c. 50\)](#), **Sch. 11**

**Marginal Citations**

- M1 [1965 c. 51](#).

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Social Security Pensions Act 1975, Section 33.