



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART II **E+W+S**

CONTRIBUTORY BENEFITS

Retirement pensions (Categories A and B)

[^{F1}51 Category B retirement pension for widows, widowers and surviving civil partners who attained pensionable age before 6 April 2010 **E+W+S**

- (1) A person (“the pensioner”) whose spouse died while they were married is entitled to a Category B retirement pension if—
 - (a) they were both over pensionable age at the time of the death,
 - (b) the pensioner attained pensionable age before 6 April 2010, and
 - (c) the spouse satisfied the relevant contribution condition.
- (2) But subsection (1) does not confer a right to a Category B retirement pension on—
 - (a) a woman whose husband has died, or
 - (b) a man whose wife died before 6 April 1979.
- (3) In subsection (1)(c) “the relevant contribution condition” means—
 - (a) in a case where the spouse attained pensionable age before 6 April 2010, the conditions in paragraph 5 of Schedule 3, and
 - (b) in a case where the spouse attained pensionable age on or after 6 April 2010, the condition in paragraph 5A of Schedule 3.
- (4) A person (“the pensioner”) whose civil partner died while they were civil partners of each other is entitled to a Category B retirement pension if—
 - (a) they were both over pensionable age at the time of the death,
 - (b) the pensioner attained pensionable age before 6 April 2010, and

Status: Point in time view as at 15/11/2018.

Changes to legislation: Social Security Contributions and Benefits Act 1992, Section 51 is up to date with all changes known to be in force on or before 29 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)

- (c) the deceased civil partner satisfied the relevant contribution condition.
- (5) In subsection (4)(c) “the relevant contribution condition” means—
- (a) in a case where the deceased civil partner attained pensionable age before 6 April 2010, the conditions in paragraph 5 of Schedule 3, and
 - (b) in a case where the deceased civil partner attained pensionable age on or after 6 April 2010, the condition in paragraph 5A of Schedule 3.
- (6) The weekly rate of a person's Category B retirement pension under this section is to be determined in accordance with sections 44 to 45AA and [^{F2}Schedules 4A and 4B] as they apply in the case of a Category A retirement pension taking references in those sections to the pensioner as references to the spouse or deceased civil partner.
- (7) But in the case of—
- (a) a man whose wife dies after 5 October 2002,
 - (b) a surviving party to a marriage of a same sex couple, or
 - (c) a surviving civil partner,
- any amount of additional pension falling to be calculated under subsection (6) is to be halved.
- (8) For the purposes of any provision of this Act as it applies in relation to this section, no account is to be taken of any earnings factors of the spouse or deceased civil partner for the tax year beginning with 6 April 2016 or any later tax year.
- (9) Subject to the provisions of this Act, a person becomes entitled to a Category B retirement pension under this section on the day on which the conditions of entitlement become satisfied and the entitlement continues throughout the person's life.
- (10) Section 51ZA contains special rules for cases involving changes in gender.
- [^{F3}(11) Subsection (12) applies in the case of a pensioner whose spouse or civil partner—
- (a) attained pensionable age on or after 6 April 2016, and
 - (b) died after attaining pensionable age.
- (12) Where this subsection applies, the amount determined in accordance with this section as the weekly rate of the additional pension payable to the pensioner must be increased by such percentage as equals the overall percentage by which, had the pension been in payment as from the date when the spouse or civil partner reached pensionable age until the spouse's or civil partner's death, that weekly rate would have increased during that period by virtue of orders under section 150 of the Administration Act (annual uprating of benefits).]]

Textual Amendments

- F1** S. 51 substituted (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 64**
- F2** Words in s. 51(6) substituted (6.4.2016) by The Pensions Act 2014 (Consequential and Supplementary Amendments) Order 2016 (S.I. 2016/224), arts. 1(2), **2(4)(a)**
- F3** S. 51(11)(12) inserted (6.4.2016) by The Pensions Act 2014 (Consequential and Supplementary Amendments) Order 2016 (S.I. 2016/224), arts. 1(2), **2(4)(b)**

Modifications etc. (not altering text)

- C1** S. 51 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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