

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

SCHEDULES

SCHEDULE 5

Section 55.

[^{F1}PENSION INCREASE OR LUMP SUM WHERE ENTITLEMENT TO RETIREMENT PENSION IS DEFERRED]

Textual Amendments

- F1** Sch. 5 heading substituted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 3](#)

Modifications etc. (not altering text)

- C1** Sch. 5 modified (6.4.2005) by [The Social Security \(Retirement Pensions etc.\) \(Transitional Provisions\) Regulations 2005 \(S.I. 2005/469\)](#), regs. 1(1), 2
- C2** Sch. 5 sums amended (with effect in accordance with arts. 1(3), 6 of the amending S.I.) by [The Social Security Benefits Up Rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(c), [4\(4\)\(b\)](#) (for up rating orders applicable to earlier years, see [S.I. 1993/349](#); [S.I. 1994/542](#); [S.I. 1995/559](#); [S.I. 1996/599](#); [S.I. 1997/543](#); [S.I. 1998/470](#); [S.I. 1999/264](#); [S.I. 2000/440](#); [S.I. 2001/207](#); [S.I. 2002/668](#); [S.I. 2003/526](#); [S.I. 2004/552](#); [S.I. 2005/522](#); [S.I. 2006/645](#); [S.I. 2007/688](#); [S.I. 2008/632](#); [S.I. 2009/497](#); [S.I. 2010/793](#); [S.I. 2011/821](#); [S.I. 2012/780](#))
- C3** Sch. 5: sums amended (with effect in accordance with arts. 1(2)(1)(3)(4), 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2014 \(S.I. 2014/516\)](#), arts. 1(2)(c), [4\(4\)\(b\)](#)

*[^{F2}Choice between increase of pension and lump
sum where pensioner's entitlement is deferred*

Textual Amendments

- F2** Sch. 5 para. A1 and cross-heading inserted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 4](#)

- A1** (1) Where a person's entitlement to a Category A or Category B retirement pension is deferred and the period of deferment is at least 12 months, the person shall, on claiming his pension or within a prescribed period after claiming it, elect in the prescribed manner either—
- (a) that paragraph 1 (entitlement to increase of pension) is to apply in relation to the period of deferment, or
 - (b) that paragraph 3A (entitlement to lump sum) is to apply in relation to the period of deferment.
- (2) If no election under sub-paragraph (1) is made within the period prescribed under that sub-paragraph, the person is to be treated as having made an election under sub-paragraph (1)(b).
- (3) Regulations—

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

- (a) may enable a person who has made an election under sub-paragraph (1) (including one that the person is treated by sub-paragraph (2) as having made) to change the election within a prescribed period and in a prescribed manner, if prescribed conditions are satisfied, and
 - (b) if they enable a person to make an election under sub-paragraph (1)(b) in respect of a period of deferment after receiving any increase of pension under paragraph 1 by reference to that period, may for the purpose of avoiding duplication of payment—
 - (i) enable an amount determined in accordance with the regulations to be recovered from the person in a prescribed manner and within a prescribed period, or
 - (ii) provide for an amount determined in accordance with the regulations to be treated as having been paid on account of the amount to which the person is entitled under paragraph 3A.
- (4) Where the Category A or Category B retirement pension includes any increase under [^{F3}paragraphs 5 to 6A], no election under sub-paragraph (1) applies to so much of the pension as consists of that increase (an entitlement to an increase of pension in respect of such an increase after a period of deferment being conferred either by paragraphs 1 and 2 or by paragraph 2A).]

Textual Amendments

- F3** Words in Sch. 5 para. A1(4) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(2\)](#)

Increase of pension where pensioner's entitlement is deferred

- [^{F4}1 (1) This paragraph applies where a person's entitlement to a Category A or Category B retirement pension is deferred and one of the following conditions is met—
- (a) the period of deferment is less than 12 months, or
 - (b) the person has made an election under paragraph A1(1)(a) in relation to the period of deferment.
- (2) The rate of the person's Category A or Category B retirement pension shall be increased by an amount equal to the aggregate of the increments to which he is entitled under paragraph 2, but only if that amount is enough to increase the rate of the pension by at least 1 per cent.]

Textual Amendments

- F4** Sch. 5 para. 1 substituted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 5](#)

- 2 (1) Subject to paragraph 3 below, a person is entitled to an increment under this paragraph for each complete incremental period in his [^{F5}period of deferment].
- (2) In this Schedule—
- “incremental period” means any period of six days which are treated by regulations as days of increment for the purposes of this Schedule in relation to the person and the pension in question; ^{F6}...

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

F6

- (3) Subject to paragraph 3 below, the amount of the increment for any such incremental period shall be [^{F7}1/5th per cent] of the weekly rate of the Category A or Category B retirement pension to which that person would have been entitled for the period if his entitlement had not been deferred.
- (4) Where an amount is required to be calculated in accordance with the provisions of sub-paragraph (3) above—
 - (a) the amount so calculated shall be rounded to the nearest penny, taking any 1/2p as nearest to the next whole penny above; and
 - (b) where the amount so calculated would, apart from this sub-paragraph, be a sum less than 1/2p, that amount shall be taken to be zero, notwithstanding any other provision of this Act, the Pensions Act or the Administration Act.
- (5) For the purposes of sub-paragraph (3) above the weekly rate of pension for any period shall be taken—
 - (a) to include any increase under section 47(1) above and any increase under [^{F8}paragraph 4, 5, 5A, 6 or 6A] below, but
 - (b) not to include any increase under section ^{F9}... [^{F10}83A or] 85 above or any graduated retirement benefit.
- (6) The reference in sub-paragraph (5) above to any increase under subsection (1) of section 47 above shall be taken as a reference to any increase that would take place under that subsection if subsection (2) of that section and [^{F11}section 46(5)] of the Pensions Act were disregarded.
- (7) Where one or more orders have come into force under section 150 [^{F12}or 150A] of the Administration Act during the [^{F13}period of deferment], the rate for any incremental period shall be determined as if the order or orders had come into force before the beginning of the [^{F13}period of deferment].
- (8) Where a pensioner's rights premium is paid in respect of a person who is, or if his entitlement had not been deferred would be, entitled to a Category A or Category B retirement pension, then, in calculating any increment under this paragraph which falls to be paid to him in respect of such a pension after the date on which the premium is paid there shall be disregarded any guaranteed minimum pension to which the pensioner was entitled in connection with the employment to which the premium relates.

Textual Amendments

- F5** Words in Sch. 5 para. 2 substituted (with effect in relation to incremental periods beginning on or after 6.4.2010 in accordance with Sch. 4 para. 6(5) of the amending Act) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 6(2)(b)**
- F6** Words in Sch. 5 para. 2(2) repealed (with effect in relation to incremental periods beginning on or after 6.4.2010 in accordance with Sch. 4 para. 6(5) of the amending Act) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 6(2)(a)**
- F7** Words in Sch. 5 para. 2(3) substituted (with effect in relation to incremental periods beginning on or after 6.4.2010 in accordance with Sch. 4 para. 6(5) of the amending Act) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 6(3)**
- F8** Words in Sch. 5 para. 2(5)(a) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2053), art. 1(3), **Sch. para. 5(3)**

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

- F9** Word in Sch. 5 para. 2(5)(b) repealed with savings (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); [S.I. 2003/938](#), art. 2, [Sch.](#) (with art. 3)
- F10** Words in Sch. 5 para. 2(5)(b) substituted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 6\(1\)](#) (with [Sch. 11 para. 6\(2\)](#))
- F11** Words in Sch. 5 para. 2(6) substituted (7.2.1994) by [Pension Schemes Act 1993 \(c. 48\)](#), s. 193(2), [Sch. 8 para. 42\(a\)](#) (with s. 189, [Schs. 6, 9](#)); [S.I. 1994/86](#)
- F12** Words in Sch. 5 para. 2(7) inserted (with effect in relation to the tax year 2010-2011 and subsequent tax years) by [Pensions Act 2007 \(c. 22\)](#), s. 30(1)(a)(3), [Sch. 1 para. 19](#) (with s. 5(3)-(7)); [S.I. 2010/2650](#)
- F13** Words in Sch. 5 para. 2 substituted (with effect in relation to incremental periods beginning on or after 6.4.2010 in accordance with [Sch. 4 para. 6\(5\)](#) of the amending Act) by [Pensions Act 1995 \(c. 26\)](#), s. 180(2)(a), [Sch. 4 para. 6\(2\)\(b\)](#)

[^{F14}2A (1) This paragraph applies where—

- (a) a person's entitlement to a Category A or Category B retirement pension is deferred,
 - (b) the pension includes an increase under [^{F15}paragraphs 5 to 6A], and
 - (c) the person has made (or is treated as having made) an election under paragraph A1(1)(b) in relation to the period of deferment.
- (2) The rate of the person's Category A or Category B retirement pension shall be increased by an amount equal to the aggregate of the increments to which he is entitled under sub-paragraph (3).
- (3) For each complete incremental period in the person's period of deferment, the amount of the increment shall be 1/5th per cent. of the weekly rate of the increase to which the person would have been entitled under [^{F15}paragraphs 5 to 6A] for the period if his entitlement to the Category A or Category B retirement pension had not been deferred.]

Textual Amendments

- F14** Sch. 5 para. 2A inserted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 7](#)
- F15** Words in Sch. 5 para. 2A substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(4\)](#)

- 3 (1) Regulations may provide that sub-paragraphs (1) to (3) of paragraph 2 above shall have effect with such additions, omissions and amendments as are prescribed in relation to a person during whose [^{F16}period of deferment] there has been a change, other than a change made by such an order as is mentioned in sub-paragraph (7) of that paragraph, in the rate of the Category A or Category B retirement pension to which he would have been entitled if his entitlement to the pension had commenced on attaining pensionable age.
- (2) Any regulations under this paragraph may make such consequential additions, omissions and amendments in paragraph 8(3) below as the Secretary of State considers are appropriate in consequence of any changes made by virtue of this paragraph in paragraph 2 above.

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

Textual Amendments

- F16** Words in Sch. 5 para. 3 substituted (with effect in relation to incremental periods beginning on or after 6.4.2010 in accordance with Sch. 4 para. 6(5) of the amending Act) by [Pensions Act 1995 \(c. 26\)](#), s. 180(2)(a), Sch. 4 para. 6(2)(b)

[^{F17}Lump sum where pensioner's entitlement is deferred

Textual Amendments

- F17** Sch. 5 paras. 3A, 3B and cross-headings inserted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 8](#)

- 3A (1) This paragraph applies where—
- (a) a person's entitlement to a Category A or Category B retirement pension is deferred, and
 - (b) the person has made (or is treated as having made) an election under paragraph A1(1)(b) in relation to the period of deferment.
- (2) The person is entitled to an amount calculated in accordance with paragraph 3B (a "lump sum").]

[^{F17}Calculation of lump sum

- 3B (1) The lump sum is the accrued amount for the last accrual period beginning during the period of deferment.
- (2) In this paragraph—
- 'accrued amount' means the amount calculated in accordance with sub-paragraph (3);
 - 'accrual period' means any period of seven days beginning with a prescribed day of the week, where that day falls within the period of deferment.
- (3) The accrued amount for an accrual period for a person is—
- $$(A+P)\times(1+R100)52$$
- where—
- A is the accrued amount for the previous accrual period (or, in the case of the first accrual period beginning during the period of deferment, zero);
 - P is the amount of the Category A or Category B retirement pension to which the person would have been entitled for the accrual period if his entitlement had not been deferred;
 - R is—
 - (a) a percentage rate two per cent. higher than the Bank of England base rate, or
 - (b) if regulations so provide, such higher rate as may be prescribed.
- (4) For the purposes of sub-paragraph (3), any change in the Bank of England base rate is to be treated as taking effect—

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

- (a) at the beginning of the accrual period immediately following the accrual period during which the change took effect, or
 - (b) if regulations so provide, at such other time as may be prescribed.
- (5) For the purposes of the calculation of the lump sum, the amount of Category A or Category B retirement pension to which the person would have been entitled for an accrual period—
- (a) includes any increase under section 47(1) and any increase under paragraph 4 of this Schedule, but
 - (b) does not include—
 - (i) any increase under section 83A or 85 or ^{F18}paragraphs 5 to 6A] of this Schedule,
 - (ii) any graduated retirement benefit, or
 - (iii) in prescribed circumstances, such other amount of Category A or Category B retirement pension as may be prescribed.
- (6) The reference in sub-paragraph (5)(a) to any increase under subsection (1) of section 47 shall be taken as a reference to any increase that would take place under that subsection if subsection (2) of that section and section 46(5) of the Pensions Act were disregarded.]

Textual Amendments

- F18** Words in Sch. 5 para. 3B(5)(b)(i) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), **Sch. para. 5(5)**

^{F19}*Choice between increase of pension and lump sum where pensioner's deceased spouse ^{F20}or civil partner] has deferred entitlement*

Textual Amendments

- F19** Sch. 5 para. 3C and cross-heading inserted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), **Sch. 11 para. 9**
- F20** Words in Sch. 5 para. 3C cross-heading inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), **Sch. para. 5(6)(a)**

- 3C (1) Subject to paragraph 8, this paragraph applies where—
- (a) a ^{F21}widow, widower or surviving civil partner] (“W”) is entitled to a Category A or Category B retirement pension,
 - (b) W was married to ^{F22}or was the civil partner of] the other party to the marriage ^{F23}or civil partnership] (“S”) when S died,
 - (c) S’s entitlement to a Category A or Category B retirement pension was deferred when S died, and
 - (d) S’s entitlement had been deferred throughout the period of 12 months ending with the day before S’s death.
- (2) W shall within the prescribed period elect in the prescribed manner either—

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

- (a) that paragraph 4 (entitlement to increase of pension) is to apply in relation to S's period of deferment, or
 - (b) that paragraph 7A (entitlement to lump sum) is to apply in relation to S's period of deferment.
- (3) If no election under sub-paragraph (2) is made within the period prescribed under that sub-paragraph, W is to be treated as having made an election under sub-paragraph (2)(b).
- (4) Regulations—
- (a) may enable a person who has made an election under sub-paragraph (2) (including one that the person is treated by sub-paragraph (3) as having made) to change the election within a prescribed period and in a prescribed manner, if prescribed conditions are satisfied, and
 - (b) if they enable a person to make an election under sub-paragraph (2)(b) in respect of a period of deferment after receiving any increase of pension under paragraph 4 by reference to that period, may for the purpose of avoiding duplication of payment—
 - (i) enable an amount determined in accordance with the regulations to be recovered from the person in a prescribed manner and within a prescribed period, or
 - (ii) provide for an amount determined in accordance with the regulations to be treated as having been paid on account of the amount to which the person is entitled under paragraph 7A.
- (5) The making of an election under sub-paragraph (2)(b) does not affect the application of [^{F24}paragraphs 5 to 6A] (which relate to an increase in pension where the pensioner's deceased spouse [^{F25}or civil partner] had deferred an entitlement to a guaranteed minimum pension).]

Textual Amendments

- F21** Words in Sch. 5 para. 3C(1)(a) substituted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), [Sch. para. 5\(6\)\(b\)](#)
- F22** Words in Sch. 5 para. 3C(1)(b) inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), [Sch. para. 5\(6\)\(c\)\(i\)](#)
- F23** Words in Sch. 5 para. 3C(1)(b) inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), [Sch. para. 5\(6\)\(c\)\(ii\)](#)
- F24** Words in Sch. 5 para. 3C(5) substituted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), [Sch. para. 5\(6\)\(d\)\(i\)](#)
- F25** Words in Sch. 5 para. 3C(5) inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), [Sch. para. 5\(6\)\(d\)\(ii\)](#)

Modifications etc. (not altering text)

- C4** Sch. 5 para. 3C excluded (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 26](#)

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

Increase of pension where pensioner's deceased spouse [F26 or civil partner] has deferred entitlement

Textual Amendments

F26 Words in Sch. 5 para. 4 heading inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(a\)](#)

- 4 [F27](1) Subject to paragraph 8, this paragraph applies where a [F28]widow, widower or surviving civil partner] (“W”) is entitled to a Category A or Category B retirement pension and was married to [F29]or was the civil partner of] the other party to the marriage [F30]or civil partnership] (“S”) when S died and one of the following conditions is met—
- (a) S was entitled to a Category A or Category B retirement pension with an increase under this Schedule,
 - (b) W is a [F28]widow, widower or surviving civil partner] to whom paragraph 3C applies and has made an election under paragraph 3C(2)(a), or
 - (c) paragraph 3C would apply to W but for the fact that the condition in sub-paragraph (1)(d) of that paragraph is not met.
- (1A) Subject to sub-paragraph (3), the rate of W’s pension shall be increased—
- (a) in a case falling within sub-paragraph (1)(a), by an amount equal to the increase to which S was entitled under this Schedule, apart from [F31]paragraphs 5 to 6A][F32](as those provisions have effect by virtue of section 2(7) of the Pensions Act 2011)],
 - (b) in a case falling within sub-paragraph (1)(b), by an amount equal to the increase to which S would have been entitled under this Schedule, apart from [F31]paragraphs 5 to 6A][F32](as those provisions have effect by virtue of section 2(7) of the Pensions Act 2011)], if the period of deferment had ended immediately before S’s death and S had then made an election under paragraph A1(1)(a), or
 - (c) in a case falling within sub-paragraph (1)(c), by an amount equal to the increase to which S would have been entitled under this Schedule, apart from [F31]paragraphs 5 to 6A][F32](as those provisions have effect by virtue of section 2(7) of the Pensions Act 2011)], if the period of deferment had ended immediately before S’s death.]
- (3) If a married person dies after [F33]5th October 2002][F34]or a civil partner dies on or after 5th December 2005], the rate of the retirement pension for that person’s [F35]widow, widower or surviving civil partner] shall be increased by an amount equivalent to the sum of—
- (a) the increase in the basic pension to which the deceased spouse [F36]or civil partner] was entitled; and
 - (b) one-half of the increase in the additional pension.
- (4) In any case where—
- (a) there is a period between the death of the former spouse [F37]or civil partner] and the date on which the surviving spouse [F38]or civil partner] becomes entitled to a Category A or Category B retirement pension, and

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

(b) one or more orders have come into force under section 150 of the Administration Act during that period,

the amount of the increase to which the surviving spouse [^{F38}or civil partner] is entitled under this paragraph shall be determined as if the order or orders had come into force before the beginning of that period.

(5) This paragraph does not apply in any case where the deceased spouse died before 6th April 1979 and the widow or widower attained pensionable age before that date.

Textual Amendments

- F27** Sch. 5 para. 4(1)(1A) substituted for Sch. 5 para. 4(1) (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 10](#)
- F28** Words in Sch. 5 para. 4(1) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(b\)\(i\)](#)
- F29** Words in Sch. 5 para. 4(1) inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(b\)\(ii\)](#)
- F30** Words in Sch. 5 para. 4(1) inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(b\)\(iii\)](#)
- F31** Words in Sch. 5 para. 4(1A) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(c\)](#)
- F32** Words in Sch. 5 para. 4(1A) inserted (6.4.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(4), [Sch. 2 para. 3\(7\)](#) (with s. 2(8)); S.I. 2011/3034, art. 4(f)(iii)
- F33** Words in Sch. 5 para. 4(3) substituted (with retrospective effect) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 39\(1\)\(a\)\(2\)\(c\)](#), 86(1)(b)(2) (with s. 83(6))
- F34** Words in Sch. 5 para. 4(3) inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(d\)\(i\)](#)
- F35** Words in Sch. 5 para. 4(3) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(d\)\(ii\)](#)
- F36** Words in Sch. 5 para. 4(3)(a) inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(d\)\(iii\)](#)
- F37** Words in Sch. 5 para. 4(4) inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(e\)\(i\)](#)
- F38** Words in Sch. 5 para. 4(4) inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), [Sch. para. 5\(7\)\(e\)\(ii\)](#)

Modifications etc. (not altering text)

- C5** Sch. 5 para. 4 excluded (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 26](#)
- C6** Sch. 5 paras. 4-7 modified (6.10.2002) by [The Social Security \(Inherited SERPS\) Regulations 2001 \(S.I. 2001/1085\)](#), regs. 1(1), 2, [Sch.](#) (as amended (5.12.2005) by S.I. 2005/3030, regs. 1, 2)
- C7** Sch. 5 para. 4(1) modified (19.7.1995) by [Pensions Act 1995 \(c. 26\)](#), s. 180(2)(a), [Sch. 4 para. 21\(14\)](#)

[^{F39}~~F~~^{F40}(1) Where—

- (a) a [^{F41}widow, widower or surviving civil partner] (call that person “W”) is entitled to a Category A or Category B retirement pension and was married to [^{F42}or was the civil partner of] the other party to the marriage [^{F43}or civil partnership] (call that person “S”) when S died, and
- (b) S either—
- (i) was entitled to a guaranteed minimum pension with an increase under section 15(1) of the Pensions Act, or

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

(ii) would have been so entitled if S had retired on the date of S's death, the rate of W's pension shall be increased by the following amount.

(2) The amount is—

- (a) where W is a [^{F44}widow][^{F44}woman whose deceased spouse was a man], an amount equal to the sum of the amounts set out in paragraph 5A(2) or (3) below (as the case may be), ^{F45}...
- (b) where W is a [^{F46}widower][^{F46}man whose deceased spouse was a woman], an amount equal to the sum of the amounts set out in paragraph 6(2), (3) or (4) below (as the case may be)][^{F47}, and
- [^{F48}(c) where W is—
 - (i) a woman whose deceased spouse was a woman,
 - (ii) a man whose deceased spouse was a man, or
 - (iii) a surviving civil partner,
 an amount equal to the sum of the amounts set out in paragraph 6A(2) below.]]

Textual Amendments

- F39** Sch. 5 paras. 5, 5A, 6 substituted for Sch. 5 paras. 5, 6 (19.7.1995) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 21(15)**
- F40** Sch. 5 paras. 5, 5A, 6, 6A, 7 omitted (6.4.2012 for specified purposes) by virtue of Pensions Act 2011 (c. 19), **ss. 2(5), 38(4)** (with s. 2(7)); S.I. 2011/3034, art. 4(b) (note that this amending provision is itself repealed (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 97(a)**)
- F41** Words in Sch. 5 para. 5(1)(a) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2053), art. 1(3), **Sch. para. 5(8)(a)(i)**
- F42** Words in Sch. 5 para. 5(1)(a) inserted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2053), art. 1(3), **Sch. para. 5(8)(a)(ii)**
- F43** Words in Sch. 5 para. 5(1)(a) inserted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2053), art. 1(3), **Sch. para. 5(8)(a)(iii)**
- F44** Words in Sch. 5 para. 5(2)(a) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 3 para. 4(2)(a)**
- F45** Word in Sch. 5 para. 5(2)(a) omitted (5.12.2005) by virtue of The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2053), art. 1(3), **Sch. para. 5(8)(b)(i)**
- F46** Words in Sch. 5 para. 5(2)(b) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 3 para. 4(2)(b)**
- F47** Sch. 5 para. 5(2)(c) and preceding word inserted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2053), art. 1(3), **Sch. para. 5(8)(b)(ii)**
- F48** Sch. 5 para. 5(2)(c) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 3 para. 4(2)(c)**

Modifications etc. (not altering text)

- C6** Sch. 5 paras. 4-7 modified (6.10.2002) by The Social Security (Inherited SERPS) Regulations 2001 (S.I. 2001/1085), **regs. 1(1), 2, Sch.** (as amended (5.12.2005) by S.I. 2005/3030, **regs. 1, 2**)
- C8** Sch. 5 para. 5 applied (with modifications) (1.3.2009 for specified purposes, 6.4.2009 in so far as not already in force) by Pensions Act 2007 (c. 22), **ss. 14(8)-(11), 30(2)(a)**; S.I. 2009/406, art. 2(a)(b)

*Status: Point in time view as at 13/03/2014.**Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)***C9** Sch. 5 para. 5(1) modified (19.7.1995) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 21(16)**

[^{F39}¶^{F40}(1) This paragraph applies where W (referred to in paragraph 5 above) is a [^{F49}widow][^{F49}woman whose deceased spouse was a man].

(2) Where the husband dies before [^{F50}6th October 2002], the amounts referred to in paragraph 5(2)(a) above are the following—

- (a) an amount equal to one-half of the increase mentioned in paragraph 5(1)(b) above,
- (b) the appropriate amount, and
- (c) an amount equal to any increase to which the husband had been entitled under paragraph 5 above.

(3) Where the husband dies after [^{F51}5th October 2002], the amounts referred to in paragraph 5(2)(a) above are the following—

- (a) one-half of the appropriate amount ^{F52}... , and
- (b) one-half of any increase to which the husband had been entitled under paragraph 5 above.]]

Textual Amendments

F39 Sch. 5 paras. 5, 5A, 6 substituted for Sch. 5 paras. 5, 6 (19.7.1995) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 21(15)**

F40 Sch. 5 paras. 5, 5A, 6, 6A, 7 omitted (6.4.2012 for specified purposes) by virtue of Pensions Act 2011 (c. 19), **ss. 2(5), 38(4)** (with s. 2(7)); S.I. 2011/3034, art. 4(b) (note that this amending provision is itself repealed (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 97(a)**)

F49 Words in Sch. 5 para. 5A(1) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 3 para. 4(3)**

F50 Words in Sch. 5 para. 5A(2) substituted (with retrospective effect) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 39(1)(b)(2)(c), 86(1)(b)(2)** (with s. 83(6))

F51 Words in Sch. 5 para. 5A(3) substituted (with retrospective effect) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 39(1)(a)(2)(c), 86(1)(b)(2)** (with s. 83(6))

F52 Words in Sch. 5 para. 5A(3)(a) repealed (with effect in relation to the tax year 2010-2011 and subsequent tax years) by Pensions Act 2007 (c. 22), **ss. 27(7), 30(1)(a)(3), Sch. 1 para. 20, Sch. 7 Pt. 3** (with s. 5(3)-(7)); S.I. 2010/2650

Modifications etc. (not altering text)

C6 Sch. 5 paras. 4-7 modified (6.10.2002) by The Social Security (Inherited SERPS) Regulations 2001 (S.I. 2001/1085), **regs. 1(1), 2, Sch.** (as amended (5.12.2005) by S.I. 2005/3030, **regs. 1, 2**)

[^{F39}¶^{F40}(1) This paragraph applies where W (referred to in paragraph 5 above) is a [^{F53}widower][^{F53}man whose deceased spouse was a woman].

(2) Where the wife dies before 6th April 1989, the amounts referred to in paragraph 5(2) (b) above are the following—

- (a) an amount equal to the increase mentioned in paragraph 5(1)(b) above,
- (b) the appropriate amount, and
- (c) an amount equal to any increase to which the wife had been entitled under paragraph 5 above.

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

- (3) Where the wife dies after 5th April 1989 but before [^{F54}6th October 2002], the amounts referred to in paragraph 5(2)(b) above are the following—
- (a) the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,
 - (b) one-half of that increase, so far as attributable to employment after 5th April 1988,
 - (c) the appropriate amount reduced by the amount of any increases under section 109 of the Pensions Act, and
 - (d) any increase to which the wife had been entitled under paragraph 5 above.
- (4) Where the wife dies after [^{F55}5th October 2002], the amounts referred to in paragraph 5(2)(b) above are the following—
- (a) one-half of the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,
 - (b) one-half of the appropriate amount ^{F56}... , and
 - (c) one-half of any increase to which the wife had been entitled under paragraph 5 above]]

Textual Amendments

- F39** Sch. 5 paras. 5, 5A, 6 substituted for Sch. 5 paras. 5, 6 (19.7.1995) by [Pensions Act 1995 \(c. 26\)](#), s. 180(2)(a), [Sch. 4 para. 21\(15\)](#)
- F40** Sch. 5 paras. 5, 5A, 6, 6A, 7 omitted (6.4.2012 for specified purposes) by virtue of [Pensions Act 2011 \(c. 19\)](#), [ss. 2\(5\), 38\(4\)](#) (with s. 2(7)); S.I. 2011/3034, art. 4(b) (note that this amending provision is itself repealed (6.4.2016) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), [Sch. 12 para. 97\(a\)](#))
- F53** Words in [Sch. 5 para. 6\(1\)](#) substituted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), [Sch. 3 para. 4\(4\)](#)
- F54** Words in [Sch. 5 para. 6\(3\)](#) substituted (with retrospective effect) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 39\(1\)\(b\)\(2\)\(c\), 86\(1\)\(b\)\(2\)](#) (with s. 83(6))
- F55** Words in [Sch. 5 para. 6\(4\)](#) substituted (with retrospective effect) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 39\(1\)\(a\)\(2\)\(c\), 86\(1\)\(b\)\(2\)](#) (with s. 83(6))
- F56** Words in [Sch. 5 para. 6\(4\)\(b\)](#) repealed (with effect in relation to the tax year 2010-2011 and subsequent tax years) by [Pensions Act 2007 \(c. 22\)](#), [ss. 27\(7\), 30\(1\)\(a\)\(3\)](#), [Sch. 1 para. 20](#), [Sch. 7 Pt. 3](#) (with s. 5(3)-(7)); S.I. 2010/2650

Modifications etc. (not altering text)

- C6** [Sch. 5 paras. 4-7](#) modified (6.10.2002) by [The Social Security \(Inherited SERPS\) Regulations 2001 \(S.I. 2001/1085\)](#), [regs. 1\(1\), 2](#), [Sch.](#) (as amended (5.12.2005) by S.I. 2005/3030, [regs. 1, 2](#))

[^{F57}~~6A~~^{F58}(1) This paragraph applies where W (referred to in paragraph 5 above) is—

- (a) a woman whose deceased spouse was a woman,
- (b) a man whose deceased spouse was a man, or
- (c) a surviving civil partner.]

(2) The amounts referred to in paragraph 5(2)(c) above are the following—

- (a) one-half of the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,
- (b) one-half of the appropriate amount ^{F59}... , and

*Status: Point in time view as at 13/03/2014.**Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)*

- (c) one-half of any increase to which the deceased [^{F60}spouse or] civil partner had been entitled under paragraph 5 above.]]

Textual Amendments

- F40** Sch. 5 paras. 5, 5A, 6, 6A, 7 omitted (6.4.2012 for specified purposes) by virtue of [Pensions Act 2011 \(c. 19\)](#), **ss. 2(5), 38(4)** (with s. 2(7)); S.I. 2011/3034, art. 4(b) (note that this amending provision is itself repealed (6.4.2016) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 12 para. 97(a)**)
- F57** Sch. 5 para. 6A inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), **Sch. para. 5(9)**
- F58** Sch. 5 para. 6A(1) substituted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 3 para. 4(5)(a)**
- F59** Words in Sch. 5 para. 6A(2)(b) repealed (with effect in relation to the tax year 2010-2011 and subsequent tax years) by [Pensions Act 2007 \(c. 22\)](#), ss. 27(7), 30(1)(a)(3), Sch. 1 para. 20, **Sch. 7 Pt. 3** (with s. 5(3)-(7)); S.I. 2010/2650
- F60** Words in Sch. 5 para. 6A(2)(c) inserted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 3 para. 4(5)(b)**

Modifications etc. (not altering text)

- C6** Sch. 5 paras. 4-7 modified (6.10.2002) by [The Social Security \(Inherited SERPS\) Regulations 2001 \(S.I. 2001/1085\)](#), regs. 1(1), 2, **Sch.** (as amended (5.12.2005) by S.I. 2005/3030, regs. 1, 2)

7 ^{F61}(1)

^{F61}(2) Where an amount is required to be calculated in accordance with the provisions of ^{F62}paragraph 5, 5A, 6 or 6A] or sub-paragraph (1) above—

- (a) the amount so calculated shall be rounded to the nearest penny, taking any 1/2p as nearest to the next whole penny above; and
- (b) where the amount so calculated would, apart from this sub-paragraph, be a sum less than 1/2p, that amount shall be taken to be zero, notwithstanding any other provision of this Act, the Pensions Act or the Administration Act.]

Textual Amendments

- F61** Sch. 5 para. 7 omitted (6.4.2012 for the repeal of para. 7(1)) by virtue of [Pensions Act 2011 \(c. 19\)](#), **ss. 2(5), 38(4)** (with s. 2(7)); S.I. 2011/3034, art. 4(b) (note that this amending provision is itself repealed (6.4.2016) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 12 para. 97(a)**)
- F62** Words in Sch. 5 para. 7(2) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), **Sch. para. 5(10)(b)**

Modifications etc. (not altering text)

- C6** Sch. 5 paras. 4-7 modified (6.10.2002) by [The Social Security \(Inherited SERPS\) Regulations 2001 \(S.I. 2001/1085\)](#), regs. 1(1), 2, **Sch.** (as amended (5.12.2005) by S.I. 2005/3030, regs. 1, 2)

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

[^{F63}Entitlement to lump sum where pensioner's deceased spouse [^{F64}or civil partner] has deferred entitlement

Textual Amendments

- F63** Sch. 5 paras. 7A, 7B and cross-headings inserted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), **Sch. 11 para. 11(1)** (with [Sch. 11 para. 11\(2\)](#))
- F64** Words in Sch. 5 para. 7A cross-heading inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), **Sch. para. 5(11)(a)**

- 7A (1) This paragraph applies where a person to whom paragraph 3C applies (“W”) has made (or is treated as having made) an election under paragraph 3C(2)(b).
- (2) W is entitled to an amount calculated in accordance with paragraph 7B (a “widowed person’s [^{F65}or surviving civil partner's] lump sum”).]

Textual Amendments

- F65** Words in Sch. 5 para. 7A(2) inserted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), **Sch. para. 5(11)(b)**

Modifications etc. (not altering text)

- C10** Sch. 5 para. 7A excluded (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), **Sch. 11 para. 26**

[^{F63}Calculation of widowed person's [^{F66}or surviving civil partner's] lump sum

Textual Amendments

- F66** Words in Sch. 5 para. 7B cross-heading inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), **Sch. para. 5(12)(a)**

- 7B (1) The widowed person’s [^{F67}or surviving civil partner's] lump sum is the accrued amount for the last accrual period beginning during the period which—
- (a) began at the beginning of S’s period of deferment, and
 - (b) ended on the day before S’s death.
- (2) In this paragraph—
- ‘S’ means the other party to the marriage [^{F68}or civil partnership];
- ‘accrued amount’ means the amount calculated in accordance with subparagraph (3);
- ‘accrual period’ means any period of seven days beginning with a prescribed day of the week, where that day falls within S’s period of deferment.

- (3) The accrued amount for an accrual period for W is—

$$(A+P) \times (1+R100)52$$

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

where—

A is the accrued amount for the previous accrual period (or, in the case of the first accrual period beginning during the period mentioned in sub-paragraph (1), zero);

P is—

- (a) the basic pension, and
- (b) half of the additional pension,

to which S would have been entitled for the accrual period if his entitlement had not been deferred during the period mentioned in sub-paragraph (1);

R is—

- (a) a percentage rate two per cent. higher than the Bank of England base rate, or
- (b) if regulations so provide, such higher rate as may be prescribed.

(4) For the purposes of sub-paragraph (3), any change in the Bank of England base rate is to be treated as taking effect—

- (a) at the beginning of the accrual period immediately following the accrual period during which the change took effect, or
- (b) if regulations so provide, at such other time as may be prescribed.

(5) For the purposes of the calculation of the widowed person's [^{F69}or surviving civil partner's] lump sum, the amount of Category A or Category B retirement pension to which S would have been entitled for an accrual period—

- (a) includes any increase under section 47(1) and any increase under paragraph 4 of this Schedule, but
- (b) does not include—
 - (i) any increase under section 83A or 85 or [^{F70}paragraphs 5 to 6A] of this Schedule [^{F71}(as those provisions have effect by virtue of section 2(7) of the Pensions Act 2011)],
 - (ii) any graduated retirement benefit, or
 - (iii) in prescribed circumstances, such other amount of Category A or Category B retirement pension as may be prescribed.

(6) The reference in sub-paragraph (5)(a) to any increase under subsection (1) of section 47 shall be taken as a reference to any increase that would take place under that subsection if subsection (2) of that section and section 46(5) of the Pensions Act were disregarded.

(7) In any case where—

- (a) there is a period between the death of S and the date on which W becomes entitled to a Category A or Category B retirement pension, and
- (b) one or more orders have come into force under section 150 of the Administration Act during that period,

the amount of the lump sum shall be increased in accordance with that order or those orders.]

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

Textual Amendments

- F67** Words in Sch. 5 para. 7B(1) inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), **Sch. para. 5(12)(a)**
- F68** Words in Sch. 5 para. 7B(2) inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), **Sch. para. 5(12)(b)**
- F69** Words in Sch. 5 para. 7B(5) inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), **Sch. para. 5(12)(a)**
- F70** Words in Sch. 5 para. 7B(5)(b)(i) substituted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(2)(b)(3), **Sch. para. 5(12)(c)**
- F71** Words in Sch. 5 para. 7B(5)(b)(i) inserted (6.4.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(4), **Sch. 2 para. 3(8)** (with s. 2(8)); S.I. 2011/3034, art. 4(f)(iii)

[^{F72}Supplementary

Textual Amendments

- F72** Sch. 5 para. 7C and cross-heading inserted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), **Sch. 11 para. 12**

- 7C (1) Any lump sum calculated under paragraph 3B or 7B must be rounded to the nearest penny, taking any 1/2p as nearest to the next whole penny above.
- (2) In prescribing a percentage rate for the purposes of paragraphs 3B and 7B, the Secretary of State must have regard to—
- (a) the national economic situation, and
 - (b) any other matters which he considers relevant.]

[^{F73}Married couples [^{F74}and civil partners]]

Textual Amendments

- F73** Sch. 5 para. 8 cross-heading substituted (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), **Sch. 11 para. 13**
- F74** Words in Sch. 5 para. 8 cross-heading added (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2053\)](#), art. 1(3), **Sch. para. 5(13)(a)**

- 8 ^{F75}(1)
- ^{F75}(2)
- ^{F76}(3)

^{F77}(4) The conditions in paragraph 3C(1)(c) and 4(1)(a) are not satisfied by a Category B retirement pension to which S was or would have been entitled by virtue of W’s contributions.

Status: Point in time view as at 13/03/2014.

Changes to legislation: Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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)

- (5) Where the Category A retirement pension to which S was or would have been entitled includes an increase under section 51A(2) attributable to W's contributions, the increase or lump sum to which W is entitled under paragraph 4(1A) or 7A(2) is to be calculated as if there had been no increase under that section.
- (6) In sub-paragraphs (4) and (5), "W" and "S" have the same meaning as in paragraph 3C, 4 or 7A, as the case requires.]

Textual Amendments

- F75** Sch. 5 para. 8(1)(2) repealed (with effect in relation to incremental periods beginning on or after 6.4.2010 in accordance with Sch. 4 para. 6(5) of the amending Act) by [Pensions Act 1995 \(c. 26\)](#), s. 180(2)(a), [Sch. 4 para. 6\(4\)](#), [Sch. 7](#)
- F76** Sch. 5 para. 8(3) repealed (6.4.2010) by [Pensions Act 2007 \(c. 22\)](#), ss. 2(5), 27(4)(a), [Sch. 1 para. 8](#), [Sch. 7 Pt. 1](#)
- F77** Sch. 5 para. 8(4)-(6) substituted for Sch. 5 para. 8(4) (18.11.2004 for specified purposes, 6.4.2005 in so far as not already in force) by [Pensions Act 2004 \(c. 35\)](#), s. 322(3)(a), [Sch. 11 para. 14\(b\)](#)

Uprating

- 9 The sums which are the increases in the rates of retirement pensions under this Schedule are subject to alteration by order made by the Secretary of State under section 150 of the Administration Act.

Status:

Point in time view as at 13/03/2014.

Changes to legislation:

Social Security Contributions and Benefits Act 1992, SCHEDULE 5 is up to date with all changes known to be in force on or before 30 June 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.