

**2005 No. 811**

**SOCIAL SECURITY**

**The Social Security (Inherited SERPS) (Amendment)  
Regulations 2005**

*Made* - - - - - *15th March 2005*

*Coming into force* - - - - - *6th April 2005*

Whereas a draft of this Instrument was laid before Parliament in accordance with the provisions of section 52(8) of the Welfare Reform and Pensions Act 1999(a) and approved by resolution of each House of Parliament:

Now therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 52(1), (2) and (9) and 83(6) of that Act(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Inherited SERPS)(Amendment) Regulations 2005 and shall come into force on 6th April 2005.

**Amendment of the Social Security (Inherited SERPS) Regulations 2001**

2. In the Social Security (Inherited SERPS) Regulations 2001(c)—
- (a) after paragraph (3) of regulation 2 (modification of Part II of the Contributions and Benefits Act) there shall be added the following paragraph—

“(4) Where, on or after 6th April 2006, a person becomes a person of a description specified in Column 1 of the Schedule to these Regulations and entitled to a widowed person’s lump sum under paragraph 7A of Schedule 5 to the Contributions and Benefits Act(d), paragraph 7B(3) of Schedule 5 to that Act shall have effect so that the half of the additional pension specified in paragraph (b) of the definition of “P” is increased by the percentage specified in Column 2 of the Schedule to these Regulations.”;
  - (b) in the heading to the Schedule, for “Regulation 2(2)” there shall be substituted “Regulation 2(2) and (4)”;
  - (c) at the end of the title to the Schedule, there shall be added the words “AND IN THE PROPORTION OF ADDITIONAL PENSION USED IN THE CALCULATION OF A WIDOWED PERSON’S LUMP SUM PAYABLE TO SUCH PERSONS”.

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(a) 1999 c.30.

(b) Section 52(2) was amended by the Pensions Act 2004 (c.35), section 297 and Schedule 11, paragraph 25. Section 52(9) is cited because of the meaning ascribed to the word “prescribed”.

(c) S.I.2001/1085.

(d) i.e. the Social Security Contributions and Benefits Act 1992 (c.4). Paragraphs 7A and 7B were inserted by the Pensions Act 2004, Schedule 11, paragraph 11(1).

Signed by authority of the Secretary of State for Work and Pensions.

15th March 2005

*Malcolm Wicks*  
Minister of State,  
Department for Work and Pensions

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision relating to changes to the regime for deferring entitlement to state pension made by the Pensions Act 2004 (c.35) which provide, in particular, for a choice between increments and a lump sum for those who have deferred their entitlement for 12 months or more.

In particular, regulation 2 amends the Social Security (Inherited SERPS) Regulations 2001 (S.I.2001/1085). This allows for the proportion of the additional pension used in the calculation of the widowed person's lump sum to be increased in line with the provisions set out in those Regulations relating to the calculation of additional pension for widowed persons.

A full Regulatory Impact Assessment has not been produced for this Instrument as it has no impact on the costs of business.

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