



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART II

CONTRIBUTORY BENEFITS

Retirement pensions (Categories A and B)

[^{F1}48BB Category B retirement pension: entitlement by reference to benefits under section 39A or 39B.

- (1) Subsection (2) below applies where a person (“the pensioner”) [^{F2}who attained pensionable age before 6 April 2016]—
 - (a) was, immediately before attaining that age, entitled to a widowed parent’s allowance in consequence of the death of his or her spouse [^{F3}or civil partner]; and
 - (b) has not [^{F4}following that death married or formed a civil partnership].
- (2) The pensioner shall be entitled to a Category B retirement pension by virtue of the contributions of the spouse [^{F3}or civil partner], which shall be payable at the same weekly rate as the widowed parent’s allowance.
- (3) Subsections (4) to (10) below apply where a person (“the pensioner”) [^{F5}who attained pensionable age before 6 April 2016]—
 - (a) was in consequence of the death of his or her spouse [^{F3}or civil partner] either—
 - (i) entitled to a bereavement allowance at any time prior to attaining that age, or
 - (ii) entitled to a widowed parent’s allowance at any time when over the age of 45 (but not immediately before attaining pensionable age); and
 - (b) has not [^{F6}following that death married or formed a civil partnership].

Status: Point in time view as at 06/04/2016. This version of this provision has been superseded.

Changes to legislation: Social Security Contributions and Benefits Act 1992, Section 48BB is up to date with all changes known to be in force on or before 14 July 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)

- (4) The pensioner shall be entitled to a Category B retirement pension by virtue of the contributions of the spouse [F³ or civil partner].
- (5) A Category B retirement pension payable by virtue of subsection (4) above shall be payable at a weekly rate corresponding to the weekly rate of the additional pension determined in accordance with the provisions of sections 44 to [F⁷45AA][F⁸ and 45B] above [F⁹ and [F¹⁰Schedules 4A and 4B] below] as they apply in relation to a Category A retirement pension, but [F¹¹subject to section [F¹²46] above and to the following provisions of this section and the modification in section 48C(4) below.]
- (6) Where the spouse [F³ or civil partner] died under pensionable age, references in the provisions of sections 44 to [F¹³45AA][F¹⁴ and 45B] above [F⁹ and Schedule 4A below], as applied by subsection (5) 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 [F³ or civil partner] died.
- (7) Where the spouse [F³ or civil partner] dies after [F¹⁵5th October 2002], the pension payable by virtue of subsection (4) above shall (before making any reduction required by subsection (8) below) be one half of the amount which it would be apart from this subsection.
- (8) Where the pensioner was under the age of 55 at the relevant time, the weekly rate of the pension shall be reduced by 7 per cent. of what it would be apart from this subsection multiplied—
- (a) by the number of years by which the pensioner's age at that time was less than 55 (any fraction of a year being counted as a year), or
 - (b) by ten, if that number exceeds ten.
- (9) In subsection (8) above “the relevant time” means—
- (a) where the pensioner became entitled to a widowed parent's allowance in consequence of the death of the spouse [F³ or civil partner], the time when the pensioner's entitlement to that allowance ended; and
 - (b) otherwise, the time of the spouse's [F¹⁶ or civil partner's] death.
- (10) The amount determined in accordance with subsections (5) to (9) above as the weekly rate of the pension payable to the pensioner by virtue of subsection (4) above shall be increased by such percentage as equals the overall percentage by which, had the pension been in payment as from the date of the spouse's [F¹⁶ or civil partner's] death until the date when the pensioner attained pensionable age, that weekly rate would have been increased during that period by virtue of any orders under section 150 of the Administration Act (annual up-rating of benefits).]

Textual Amendments

- F1** S. 48BB 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 \(c. 30\)](#), **ss. 56, 89(1)**; S.I. 2000/1047, art. 2(2)(a), Sch. Pt. 1
- F2** Words in s. 48BB(1) substituted (6.4.2016) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 12 para. 62(2)** (with ss. 8, 9, Sch. 5 paras. 2-4)
- F3** Words in s. 48BB inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 27(2)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F4** Words in s. 48BB(1)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 27(4)**; S.I. 2005/3175, art. 2(1), Sch. 1

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- F5** Words in s. 48BB(3) substituted (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 62(3)** (with ss. 8, 9, Sch. 5 paras. 2-4)
- F6** Words in s. 48BB(3)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 27(4)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F7** Word in s. 48BB(5) substituted (with application in accordance with Sch. 4 para. 5(2)-(5) of the amending Act) by Pensions Act 2008 (c. 30), s. 149(1), **Sch. 4 para. 9(2)(a)**; S.I. 2011/3033, art. 2(c)(xi)
- F8** Words in s. 48BB(5) inserted (3.1.2012) by Pensions Act 2008 (c. 30), s. 149(1), **Sch. 4 para. 9(2)(b)**; S.I. 2011/3033, art. 2(c)(xi)
- F9** Words in s. 48BB(5)(6) 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(11), 86(1)(b)(2)**; S.I. 2000/2950, art. 6; S.I. 2001/153, art. 2(a)
- F10** Words in s. 48BB(5) substituted (26.9.2007) by Pensions Act 2007 (c. 22), s. 30(3), **Sch. 2 para. 9(a)**
- F11** Words in s. 48BB(5) substituted (26.9.2007) by Pensions Act 2007 (c. 22), s. 30(3), **Sch. 2 para. 9(b)**
- F12** Word in s. 48BB(5) substituted (3.1.2012) by Pensions Act 2008 (c. 30), s. 149(1), **Sch. 4 para. 9(2)(d)**; S.I. 2011/3033, art. 2(c)(xi)
- F13** Word in s. 48BB(6) substituted (with application in accordance with Sch. 4 para. 5(2)-(5) of the amending Act) by Pensions Act 2008 (c. 30), s. 149(1), **Sch. 4 para. 9(3)(a)**; S.I. 2011/3033, art. 2(c)(xi)
- F14** Words in s. 48BB(6) inserted (3.1.2012) by Pensions Act 2008 (c. 30), s. 149(1), **Sch. 4 para. 9(3)(b)**; S.I. 2011/3033, art. 2(c)(xi)
- F15** Words in s. 48BB(7) substituted (with retrospective effect) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 39(1)(a)(2)(b), 86(1)(b)(2)** (with s. 83(6))
- F16** Words in s. 48BB inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 27(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

Modifications etc. (not altering text)

- C1** S. 48BB modified by The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 (S.I. 1979/642), **reg. 7A** (as inserted (9.4.2001) by S.I. 2000/1483, regs. 1, **7(4)**)
- C2** S. 48BB 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)

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