



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART II

CONTRIBUTORY BENEFITS

Graduated retirement benefit

62 **Graduated retirement benefit.**

- (1) So long as sections 36 and 37 of the National Insurance Act 1965 (graduated retirement benefit) continue in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1975 or under Schedule 3 to the Consequential Provisions Act, regulations may make provision—
- (a) for [^{F1}amending section 36(2) of the National Insurance Act 1965 (value of unit of graduated contributions) so that the value is the same for women as it is for men and for replacing section 36(4) of that Act] (increase of graduated retirement benefit in cases of deferred retirement) with provisions corresponding to those of [^{F2}paragraphs A1 to 3B and 7C] of Schedule 5 to this Act;
 - [^{F3}(aa) for amending section 36(7) of that Act (persons to be treated as receiving nominal retirement pension) so that where a person has claimed a Category A or Category B retirement pension but—
 - (i) because of an election under section 54(1) above, or
 - (ii) because he has withdrawn his claim for the pension,he is not entitled to such a pension, he is not to be treated for the purposes of the preceding provisions of that section as receiving such a pension at a nominal weekly rate;]
 - [^{F4}(ab) for extending section 37 of that Act (increase of woman's retirement pension by reference to her late husband's graduated retirement benefit) to civil

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- partners and their late civil partners and for that section (except subsection (5)) so to apply as it applies to women and their late husbands;]
- [^{F5}(ac) for extending section 37 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to civil partners and their late civil partners who attain pensionable age before 6th April 2010 and for that section (except subsection (5)) so to apply as it applies to men and their late wives;]
- [^{F6}(ad) for extending section 37 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to—
- (i) men and their late husbands, and
 - (ii) women and their late wives,
- and for that section (except subsection (5)) so to apply as it applies to women and their late husbands;
- (ae) for extending section 37 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to—
- (i) men and their late husbands, and
 - (ii) women and their late wives,
- who attained pensionable age before 6th April 2010 and for that section (except subsection (5)) so to apply as it applies to men and their late wives;]
- (b) for extending section 37 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to men and their late wives [^{F7}and for that section (except subsection (5)) so to apply as it applies to women and their late husbands];
- [^{F8}(c) for amending that section in order to make provisions corresponding to those of paragraphs 3C, 4(1) and (1A) and 7A to 7C of Schedule 5 to this Act enabling a widowed person [^{F9}or surviving civil partner] to elect to receive a lump sum, rather than an increase in the weekly rate of retirement pension, in respect of the graduated retirement benefit of his or her deceased spouse [^{F10}or civil partner].]
- (2) This section is without prejudice to any power to modify the said sections 36 and 37 conferred by Schedule 3 to the Consequential Provisions Act.
- [^{F11}(3) In relevant gender change cases, women and their late wives are to be treated for the purposes of sections 36 and 37 of the National Insurance Act 1965 in the same way as women and their late husbands.
- (4) For that purpose “relevant gender change case”, in relation to a woman (“the pensioner”) and her late wife, means a case where—
- (a) the late wife was, at the time of her death, a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
 - (b) the marriage of the pensioner and her late wife subsisted before the time when the certificate was issued.]

Textual Amendments

F1 Words in s. 62(1)(a) substituted (19.7.1995) by [Pensions Act 1995 \(c. 26\), s. 180\(2\)\(a\)](#), [Sch. 4 para. 7\(a\)](#)

F2 Words in s. 62(1)(a) 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. 17\(a\)](#)

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- F3** S. 62(1)(aa) inserted (19.7.1995) by Pensions Act 1995 (c. 26), **ss. 131(1), 180(2)(a)** (with Sch. 4)
- F4** S. 62(1)(ab) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 33**; S.I. 2005/3175, art. 2(1), Sch. 1
- F5** S. 62(1)(ac) inserted (29.10.2005) by The Civil Partnership (Miscellaneous and Consequential Provisions) Order 2005 (S.I. 2005/3029), art. 1(2)(a), **Sch. 1 para. 1**
- F6** S. 62(1)(ad)(ae) inserted (E.W) (31.10.2013 for specified purposes, 13.3.2014 for specified purposes, 10.12.2014 in so far as not already in force) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 4 para. 14(2)**; S.I. 2013/2789, **art. 2(b)**; S.I. 2014/93, **art. 3(j)(ii)**; S.I. 2014/3169, **art. 2**; and inserted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 2(11)(a)**
- F7** Words in s. 62(1)(b) added (19.7.1995) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 7(b)**
- F8** S. 62(1)(c) 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. 17(b)**
- F9** Words in s. 62(1)(c) 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)(a)(3), **Sch. para. 4(a)**
- F10** Words in s. 62(1)(c) added (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)(a)(3), **Sch. para. 4(b)**
- F11** S. 62(3)(4) inserted (E.W) (31.10.2013 for specified purposes, 13.3.2014 for specified purposes, 10.12.2014 in so far as not already in force) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 4 para. 14(3)**; S.I. 2013/2789, **art. 2(b)**; S.I. 2014/93, **art. 3(j)(ii)**; S.I. 2014/3169, **art. 2**; and inserted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 2(11)(b)**

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