

SCHEDULE 1

FURTHER PROVISIONS REPLACING SECTION 36(4) OF THE NATIONAL INSURANCE ACT 1965: INCREASES OF GRADUATED RETIREMENT BENEFIT AND LUMP SUMS

Modifications etc. (not altering text)

- C1 Sch. 1 modified (7.4.2008) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(d), **12(3)**
- C1 Sch. 1 modified (with effect in accordance with art. 1(3)(a), 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(d), **12(3)**
- C1 Sch. 1 sums confirmed (12.4.2010) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(d), **12(3)**
- C1 Sch. 1 sums amended (with effect in accordance with arts. 1(3), 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(c), **12(3)**
- C1 Sch. 1 sums amended (with effect in accordance with arts. 1(3), 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(c), **12(3)**
- C1 Sch. 1 sums amended (with effect in accordance with arts. 1(3), 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(c), **11(3)**
- C1 Sch. 1 sums amended (with effect in accordance with art. 1(3), 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2013 \(S.I. 2013/574\)](#), arts. 1(2)(c), **11(3)**
- C1 Sch. 1 sums amended (11.3.2014 for specified purposes and with effect in accordance with arts. 1(2)(c)(1), (3), (4), 6) by [The Social Security Benefits Up-rating Order 2014 \(S.I. 2014/516\)](#), art. 1(2)(c)(1)(3)**8(3)**
- C1 Sch. 1 sums amended (3.3.2015 for specified purposes and with effect in accordance with arts. 1(2)(c)(3)(4), 6) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), art. 1(2)(c)(3)**8(3)**

[^{F1}PART 2A

ELECTIONS UNDER PART 2

Textual Amendments

- F1 Sch. 1 Pt. 2A inserted (6.4.2006) by [Social Security \(Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit\) \(Miscellaneous Provisions\) Regulations 2005 \(S.I. 2005/2677\)](#), regs. 1(1), **7(2)(d)**

Scope and interpretation

20A.—(1) This Part applies in respect of elections which a person makes or is treated as having made under Part 2.

(2) In this Part, “elector” means the person who may make an election under paragraph 12(1) or 17(2).

Timing of election

20B.—(1) The period for making an election under paragraph 12(1) is, subject to subparagraph (4), three months starting on the date shown on the notice issued by the Secretary of State following the claim for graduated retirement benefit, confirming that the elector is required to make that election.

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Graduated Retirement Benefit) Regulations 2005, PART 2A. (See end of Document for details)

(2) The period for making an election under paragraph 17(2) is, subject to sub-paragraph (4), three months starting on the date shown on the notice issued by the Secretary of State following W's claim for a Category A or Category B retirement pension or, if later, the date of S's death, confirming that the elector is required to make that election.

(3) Where more than one notice has been issued by the Secretary of State in accordance with sub-paragraph (1) or (2), the periods prescribed in those sub-paragraphs shall only commence from the date shown on the latest such notice.

(4) The periods specified in sub-paragraphs (1) and (2) may be extended by the Secretary of State if he considers it reasonable to do so in any particular case.

(5) Nothing in this paragraph shall prevent the making of an election on or after claiming graduated retirement benefit or, as the case may be, Category A or Category B retirement pension, but before the issue of the notice referred to in sub-paragraph (1) or (2).

Manner of making election

20C. An election under paragraph 12(1) or 17(2) may be made—

- (a) in writing to an office specified by the Secretary of State for accepting such elections; or
- (b) except where the Secretary of State directs in any particular case that the election must be made in accordance with sub-paragraph (a), by telephone call to the telephone number specified by the Secretary of State.

Change of election

20D.—(1) Subject to sub-paragraphs (2) and (6), this paragraph applies in the case of an election which—

- (a) has been made under paragraph 12(1) or 17(2); or
 - (b) has been treated as made under paragraph 12(3) or 17(4).
- (2) This paragraph does not apply in the case of an election which is—
- (a) made, or treated as made, by an elector who has subsequently died; or
 - (b) treated as having been made by virtue of [F²regulation 30(5E) or (5G)] of the Social Security (Claims and Payments) Regulations 1987.

(3) An election specified in sub-paragraph (1) may be changed by way of application made no later than the last day of the period specified in sub-paragraph (4).

(4) The period specified for the purposes of sub-paragraph (3) is, subject to sub-paragraph (5), three months after the date shown on the written notification issued by the Secretary of State to the elector, confirming the election which the elector has made or is treated as having made.

(5) The period specified in sub-paragraph (4) may be extended by the Secretary of State if he considers it reasonable to do so in any particular case.

(6) An election specified in sub-paragraph (1) may not be changed where—

- (a) there has been a previous change of election under this paragraph in respect of the same period of deferment;
- (b) the application is to change the election to one under paragraph 12(1)(a) or 17(2)(a) and any amount paid to him by way of, or on account of, a lump sum pursuant to paragraph 15 or 19, has not been repaid in full to the Secretary of State within the period specified in sub-paragraph (4) or, as the case may be, (5); or
- (c) the application is to change the election to one under paragraph 12(1)(b) or 17(2)(b) and the amount actually paid by way of an increase of graduated retirement benefit, or actually

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paid on account of such an increase, would exceed the amount to which the elector would be entitled by way of a lump sum.

(7) For the purposes of sub-paragraph (6)(b), repayment in full of the amount paid by way of, or on account of, a lump sum shall only be treated as having occurred if repaid to the Secretary of State in the currency in which that amount was originally paid.

(8) Where the application is to change the election to one under paragraph 12(1)(b) or 17(2)(b) and sub-paragraph (6)(c) does not apply, any amount paid by way of an increase of graduated retirement benefit, or on account of such an increase, in respect of the period of deferment for which the election was originally made, shall be treated as having been paid on account of the lump sum to which the elector is entitled under paragraph 15 or 19.

(9) An application under sub-paragraph (3) to change an election may be made—

- (a) in writing to an office specified by the Secretary of State for accepting such applications; or
- (b) except where the Secretary of State directs in any particular case that the application must be made in accordance with paragraph (a), by telephone call to the telephone number specified by the Secretary of State.]

Textual Amendments

F2 Words in Sch. 1 para. 20D(2)(b) substituted (6.4.2006) by [Social Security \(Deferral of Retirement Pensions etc.\) Regulations 2006 \(S.I. 2006/516\)](#), regs. 1, 5

[^{F3}Transitional provision relating to widower's entitlement to increase of graduated retirement benefit or lump sum

20ZA. In the case of a widower who attains pensionable age before 6th April 2010, paragraphs 17 to 19 shall not apply unless he was over pensionable age when his wife died.

Textual Amendments

F3 Sch. 1 paras. 20ZA-20ZB inserted (5.12.2005 in so far as not already in force) by [Social Security \(Retirement Pensions and Graduated Retirement Benefit\) \(Widowers and Civil Partnership\) Regulations 2005 \(S.I. 2005/3078\)](#), reg. 1(1)(a)(c), **3(10)**

Transitional provision relating to civil partner's entitlement to increase of graduated retirement benefit or lump sum

20ZB. In the case of a civil partner who attains pensionable age before 6th April 2010, paragraphs 17 to 19 shall not apply unless he or she was over pensionable age when his or her civil partner died.]

Textual Amendments

F3 Sch. 1 paras. 20ZA-20ZB inserted (5.12.2005 in so far as not already in force) by [Social Security \(Retirement Pensions and Graduated Retirement Benefit\) \(Widowers and Civil Partnership\) Regulations 2005 \(S.I. 2005/3078\)](#), reg. 1(1)(a)(c), **3(10)**

Status:

Point in time view as at 06/04/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Graduated Retirement Benefit) Regulations 2005, PART 2A.