



# Pension Schemes Act 1993

## 1993 CHAPTER 48

### PART III

#### CERTIFICATION OF PENSION SCHEMES AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS AND DUTIES

#### CHAPTER I

#### CERTIFICATION

#### *Requirements for certification of occupational pension schemes providing guaranteed minimum pensions*

#### 17 Minimum pensions for widows and widowers.

- (1) Subject to the provisions of this Part, the scheme must provide that if the earner dies leaving a [<sup>F1</sup>widow, widower or surviving civil partner] (whether before or after attaining pensionable age), the [<sup>F1</sup>widow, widower or surviving civil partner] will be entitled to a guaranteed minimum pension under the scheme.
- (2) The scheme must contain a rule to the effect that—
  - (a) if the earner is a man who has a guaranteed minimum under section 14, the weekly rate of the widow's pension will be not less than the widow's guaranteed minimum;
  - (b) if the earner is a woman who has a guaranteed minimum under that section, the weekly rate of the widower's pension will be not less than the widower's guaranteed minimum;
  - [<sup>F2</sup>(c) if the earner is a person who has a guaranteed minimum under that section, the weekly rate of the surviving civil partner's pension will not be less than the surviving civil partner's guaranteed minimum.]
- (3) The widow's guaranteed minimum shall be half that of the earner.

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- (4) The widower’s [<sup>F3</sup>or surviving civil partner’s] guaranteed minimum shall be one-half of that part of the earner’s guaranteed minimum which is attributable to earnings factors for the tax year 1988-89 and subsequent tax years.
- [<sup>F4</sup>(4A) [<sup>F5</sup>Subject to subsection (4B)] the scheme must provide for the [<sup>F6</sup>widow’s, widower’s or surviving civil partner’s] pension to be payable to the [<sup>F7</sup>widow, widower or surviving civil partner]—
- (a) for any period for which a Category B retirement pension is payable to the [<sup>F7</sup>widow, widower or surviving civil partner] by virtue of the earner’s contributions or would be so payable but for section 43(1) of the Social Security Contributions and Benefits Act 1992 (persons entitled to more than one retirement pension);
  - (b) for any period for which widowed parent’s allowance or bereavement allowance is payable to the [<sup>F7</sup>widow, widower or surviving civil partner] by virtue of the earner’s contributions; and
  - (c) in the case of a [<sup>F7</sup>widow, widower or surviving civil partner] whose entitlement by virtue of the earner’s contributions to a widowed parent’s allowance or bereavement allowance has come to an end at a time after the [<sup>F7</sup>widow, widower or surviving civil partner] attained the age of 45, for so much of the period beginning with the time when the entitlement came to an end as neither—
    - [ comprises a period during which the widow, widower or surviving
    - <sup>F8</sup>(i) civil partner and—
      - (a) a person of the opposite sex are living together as husband and wife; or
      - (b) a person of the same sex are living together as if they were civil partners; nor
    - (ii) falls after the time of any—
      - (a) marriage; or
      - (b) formation of a civil partnership,
 by the widow or widower or surviving civil partner which takes place after the earner’s death.]
- [ Sub-paragraphs (i)(b) and (ii)(b) of subsection (4A)(c) do not apply where the earner
- <sup>F9</sup>(4B) dies before 5th December 2005.]
- (5) The scheme [<sup>F10</sup>must also make provision] for the widow’s pension to be payable to her for any period for which a <sup>F11</sup>... widowed mother’s allowance or widow’s pension is payable to her by virtue of the earner’s contributions<sup>F11</sup>....
  - (6) The scheme [<sup>F12</sup>must also make provision] for the [<sup>F13</sup>widower’s or surviving civil partner’s pension to be payable] in the prescribed circumstances and for the prescribed period.
  - (7) The trustees or managers of the scheme shall supply to the [<sup>F14</sup>Inland Revenue] any such information as [<sup>F14</sup>the Inland Revenue] may require relating to the payment of pensions under the scheme to [<sup>F15</sup>widows, widowers or surviving civil partners].
- [ Where—
- <sup>F16</sup>(8) (a) a lump sum is paid to an earner under provisions included in a scheme by virtue of section 21(1), and
- (b) those provisions are of a prescribed description,

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the earner shall be treated for the purposes of this section as having any guaranteed minimum under section 14 that he would have had but for that payment.]

[ For the purposes of subsection (4A), two people of the same sex are to be regarded as <sup>F17</sup>(9) living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]]

### Textual Amendments

- F1** Words in s. 17(1) substituted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(a)**
- F2** S. 17(2)(c) added (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(b)**
- F3** Words in s. 17(4) inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(c)**
- F4** S. 17(4A) inserted (1.1.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(b)(2), **Sch. 5 para. 1(1)** (with s. 83(6)); S.I. 2000/3166, art. 2(3)(b)(i)
- F5** Words in s. 17(4A) inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(d)(i)**
- F6** Words in s. 17(4A) substituted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(d)(ii)**
- F7** Words in s. 17(4A) substituted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(d)(iii)**
- F8** S. 17(4A)(c)(i)(ii) substituted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(d)(iv)**
- F9** S. 17(4B) inserted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(e)**
- F10** Words in s. 17(5) substituted (1.1.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(b)(2), **Sch. 5 para. 1(2)(a)** (with s. 83(6)); S.I. 2000/3166, art. 2(3)(b)(i)
- F11** Words in s. 17(5) repealed (1.1.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(b)(2), **Sch. 5 para. 1(2)(b)**, **Sch. 9 Pt. III(4)** (with s. 83(6)); S.I. 2000/3166, art. 2(3)(b)(i)
- F12** Words in s. 17(6) substituted (1.1.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(b)(2), **Sch. 5 para. 1(3)** (with s. 83(6)); S.I. 2000/3166, art. 2(3)(b)(i)
- F13** Words in s. 17(6) substituted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(f)**
- F14** Words in s. 17(7) substituted (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(2)(a), **Sch. 1 para. 39**; S.I. 1999/527, art. 2(b), **Sch. 2** (with arts. 3-6)
- F15** Words in s. 17(7) substituted (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Contracted-out Occupational and Appropriate Personal Pension Schemes) (Surviving Civil Partners) Order 2005 (S.I. 2005/2050), art. 1(2)(3), **Sch. 1 para. 4(g)**
- F16** S. 17(8) inserted (1.7.2005 for specified purposes) by Pensions Act 2004 (c. 35), **ss. 284(2)**, 322(1) (with s. 313); S.I. 2005/1720, art. 2(15)(a), **Sch. Pt. 2**

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**F17** S. 17(9) added (26.7.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Contracted-out Occupational and Appropriate Personal Pension Schemes\) \(Surviving Civil Partners\) Order 2005 \(S.I. 2005/2050\)](#), art. 1(2)(3), **Sch. 1 para. 4(h)**

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**Commencement Information**

**I1** Ss. 1-187 in force at 7.2.1994 by [S.I. 1994/86](#), **art. 2**

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