

## SCHEDULES

### SCHEDULE 5

#### INCREASE OF PENSION WHERE ENTITLEMENT IS DEFERRED

##### *Increase of pension where pensioner's deceased spouse has deferred entitlement*

- 4 (1) Subject to sub-paragraph (3) below, where a woman is entitled to a Category A or Category B retirement pension and—
- (a) she has had a husband and he has died, and she was married to him when he died; and
  - (b) the husband either—
    - (i) was entitled to a Category A or Category B retirement pension with an increase under this Schedule; or
    - (ii) would have been so entitled if his period of deferment had ended on the day before his death,
- the rate of her pension shall be increased by an amount equal to the increase to which he was or would have been entitled under this Schedule apart from paragraph 6.
- (2) Subject to sub-paragraph (3) below, where a man is entitled to a Category A or Category B retirement pension and—
- (a) he has had a wife and she has died, and he was married to her when she died;
  - (b) he was over pensionable age when she died; and
  - (c) the wife either—
    - (i) was entitled to a Category A or Category B retirement pension with an increase under this Schedule; or
    - (ii) would have been so entitled if her period of deferment had ended on the day before her death,
- the rate of his pension shall be increased by an amount equal to the increase to which she was or would have been entitled under this Schedule apart from paragraph 5.
- (3) If a married person dies after 5th April 2000, the rate of the retirement pension for that person's widow or widower shall be increased by an amount equivalent to the sum of—
- (a) the increase in the basic pension to which the deceased spouse was entitled; and
  - (b) one-half of the increase in the additional pension.
- (4) In any case where—
- (a) there is a period between the death of the former spouse and the date on which the surviving spouse becomes entitled to a Category A or Category B retirement pension, and
  - (b) one or more orders have come into force under section 132 of the Administration Act during that period,

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the amount of the increase to which the surviving spouse is entitled under this paragraph shall be determined as if the order or orders had come into force before the beginning of that period.

- (5) This paragraph does not apply in any case where the deceased spouse died before 6th April 1979 and the widow or widower attained pensionable age before that date.
- 5 (1) Where a woman is entitled to a Category A or Category B retirement pension and—
- (a) she has had a husband and he has died, and she was married to him when he died; and
  - (b) the husband either—
    - (i) was entitled to a guaranteed minimum pension with an increase under Article 37(6) of the Pensions Order, or
    - (ii) would have been so entitled if he had retired on the date of his death,
 the rate of her pension shall be increased by an amount equal to the sum of the amounts set out in sub-paragraph (2) or, as the case may be, (3) below.
- (2) Where the husband dies before 6th April 2000, the amounts referred to in sub-paragraph (1) above are the following—
- (a) an amount equal to one-half of the increase mentioned in paragraph (b) of that sub-paragraph;
  - (b) the appropriate amount; and
  - (c) an amount equal to any increase to which he had been entitled under paragraph 6 below.
- (3) Where the husband dies after 5th April 2000, the amounts referred to in sub-paragraph (1) above are the following—
- (a) one-half of the appropriate amount after it has been reduced by the amount of any increases under Article 39A of the Pensions Order; and
  - (b) one-half of any increase to which the husband had been entitled under paragraph 6 below.
- 6 (1) Where a man is entitled to a Category A or Category B retirement pension and—
- (a) he has had a wife and she has died, and he was married to her when she died;
  - (b) he was over pensionable age when she died; and
  - (c) the wife either—
    - (i) was entitled to a guaranteed minimum pension with an increase under Article 37(6) of the Pensions Order; or
    - (ii) would have been so entitled if she had retired on the date of her death,
 the rate of his pension shall be increased by an amount equal to the sum of the amounts set out in sub-paragraph (2) or, as the case may be, (3) or (4) below.
- (2) Where the wife dies before 6th April 1989, the amounts referred to in sub-paragraph (1) above are the following—
- (a) an amount equal to the increase mentioned in paragraph (c) of that sub-paragraph;
  - (b) the appropriate amount; and
  - (c) an amount equal to any increase to which she had been entitled under paragraph 5 above.

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- (3) Where the wife dies after 5th April 1989 but before 6th April 2000, the amounts referred to in sub-paragraph (1) above are the following—
- (a) the increase mentioned in paragraph (c) of that sub-paragraph, so far as attributable to employment before 6th April 1988;
  - (b) one-half of that increase, so far as attributable to employment after 5th April 1988;
  - (c) the appropriate amount reduced by the amount of any increases under Article 39A of the Pensions Order; and
  - (d) any increase to which she had been entitled under paragraph 5 above.
- (4) Where the wife dies after 5th April 2000, the amounts referred to in sub-paragraph (1) above are the following—
- (a) one-half of the increase mentioned in paragraph (c) of that sub-paragraph, so far as attributable to employment before 6th April 1988;
  - (b) one-half of the appropriate amount after it has been reduced by the amount of any increases under Article 39A of the Pensions Order; and
  - (c) one-half of any increase to which she had been entitled under paragraph 5 above.
- 7 (1) For the purposes of paragraphs 5 and 6 above, the “appropriate amount” means the greater of—
- (a) the amount by which the deceased person’s Category A or Category B retirement pension had been increased under section 132 of the Administration Act corresponding to an order under section 150(1)(e) of the Great Britain Administration Act; or
  - (b) the amount by which his Category A or Category B retirement pension would have been so increased had he died immediately before his surviving spouse became entitled to a Category A or Category B retirement pension.
- (2) Where an amount is required to be calculated in accordance with the provisions of paragraph 5 or 6 or sub-paragraph (1) above—
- (a) the amount so calculated shall be rounded to the nearest penny, taking any 1/2p as nearest to the next whole penny above; and
  - (b) where the amount so calculated would, apart from this sub-paragraph, be a sum less than 1/2p, that amount shall be taken to be zero, notwithstanding any other provision of this Act, the Pensions Order or the Administration Act.