STATUTORY INSTRUMENTS

1985 No. 1927

PENSIONS

The Contracting-out (Protection of Pensions) Regulations 1985

Made - - - -	10*th December* 1985
Laid before Parliament	11*th December* 1985
Coming into Operation	1*st January* 1986

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 168(1) of, and Schedule 20 to, the Social Security Act 1975(**a**), section 41B(3) of the Social Security Pensions Act 1975(**b**) and section 6(6) of the Social Security Act 1985(**c**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Contracting-out (Protection of Pensions) Regulations 1985 and shall come into operation on 1st January 1986.

(2) Regulation 2 of these regulations shall have effect as from 1st January 1985.

(3) In these regulations, "the principal regulations" means the Contracting-out (Protection of Pensions) Regulations 1984(**d**).

Addition to principal regulations

2. After regulation 7 of the principal regulations there shall be inserted the following regulation—

"*Assumptions to be made in determining the relevant sum in relation to widow's benefit*

7A. For the purposes of section 41B(3) it shall be assumed that the earner died on the day after the termination of employment date, being then married to the wife to whom he was married on the date of his death, and being employed in employment to which the scheme applied if (and only if) he was employed in such employment on the date of his death, so however that no

(**a**) 1975 c. 14. *See* definitions of "prescribe" and "regulations" in Schedule 20. Section 168(1) applies, by virtue of section 66(2) of the Social Security Pensions Act 1975 (c. 60), to the exercise of certain powers conferred by that Act.

(**b**) 1975 c. 60; section 41B was inserted by section 20 of, and Schedule 6 to, the Health and Social Security Act 1984 (c. 48), and subsection (3) was amended by section 6(5) of the Social Security Act 1985 (c. 53).

(**c**) 1985 c. 53.

(**d**) S.I. 1984/1921, to which there is an amendment not relevant to these regulations.

notional service after the termination of employment date shall be attributed to the earner by reason of this assumption."

Signed by authority of the Secretary of State for Social Services.

Tony Newton,
Minister of State,
Department of Health and Social Security.

10th December 1985.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations are all made under section 41B(3) of the Social Security Pensions Act 1975 before the expiry of the period of 6 months beginning with the commencement (on 22nd July 1985) of section 6(5) of the Social Security Act 1985. Consequently, by virtue of section 26(1)(*g*) of the Social Security Act 1985, the provisions of section 61(2) and (3) of the Social Security Pensions Act 1975 (which require reference to the Occupational Pensions Board, and a report by the Board on, proposals to make regulations for certain purposes of that Act) do not apply to them.

Regulation 2 inserts a new regulation 7A into the Contracting-out (Protection of Pensions) Regulations 1984, which sets out the assumptions that have to be made when determining the weekly rate of a widow's pension for the purposes of section 41B(3).

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