



# Social Security Contributions and Benefits Act 1992

## 1992 CHAPTER 4

### PART II

#### CONTRIBUTORY BENEFITS

##### *Retirement pensions (Categories A and B)*

#### **[<sup>F1</sup>48B Category B retirement pension for widows and widowers.**

- (1) A person (“the pensioner”) whose spouse died—
- (a) while they were married, and
  - (b) after the pensioner attained pensionable age,
- shall be entitled to a Category B retirement pension by virtue of the contributions of the spouse if the spouse satisfied [<sup>F2</sup>the relevant conditions or condition].

[ In subsection (1) above “the relevant conditions or condition” means—

- <sup>F3</sup>(1ZA) (a) in a case where the spouse—
- (i) died before 6th April 2010, or
  - (ii) died on or after that date having attained pensionable age before that date [<sup>F4</sup>and the case does not fall within paragraph (c)],
- the conditions specified in Schedule 3, Part I, paragraph 5;
- (b) in a case where the spouse died on or after that date without having attained pensionable age before that date, the condition specified in Schedule 3, Part I, paragraph 5A.
- [ in a case where—
- <sup>F5</sup>(c) (i) the spouse died on or after 6th April 2010,
- (ii) the spouse was born on or after 6th April 1945 but before 6th April 1950,

*Status: Point in time view as at 06/04/2014. This version of this provision has been superseded.*

*Changes to legislation: Social Security Contributions and Benefits Act 1992, Section 48B is up to date with all changes known to be in force on or before 07 August 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)*

(iii) the spouse was, at the time of her death, a woman and the pensioner in question is a woman, and

(iv) subsection (1ZB) applies,

the condition specified in Schedule 3, Part 1, paragraph 5A.]]

[ This subsection applies where—

- <sup>F6</sup>(1ZB) (a) the spouse 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 subsisted before the time when that certificate was issued.]

[ A person (“the pensioner”) who attains pensionable age on or after 6th April 2010 and <sup>F7</sup>(1A) whose civil partner died—

- (a) while they were civil partners of each other, and
- (b) after the pensioner attained pensionable age,

shall be entitled to a Category B retirement pension by virtue of the contributions of the civil partner if the civil partner satisfied [<sup>F8</sup>the condition specified in Schedule 3, Part I, paragraph 5A].]

(2) A Category B retirement pension payable by virtue of subsection (1) [<sup>F9</sup>or (1A)] above shall be payable at a weekly rate corresponding to—

- (a) the weekly rate of the basic pension, plus
- (b) half of the weekly rate of the additional pension,

determined in accordance with the provisions of sections 44 to [<sup>F10</sup>45B] above [<sup>F11</sup>and [<sup>F12</sup>Schedules 4A and 4B] below] as they apply in relation to a Category A retirement pension, but subject to section [<sup>F13</sup>46] above and the modifications in subsection (3) below and section 48C(4) below.

(3) Where the spouse [<sup>F14</sup>or civil partner] died under pensionable age, references in the provisions of sections 44 to [<sup>F10</sup>45B] above [<sup>F11</sup>and Schedule 4A below] as applied by subsection (2) above to the tax year in which the pensioner attained pensionable age shall be taken as references to the tax year in which the spouse [<sup>F14</sup>or civil partner] died.

(4) A person who has attained pensionable age (“the pensioner”) whose spouse died before the pensioner attained that age shall be entitled to a Category B retirement pension by virtue of the contributions of the spouse if—

- (a) where the pensioner is a woman, the following condition is satisfied, and
- (b) where the pensioner is a man, the following condition would have been satisfied on the assumption mentioned in subsection (7) below.

(5) The condition is that the pensioner—

- (a) is entitled (or is treated by regulations as entitled) to a widow’s pension by virtue of section 38 above, and
- (b) became entitled to that pension in consequence of the spouse’s death.

(6) A Category B retirement pension payable by virtue of subsection (4) above shall be payable—

- (a) where the pensioner is a woman, at the same weekly rate as her widow’s pension, and
- (b) where the pensioner is a man, at the same weekly rate as that of the pension to which he would have been entitled by virtue of section 38 above on the assumption mentioned in subsection (7) below.

*Status: Point in time view as at 06/04/2014. This version of this provision has been superseded.*

*Changes to legislation: Social Security Contributions and Benefits Act 1992, Section 48B is up to date with all changes known to be in force on or before 07 August 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)*

(7) The assumption referred to in subsections (4) and (6) above is that a man is entitled to a pension by virtue of section 38 above on the same terms and conditions, and at the same rate, as a woman.

[ Nothing in subsections (4) to (7) above applies in a case where the spouse dies on or <sup>F15</sup>(8) after the appointed day (as defined by section 36A(3)).]

#### Textual Amendments

- F1** Ss. 48A-48C substituted for ss. 49, 50 (19.7.1995) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 3(1)** (with **Sch. 4 para. 3(2)(3)**)
- F2** Words in s. 48B(1) substituted (26.9.2007) by Pensions Act 2007 (c. 22), s. 30(3), **Sch. 1 para. 3(2)**
- F3** S. 48B(1ZA) inserted (26.9.2007) by Pensions Act 2007 (c. 22), s. 30(3), **Sch. 1 para. 3(3)**
- F4** Words in s. 48B(1ZA)(a)(ii) inserted (E.W.) (13.3.2014 for specified purposes) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 4 para. 12(3)(a)**; S.I. 2014/93, art. 3(j)(ii)
- F5** S. 48B(1ZA)(c) inserted (E.W.) (13.3.2014 for specified purposes) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 4 para. 12(3)(b)**; S.I. 2014/93, art. 3(j)(ii)
- F6** S. 48B(1ZB) inserted (E.W.) (13.3.2014 for specified purposes) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 4 para. 12(3)(c)**; S.I. 2014/93, art. 3(j)(ii)
- F7** S. 48B(1A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 26(2)**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F8** Words in s. 48B(1A) substituted (26.9.2007) by Pensions Act 2007 (c. 22), s. 30(3), **Sch. 1 para. 3(4)**
- F9** Words in s. 48B(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 26(3)**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F10** Words in s. 48B(2)(3) substituted (1.12.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(1), **Sch. 12 para. 20**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**
- F11** Words in s. 48B(2)(3) inserted (8.1.2001 for specified purposes, 25.1.2001 for specified purposes, 6.4.2002 in so far as not already in force) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 35(10)**, 86(1)(b)(2); S.I. 2000/2950, art. 6; S.I. 2001/153, art. 2(a)
- F12** Words in s. 48B(2) substituted (26.9.2007) by Pensions Act 2007 (c. 22), s. 30(3), **Sch. 2 para. 8**
- F13** Word in s. 48B(2) substituted (3.1.2012) by Pensions Act 2008 (c. 30), s. 149(1), **Sch. 4 para. 8(b)**; S.I. 2011/3033, art. 2(c)(ix)
- F14** Words in s. 48B(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 26(4)**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F15** S. 48B(8) added (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. 6**; S.I. 2000/1047, art. 2(2)(a), **Sch. Pt. I**

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

- C1** S. 48B restricted (19.7.1995) by Pensions Act 1995 (c. 26), s. 180(2)(a), **Sch. 4 para. 3(3)**
- C2** S. 48B 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**)
- C3** S. 48B restricted (E.W.) (13.3.2014 for specified purposes) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 4 para. 12(1)(2)**; S.I. 2014/93, **art. 3(j)(ii)**

**Status:**

Point in time view as at 06/04/2014. This version of this provision has been superseded.

**Changes to legislation:**

Social Security Contributions and Benefits Act 1992, Section 48B is up to date with all changes known to be in force on or before 07 August 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.