

## SCHEDULES

### SCHEDULE 1

#### TRANSITIONAL RATE OF STATE PENSION: CALCULATING THE AMOUNT

#### PART 2

##### AMOUNT FOR PRE-COMMENCEMENT QUALIFYING YEARS

*Step 1: calculation of the person's pension under the old system*

- 3 (1) For the purposes of Step 1 of the calculation in paragraph 2, the weekly rate based on the old state pension and graduated retirement benefit is—
- (a) the rate of any Category A retirement pension and graduated retirement benefit to which the person would have been entitled if the person had reached pensionable age on 6 April 2016, or
  - (b) the rate of any graduated retirement benefit to which the person would have been entitled under section 36(7) of the National Insurance Act 1965 (persons not entitled to retirement pension) if the person had reached pensionable age on that date.
- (2) The following rules apply for the purposes of calculating that rate.
- (3) Calculate the rate that would have had effect on 6 April 2016 (but see subparagraph (6)).
- (4) Ignore—
- (a) the amendments made by paragraphs 53 and 55 of Schedule 12 (which limit Category A retirement pensions and graduated retirement benefit to people who reach pensionable age before 6 April 2016);
  - (b) any requirement to make a claim;
  - (c) any provision suspending payment of, or disqualifying a person from receiving, any amount;
  - (d) section 45B of the Contributions and Benefits Act (reduction of additional pension because of pension sharing);
  - (e) section 37 of the National Insurance Act 1965 (graduated retirement benefit for widows etc).
- (5) Read the reference in section 45(4)(b) of the Contributions and Benefits Act (additional pension) to a person's working life as a reference to the period—
- (a) beginning with the tax year in which the person reached 16, and
  - (b) ending with the tax year before the one in which the person actually reached pensionable age.
- (6) If an order under section 150 or 150A of the Administration Act (up-rating) is made before 6 April 2016 and it provides for an increase to come into force after that date,

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*Status: This is the original version (as it was originally enacted).*

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it is to be treated for the purposes of calculating the rate under this paragraph as having already come into force.

- (7) Where regulations under section 22(5ZA) of the Contributions and Benefits Act have the effect that a person is credited, on or after 6 April 2016, with earnings or contributions for a tax year starting before that date, the earnings or contributions are to be treated for the purposes of calculating the rate under this paragraph as having been credited before 6 April 2016.
- (8) A determination under section 48A(2) of the Pension Schemes Act 1993 (contracting-out: reinstatement in state scheme following payment of contributions equivalent premium) made on or after 6 April 2016 is to be treated for the purposes of calculating the rate under this paragraph as having been made before 6 April 2016.