



Social Security Pensions Act 1975

1975 CHAPTER 60

PART II

BENEFITS

Contribution conditions and earnings factors

19 Contribution conditions for retirement pensions, widowed mother's allowance and widow's pension

- (1) Paragraph 5 of Schedule 3 to the principal Act (contribution conditions for Category A and B retirement pensions, widowed mother's allowance and widow's pension) shall be amended in accordance with subsections (2) and (3) below.
- (2) In sub-paragraphs (2)(b) and (3)(b) (earnings factor for any year to be not less than that year's lower earnings limit multiplied by 50) for the words " not less than that year's lower earnings limit multiplied by 50 " there shall be substituted the words " not less than the qualifying earnings factor for that year ".
- (3) After sub-paragraph (5) there shall be added—
 - “(6) In relation to Category A and Category B retirement pension, the second condition shall be deemed to be satisfied notwithstanding that paragraphs (a) and (b) of sub-paragraph (3) above are not complied with as respects each of the requisite number of years if—
 - (a) those paragraphs are complied with as respects not less than 20 of that number of years ; and
 - (b) in each of the other years the contributor concerned was, within the meaning of regulations, precluded from regular employment by responsibilities at home.
 - (7) In relation to a widowed mother's allowance and widow's pension, the second condition shall be deemed to be satisfied notwithstanding that paragraphs (a) and (b) of sub-paragraph (3) above are not complied with as respects each of the requisite number of years if—

Status: This is the original version (as it was originally enacted).

- (a) those paragraphs are complied with as respects at least half that number of years (or at least 20 of them, if that is less than half); and
 - (b) in each of the other years the contributor concerned was, within the meaning of regulations, precluded from regular employment by responsibilities at home”.
- (4) Section 28(2) of the principal Act (woman married under the age of 55 entitled to Category A retirement pension only if she has the necessary earnings factors for at least half the years between marriage and pensionable age) shall cease to have effect.
- (5) In section 33 of the principal Act (partial satisfaction of contribution conditions) the following subsection shall be added—

“(4) Regulations may provide that where—

- (a) a person is entitled by virtue of this section to a Category A or Category B retirement pension consisting only of the additional component with no basic component; and
- (b) that pension, and any graduated retirement benefit to which he may be entitled, together amount to less than the prescribed rate,

the person's entitlement as respects that Category A or Category B retirement pension shall be satisfied either altogether or for a prescribed period by the making of a single payment of the prescribed amount.”

20 Use of former spouse's contributions

- (1) Where a person—
- (a) has been married ; and
 - (b) in respect of the tax year in which the marriage terminated or any previous tax year, does not with his own contributions satisfy the contribution conditions for a Category A retirement pension,
- then, for the purpose of enabling him to satisfy those conditions, the contributions of his former spouse may to the prescribed extent be treated as if they were his own contributions.
- (2) Where a person has been married more than once this section applies only to the last marriage and the reference to that person's former spouse shall be construed accordingly.
- (3) Section 28(3) of the principal Act and Schedule 7 to that Act (widow's right to Category A retirement pension on late husband's contributions) shall cease to have effect.

21 Revaluation of earnings factors

- (1) This section shall have effect for the purpose of securing that earnings factors relevant to the calculation of the additional component in the rate of any long-term benefit maintain their value in relation to the general level of earnings obtaining in Great Britain.
- (2) The Secretary of State shall in each tax year review the general level of earnings obtaining in Great Britain and any changes in that level which have taken place since the last review under this section; and for the purposes of any such review the Secretary of State shall estimate the general level of earnings in such manner as he thinks fit.

- (3) If on any such review the Secretary of State concludes that earnings factors for any previous tax year (not being earlier than the first tax year for which lower and upper earnings limits are specified under section 1 above) have not maintained their value in relation to the general level of earnings he shall prepare and lay before each House of Parliament the draft of an order directing that those earnings factors shall, for the purpose of any such calculation as is mentioned in subsection (1) above, be increased by such percentage of their amount apart from the order as he thinks necessary to restore their value.
- (4) Subsection (3) above shall not require the Secretary of State to direct any increase where it appears to him that the increase would be inconsiderable.
- (5) If on any such review the Secretary of State determines that he is not required to prepare and lay the draft of an order as aforesaid he shall instead lay before each House of Parliament a report explaining his reasons for arriving at that determination.
- (6) If a draft order laid before Parliament in pursuance of this section is approved by resolution of each House the Secretary of State shall make the order in the form of the draft.
- (7) The first review under this section shall be in the second tax year for which lower and upper earnings limits are specified under section 1 above ; and in relation to that review subsection (2) above shall have effect as if for the reference to the last review there were substituted a reference to the beginning of the first tax year for which those limits are so specified.