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## SCHEDULES

### SCHEDULE 3

Section 21(3) and (4).

#### CONTRIBUTION CONDITIONS FOR ENTITLEMENT TO BENEFIT

#### PART I

#### THE CONDITIONS

#### *Unemployment benefit*

<sup>F1</sup> .....

#### Textual Amendments

- F1** Sch. 3 para. 1 repealed (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 3](#); S.I. 1996/2208, art. 2(b)

#### *[<sup>F2</sup>Short-term incapacity benefit]*

#### Textual Amendments

- F2** Words in Sch. 3 para. 2 heading substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#), [ss. 1\(2\)](#), 16(3); S.I. 1994/2926, art. 2(4), Sch. Pt. 4

- 2 (1) The contribution conditions for [<sup>F3</sup>short-term incapacity benefit ] are the following.
- (2) The first condition is that—
- [<sup>F4</sup>(a) the claimant must have actually paid contributions of a relevant class in respect of one of the last three complete years before the beginning of the relevant benefit year, and those contributions must have been paid before the relevant time; and]
- (b) the earnings factor derived as mentioned in sub-paragraph (4) below must be not less than that year's lower earnings limit multiplied by 25.
- (3) The second condition is that—
- (a) the claimant must in respect of the last two complete years before the beginning of the relevant benefit year have either paid or been credited with contributions of a relevant class or been credited (in the case of 1987-88 or any subsequent year) with earnings; and
- (b) the earnings factor derived as mentioned in sub-paragraph (5) below must be not less in each of those years than the year's lower earnings limit multiplied by 50.

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- (4) The earnings factor referred to in paragraph (b) of sub-paragraph (2) above is that which is derived—
- (a) if the year in question is 1987-88 or any subsequent year—
    - (i) from [<sup>F5</sup>so much of the claimant’s earnings as did not exceed the upper earnings limit and upon] which primary Class 1 contributions have been paid or treated as paid; or
    - (ii) from Class 2 contributions; and
  - (b) if the year in question is an earlier year, from the contributions paid as mentioned in paragraph (a) of that sub-paragraph.
- (5) The earnings factor referred to in paragraph (b) of sub-paragraph (3) above is that which is derived—
- (a) if the year in question is 1987-88 or any subsequent year—
    - (i) from [<sup>F6</sup>so much of the claimant’s earnings as did not exceed the upper earnings limit and upon] which primary Class 1 contributions have been paid or treated as paid or from earnings credited; or
    - (ii) from Class 2 contributions; and
  - (b) if the year in question is an earlier year, from the contributions referred to in paragraph (a) of that sub-paragraph.
- (6) For the purposes of these conditions—
- (a) “the relevant time” is the day in respect of which benefit is claimed;
  - (b) “the relevant benefit year” is the benefit year in which there falls the beginning of the [<sup>F7</sup>period of incapacity for work] which includes the relevant time.
- [<sup>F8</sup>(7) Where a person makes a claim for incapacity benefit and does not satisfy [<sup>F9</sup>the first contribution condition (specified in sub-paragraph (2) above) or, as the case may be,] the second contribution condition (specified in sub-paragraph (3) above) and, in a later benefit year in which he would satisfy that condition had no such claim been made, he makes a further claim for incapacity benefit, the previous claim shall be disregarded.]
- [<sup>F10</sup>(8) Regulations may—
- (a) provide for the first contribution condition (specified in sub-paragraph (2) above) to be taken to be satisfied in the case of persons who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time;
  - (b) with a view to securing any relaxation of the requirements of that condition (as so specified) in relation to persons who have been so entitled, provide for that condition to apply in relation to them subject to prescribed modifications.
- (9) In sub-paragraph (8)—
- “benefit” includes (in addition to any benefit under Parts II to V of this Act)—
- (a) any benefit under Parts VII to XII of this Act, and
  - (b) credits under regulations under section 22(5) above;
- “modifications” includes additions, omissions and amendments.]

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#### Textual Amendments

- F3** Words in Sch. 3 para. 2(1) substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), ss. 1\(2\), 16\(3\)](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F4** Sch. 3 para. 2(2)(a) substituted (3.11.2000 for specified purposes, 6.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\), ss. 62\(2\), 89\(1\)](#); S.I. 2000/2958, art. 2(3)(a)(4)(5) (with art. 3(1))
- F5** Words in Sch. 3 para. 2(4)(a)(i) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), s. 8\(2\), Sch. 1 para. 14\(2\)](#)
- F6** Words in Sch. 3 para. 2(5)(a)(i) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), s. 8\(2\), Sch. 1 para. 14\(2\)](#)
- F7** Words in Sch. 3 para. 2(6)(b) substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), s. 16\(3\), Sch. 1 para. 38\(2\)](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F8** Sch. 3 para. 2(7) added (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), ss. 3\(2\), 16\(3\)](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F9** Words in Sch. 3 para. 2(7) inserted (3.11.2000 for specified purposes, 6.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\), ss. 62\(3\), 89\(1\)](#); S.I. 2000/2958, art. 2(3)(a)(4)(5) (with art. 3(1))
- F10** Sch. 3 para. 2(8)(9) added (3.11.2000 for specified purposes, 6.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\), ss. 62\(4\), 89\(1\)](#); S.I. 2000/2958, art. 2(3)(a)(4)(5) (with art. 3(1))

#### Modifications etc. (not altering text)

- C1** Sch. 3 para. 2(6) modified (5.5.2003) by [The Social Security Contributions and Benefits Act 1992 \(Modifications for Her Majesty's Forces and Incapacity Benefit\) Regulations 2003 \(S.I. 2003/737\), regs. 1, 4](#)

### *Maternity allowance*

<sup>F13</sup> .....

#### Textual Amendments

- F11** Sch. 3 para. 3 repealed (2.4.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 13 Pt. 5](#); S.I. 1999/3309, art. 2(1)(c)

### *[<sup>F12</sup>Bereavement payment]*

#### Textual Amendments

- F12** Words in Sch. 3 para. 4 cross-heading substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\), s. 89\(1\), Sch. 8 para. 13\(2\)](#); S.I. 2000/1047, art. 2(2)(a), Sch. Pt. I

- 4 (1) The contribution condition for a [<sup>F13</sup>bereavement payment] is that—
- the contributor concerned must in respect of any one relevant year have actually paid contributions of a relevant class; and
  - the earnings factor derived as mentioned in sub-paragraph (2) below must be not less than that year's lower earnings limit multiplied by 25.

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- (2) The earnings factor referred to in paragraph (b) of sub-paragraph (1) above is that which is derived—
- (a) if the year in question is 1987-88 or any subsequent year, from <sup>F14</sup>so much of the contributor's earnings as did not exceed the upper earnings limit and] upon which primary Class 1 contributions have been paid or treated as paid and from Class 2 and Class 3 contributions, or
  - (b) if the year in question is an earlier year, from the contributions referred to in paragraph (a) of that sub-paragraph.
- (3) For the purposes of this condition a relevant year is any year ending before the date on which the contributor concerned attained pensionable age or died under that age.

#### Textual Amendments

- F13** Words in Sch. 3 para. 4(1) substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 13\(2\)](#); S.I. 2000/1047, art. 2(2)(a), Sch. Pt. I
- F14** Words in Sch. 3 para. 4(2)(a) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\)](#), s. 8(2), [Sch. 1 para. 14\(3\)](#)

*Widowed mother's allowance<sup>F15</sup>, widowed parent's allowance, bereavement allowance] and widow's pension; retirement pensions (Categories A and B)*

#### Textual Amendments

- F15** Words in Sch. 3 para. 5 cross-heading inserted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 13\(3\)](#); S.I. 2000/1047, art. 2(2)(a), Sch. Pt. I

- 5 (1) The contribution conditions for a widowed mother's allowance, <sup>F16</sup>a widowed parent's allowance, a bereavement allowance,] a widow's pension or a Category A or Category B retirement pension <sup>F17</sup>(other than one in relation to which paragraph 5A applies)] are the following.
- (2) The first condition is that—
- (a) the contributor concerned must in respect of any one relevant year have actually paid contributions of a relevant class; and
  - (b) the earnings factor derived—
    - (i) if that year is 1987-88 or any subsequent year, from <sup>F18</sup>so much of the contributor's earnings as did not exceed the upper earnings limit and] upon which such of those contributions as are primary Class 1 contributions were paid or treated as paid and any Class 2 or Class 3 contributions, or
    - (ii) if that year is an earlier year, from the contributions referred to in paragraph (a) above,
 must be not less than the qualifying earnings factor for that year.
- (3) The second condition is that—

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- (a) the contributor concerned must, in respect of each of not less than the requisite number of years of his working life, have paid or been credited with contributions of a relevant class [<sup>F19</sup>or been credited (in the case of 1987-88 or any subsequent year) with earnings]; and
  - (b) in the case of each of those years, the earnings factor derived as mentioned in sub-paragraph (4) below must be not less than the qualifying earnings factor for that year.
- (4) For the purposes of paragraph (b) of sub-paragraph (3) above, the earnings factor—
- (a) in the case of 1987-88 or any subsequent year, is that which is derived from—
    - (i) [<sup>F20</sup>so much of the contributor's earnings as did not exceed the upper earnings limit and] upon which such of the contributions mentioned in paragraph (a) of that sub-paragraph as are primary Class 1 contributions were paid or treated as paid or earnings credited; and
    - (ii) any Class 2 or Class 3 contributions for the year; or
  - (b) in the case of any earlier year, is that which is derived from the contributions mentioned in paragraph (a) of that sub-paragraph.
- (5) For the purposes of the first condition, a relevant year is any year ending before that in which the contributor concerned attained pensionable age or died under that age; and the following table shows the requisite number of years for the purpose of the second condition, by reference to a working life of a given duration—

<i>Duration of working life</i>	<i>Requisite number of years</i>
10 years or less	The number of years of the working life, minus 1.
20 years or less (but more than 10)	The number of years of the working life, minus 2.
30 years or less (but more than 20)	The number of years of the working life, minus 3.
40 years or less (but more than 30)	The number of years of the working life, minus 4.
More than 40 years	The number of years of the working life, minus 5.

- (6) The first condition shall be taken to be satisfied if the contributor concerned was entitled to [<sup>F21</sup>long-term incapacity benefit] at any time during—
- (a) the year in which he attained pensionable age or died under that age, or
  - (b) the year immediately preceding that year.
- [<sup>F22</sup>(6A) The first condition shall be taken to be satisfied if the contributor concerned was entitled to main phase employment and support allowance at any time during—
- (a) the year in which he attained pensionable age or died under that age, or
  - (b) the year immediately preceding that year.
- (6B) The reference in sub-paragraph (6A) to main phase employment and support allowance is to an employment and support allowance in the case of which the calculation of the amount payable in respect of the claimant includes an addition under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 (addition where

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conditions of entitlement to support component or work-related activity component satisfied).]

- (7) The second condition shall be taken 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 at least half that number of years <sup>F23</sup>... ; 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.

[<sup>F24</sup>But nothing in this sub-paragraph applies in relation to any benefit to which section 23A above applies.]

- [<sup>F25</sup>(7A) Regulations may provide that a person is not to be taken for the purposes of sub-paragraph (7)(b) above as precluded from regular employment by responsibilities at home unless he meets the prescribed requirements as to the provision of information to the Secretary of State.]

- (8) For the purposes of [<sup>F26</sup>Parts I to VI of this Act] a person's working life is the period between—
- (a) (inclusive) the tax year in which he attained the age of 16; and
  - (b) (exclusive) the tax year in which he attained pensionable age or died under that age.

#### Textual Amendments

- F16** Words in Sch. 3 para. 5(1) inserted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 13\(3\)](#); S.I. 2000/1047, art. 2(2)(a), Sch. Pt. 1
- F17** Words in Sch. 3 para. 5(1) inserted (26.9.2007) by [Pensions Act 2007 \(c. 22\)](#), [ss. 1\(2\)](#), 30(3)
- F18** Words in Sch. 3 para. 5(2)(b)(i) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\)](#), s. 8(2), [Sch. 1 para. 14\(4\)](#)
- F19** Words in Sch. 3 para. 5(3)(a) inserted (19.7.1995) by [Pensions Act 1995 \(c. 26\)](#), [ss. 129](#), 180(2)(a) (with Sch. 4)
- F20** Words in Sch. 3 para. 5(4)(a)(i) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\)](#), s. 8(2), [Sch. 1 para. 14\(5\)](#)
- F21** Words in Sch. 3 para. 5(6) substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#), s. 16(3), [Sch. 1 para. 38\(3\)](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4
- F22** Sch. 3 para. 5(6A)(6B) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 9\(13\)](#); S.I. 2008/787, art. 2(4)(f)
- F23** Words in Sch. 3 para. 5(7)(a) repealed (with effect in relation to any person attaining pensionable age on or after 6.4.2010) by [Pensions Act 1995 \(c. 26\)](#), s. 180(2)(a), Sch. 4 para. 4(1)(2), [Sch. 7](#)
- F24** Words in Sch. 3 para. 5(7) inserted (26.9.2007) by [Pensions Act 2007 \(c. 22\)](#), [ss. 3\(2\)](#), 30(3)
- F25** Sch. 3 para. 5(7A) inserted (8.1.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 40](#), 86(1)(b)(2); S.I. 2000/3166, art. 2(4)
- F26** Words in Sch. 3 para. 5(8) substituted (19.7.1995) by [Pensions Act 1995 \(c. 26\)](#), [ss. 134\(5\)](#), 180(2)(a) (with Sch. 4)

- [<sup>F27</sup>5A (1) This paragraph applies to—

- (a) a Category A retirement pension in a case where the contributor concerned attains pensionable age on or after 6th April 2010;

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- (b) a Category B retirement pension payable by virtue of section 48A above in a case where the contributor concerned attains pensionable age on or after that date [<sup>F28</sup>or in a case of the kind mentioned in subsection (2ZA)(d) of that section];
  - (c) a Category B retirement pension payable by virtue of section 48B above in a case where the contributor concerned dies on or after that date without having attained pensionable age before that date [<sup>F29</sup>or in a case of the kind mentioned in subsection (1ZA)(c) of that section].
- (2) The contribution condition for a Category A or Category B retirement pension in relation to which this paragraph applies is that—
- (a) the contributor concerned must, in respect of each of not less than 30 years of his working life, have paid or been credited with contributions of a relevant class or been credited (in the case of 1987-88 or any subsequent year) with earnings; and
  - (b) in the case of each of those years, the earnings factor derived as mentioned in sub-paragraph (3) below must be not less than the qualifying earnings factor for that year.
- (3) For the purposes of paragraph (b) of sub-paragraph (2) above, the earnings factor—
- (a) in the case of 1987-88 or any subsequent year, is that which is derived from—
    - (i) so much of the contributor's earnings as did not exceed the upper earnings limit and upon which such of the contributions mentioned in paragraph (a) of that sub-paragraph as are primary Class 1 contributions were paid or treated as paid or earnings credited; and
    - (ii) any Class 2 or Class 3 contributions for the year; or
  - (b) in the case of any earlier year, is that which is derived from the contributions mentioned in paragraph (a) of that sub-paragraph.
- (4) Regulations may modify sub-paragraphs (2) and (3) above for the purposes of their application in a case where—
- (a) the contributor concerned has paid, or been credited with, contributions, or
  - (b) contributions have been deemed to be, or treated as, paid by or credited to him,
- under the National Insurance Act 1946 or the National Insurance Act 1965.]

#### Textual Amendments

- F27** Sch. 3 para. 5A inserted (26.9.2007) by [Pensions Act 2007 \(c. 22\)](#), **ss. 1(3)**, 30(3)
- F28** Words in [Sch. 3 para. 5A\(1\)\(b\)](#) inserted (E.W.) (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. 11(4)**; [S.I. 2014/93](#), **art. 3(j)(ii)**; [S.I. 2014/3169](#), **art. 2**
- F29** Words in [Sch. 3 para. 5A\(1\)\(c\)](#) inserted (E.W.) (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. 12(4)**; [S.I. 2014/93](#), **art. 3(j)(ii)**; [S.I. 2014/3169](#), **art. 2**

#### Modifications etc. (not altering text)

- C2** [Sch. 3 para. 5A\(1\)\(b\)](#) modified (E.W.) (10.12.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), **s. 21(3)**, **Sch. 4 para. 16**; [S.I. 2014/3169](#), **art. 2**

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### *Child's special allowance*

- 6 (1) The contribution condition for a child's special allowance is that—
- (a) the contributor concerned must in respect of any one relevant year have actually paid contributions of a relevant class; and
  - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 50.
- (2) For the purposes of this condition, a relevant year is any year ending before the date on which the contributor concerned attained pensionable age or died under that age.

## PART II

### SATISFACTION OF CONDITIONS IN EARLY YEARS OF CONTRIBUTION

- 7 (1) Sub-paragraph (3) below shall apply where a claim is made for a [<sup>F30</sup>bereavement payment] and the last complete year before the beginning of the benefit year in which the relevant time falls was either—
- (a) the year in which the contributor concerned first became liable for primary Class 1 or Class 2 contributions; or
  - (b) the year preceding that in which he first became so liable.
- (2) The relevant time for the purposes of this paragraph is the date on which the contributor concerned attained pensionable age or died under that age.
- (3) For the purposes of satisfaction by the contributor concerned of paragraph (b) of the contribution condition for a [<sup>F31</sup>bereavement payment], all earnings factors falling within sub-paragraph (4) below may be aggregated and that aggregate sum shall be treated as his earnings factor for the last complete year before the beginning of the benefit year in which the relevant time falls.
- (4) The earnings factors referred to in sub-paragraph (3) above are—
- (a) the contributor's earnings factors for 1987-88 and each subsequent year derived from the aggregate of [<sup>F32</sup>so much of his earnings as did not exceed the upper earnings limit and] upon which primary Class 1 contributions were paid or treated as paid and from Class 2 contributions actually paid by him before the relevant time; and
  - (b) his earnings factors for each earlier year, derived from his contributions of a relevant class actually paid by him before the relevant time.

#### **Textual Amendments**

- F30** Words in Sch. 3 para. 7(1) substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 13\(4\)](#); S.I. 2000/1047, art. 2(2)(a), Sch. Pt. I
- F31** Words in Sch. 3 para. 7(3) substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 13\(4\)](#); S.I. 2000/1047, art. 2(2)(a), Sch. Pt. I
- F32** Words in Sch. 3 para. 7(4)(a) substituted (with effect in relation to the tax year 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\)](#), s. 8(2), [Sch. 1 para. 14\(6\)](#)



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- 8 Where a person claims [<sup>F33</sup>short-term incapacity benefit], he shall be taken to satisfy the first contribution condition for the benefit if on a previous claim for any short-term benefit he has satisfied the first contribution condition for that benefit, by virtue of paragraph 8 of Schedule 3 to the 1975 Act, with contributions of a class relevant to [<sup>F33</sup>short-term incapacity benefit].

**Textual Amendments**

- F33** Words in Sch. 3 para. 8 substituted (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#), s. 16(3), [Sch. 1 para. 38\(4\)](#); S.I. 1994/2926, art. 2(4), Sch. Pt. 4

- 9 Where [<sup>F34</sup>a claim is made for a bereavement payment], the contributor concerned for the purposes of the claim shall be taken to satisfy the contribution condition for the payment if on a claim made in the past for any short-term benefit he has satisfied the first contribution condition for the benefit, by virtue of paragraph 8 of Schedule 3 to the 1975 Act, with contributions of a class relevant to [<sup>F35</sup>bereavement payment].

**Textual Amendments**

- F34** Words in Sch. 3 para. 9 substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 13\(5\)\(a\)](#); S.I. 2000/1047, art. 2(2)(a), Sch. Pt. I
- F35** Words in Sch. 3 para. 9 substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 13\(5\)\(b\)](#); S.I. 2000/1047, art. 2(2)(a), Sch. Pt. I

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