

Changes to legislation: Pensions Act 1995, Paragraph 3 is up to date with all changes known to be in force on or before 24 June 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) View outstanding changes

SCHEDULES

SCHEDULE 4

[^{F1}EQUALISATION OF AND INCREASE IN PENSIONABLE AGE FOR MEN AND WOMEN]

Extent Information

- E1** The amendment by this Act of an enactment which extends to Northern Ireland extends also to Northern Ireland see s. 178(1)(2)(3).

Textual Amendments

- F1** Sch. 4 heading substituted (26.9.2007) by Pensions Act 2007 (c. 22), s. 30(3), Sch. 3 para. 3

PART II

ENTITLEMENT TO CERTAIN PENSION AND OTHER BENEFITS

Category B retirement pensions

- 3 (1) For sections 49 and 50 of the ^{M1}Social Security Contributions and Benefits Act 1992 (Category B retirement pensions for women) there is substituted—

“48A Category B retirement pension for married person.

- (1) A person who—
- (a) has attained pensionable age, and
 - (b) on attaining that age was a married person or marries after attaining that age,
- shall be entitled to a Category B retirement pension by virtue of the contributions of the other party to the marriage (“the spouse”) if the following requirement is met.
- (2) The requirement is that the spouse—
- (a) has attained pensionable age and become entitled to a Category A retirement pension, and
 - (b) satisfies the conditions specified in Schedule 3, Part I, paragraph 5.
- (3) During any period when the spouse is alive, a Category B retirement pension payable by virtue of this section shall be payable at the weekly rate specified in Schedule 4, Part I, paragraph 5.
- (4) During any period after the spouse is dead, a Category B retirement pension payable by virtue of this section shall be payable at a weekly rate corresponding to—
- (a) the weekly rate of the basic pension, plus

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- (b) half of the weekly rate of the additional pension, determined in accordance with the provisions of sections 44 to 45A above as they apply in relation to a Category A retirement pension, but subject to section 46(2) above and the modification in section 48C(4) below.
- (5) A person's Category B retirement pension payable by virtue of this section shall not be payable for any period falling before the day on which the spouse's entitlement is to be regarded as beginning for that purpose by virtue of section 5(1)(k) of the Administration Act.

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 the conditions specified in Schedule 3, Part I, paragraph 5.
- (2) A Category B retirement pension payable by virtue of subsection (1) 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 45A above as they apply in relation to a Category A retirement pension, but subject to section 46(2) above and the modifications in subsection (3) below and section 48C(4) below.
- (3) Where the spouse died under pensionable age, references in the provisions of sections 44 to 45A above 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 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

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- (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.
- (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.

48C Category B retirement pension: general.

- (1) Subject to the provisions of this Act, a person’s entitlement to a Category B retirement pension shall begin on the day on which the conditions of entitlement become satisfied and shall continue for life.
- (2) In any case where—
 - (a) a person would, apart from section 43(1) above, be entitled both to a Category A and to a Category B retirement pension, and
 - (b) section 47(1) above would apply for the increase of the Category A retirement pension,section 47(1) above shall be taken as applying also for the increase of the Category B retirement pension, subject to reduction or extinguishment of the increase by the application of section 47(2) above or section 46(5) of the Pensions Act.
- (3) In the case of a pensioner whose spouse died on or before 5th April 2000, sections 48A(4)(b) and 48B(2)(b) above shall have effect with the omission of the words “half of”.
- (4) In the application of the provisions of sections 44 to 45A above by virtue of sections 48A(4) or 48B(2) above, references in those provisions to the pensioner shall be taken as references to the spouse”.

^{F1}(2)

^{F1}(3)

<p>Textual Amendments</p> <p>F1 Sch. 4 para. 3(2)(3) omitted (6.4.2016) by virtue of Pensions Act 2014 (c. 19), s. 56(4), Sch. 12 para. 73</p> <hr/> <p>Marginal Citations</p> <p>M1 1992 c. 4.</p>

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 36](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(1A)(b) inserted by [2015 c. 8 Sch. 2 para. 7\(b\)](#)
- s. 51(5A)-(5C) inserted by [2015 c. 8 s. 43\(1\)](#)
- s. 51(7A) inserted by [2015 c. 8 s. 41\(1\)\(b\)](#)
- s. 51(9)(10) inserted by [2015 c. 8 s. 42\(3\)](#)
- s. 67A(3)(aa)-(ac) inserted by [2015 c. 8 s. 45\(3\)](#)
- s. 67A(9)(a)(viii)-(x) inserted by [2015 c. 8 s. 45\(6\)\(a\)](#)
- s. 67A(9)(b)(vi)-(viii) inserted by [2015 c. 8 s. 45\(6\)\(b\)](#)
- s. 73(2)(2A) substituted for s. 73(2) by [2015 c. 8 Sch. 2 para. 11](#)
- s. 75(1)-(1B) substituted for s. 75(1) by [2015 c. 8 Sch. 2 para. 12](#)
- s. 175(2)(ca) inserted by [2004 c. 35 s. 240\(2\)](#)
- s. 175(2)(za) inserted by [2015 c. 8 s. 43\(2\)](#)