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SCHEDULES

SCHEDULE 6

Section 11.

REDUCED RATE ELECTIONS: EFFECT ON RATE OF SECTION 4 PENSION

Introduction

1 This Schedule modifies the rules about the transitional rate of the state pension for a woman if a reduced rate election was in force in respect of her at the beginning of the relevant 35-year period (and expressions used in this paragraph have the same meaning as in section 11).

Commencement Information

II Sch. 6 para. 1 in operation at 6.4.2016, see s. 53(1)(3)

Increased transitional rate for woman married to person over pensionable age etc.

- 2.**—(1) This paragraph applies to the woman if on reaching pensionable age—
- (a) she is married to a person who has reached pensionable age, or
 - (b) she is in a civil partnership with a person who has reached that age.
- (2) The transitional rate of the state pension for the woman is—
- (a) the rate determined for her under section 5, or
 - (b) if higher, a weekly rate equal to the modified amount for her pre-commencement qualifying years alone.
- (3) The modified amount for the woman's pre-commencement qualifying years alone is the amount that would be calculated under Schedule 1 for her pre-commencement qualifying years alone if the basic pension in any Category A retirement pension calculated for her for the purposes of paragraph 3 of that Schedule were equal to the basic Category B amount.
- (4) “The basic Category B amount” is the amount specified in paragraph 5 of Part 1 of Schedule 4 to the Contributions and Benefits Act on 6 April 2016.

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Commencement Information

I2 Sch. 6 para. 2 in operation at 6.4.2016, see s. 53(1)(3)

Increased transitional rate for widows or divorcees etc.

3.—(1) This paragraph applies to the woman if on reaching pensionable age she is not married or in a civil partnership but she has been married or in a civil partnership before.

(2) The transitional rate of the state pension for the woman is—

- (a) the rate determined for her under section 5, or
- (b) if higher, a weekly rate equal to the modified amount for her pre-commencement qualifying years alone.

(3) The modified amount for the woman's pre-commencement qualifying years alone is the amount that would be calculated under Schedule 1 for her pre-commencement qualifying years alone if the basic pension in any Category A retirement pension calculated for her for the purposes of paragraph 3 of that Schedule were equal to the full amount of the basic pension.

(4) “The full amount of the basic pension” is the amount of the basic pension specified in section 44(4) of the Contributions and Benefits Act on 6 April 2016.

Commencement Information

I3 Sch. 6 para. 3 in operation at 6.4.2016, see s. 53(1)(3)

Recalculation of transitional rate where circumstances change

4.—^[F1](1) If the woman is married or in a civil partnership on reaching pensionable age but the marriage or civil partnership comes to an end (because of the death of her spouse or civil partner or otherwise)—

- (a) her transitional rate is to be recalculated applying paragraph 3(2), and
- (b) Schedule 2 (up-rating) applies as if the recalculated rate had been the woman's transitional rate on the day on which she reached pensionable age.

^[F2](2) For the purposes of this paragraph, a civil partnership is not to be treated as having come to an end—

- (a) by reason of its having been—
 - (i) converted into a marriage under ^[F3]Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 or] section 9 of the Marriage (Same Sex Couples) Act 2013;

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- (ii) changed into a marriage under the Marriage (Scotland) Act 1977;
 - (iii) changed into a marriage in accordance with provision made under section 10 of the Marriage and Civil Partnership (Scotland) Act 2014;
or
 - (iv) changed into a marriage under Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014;
- [by reason of its having been converted into a marriage under Part
- ^{F4}(aa) 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where it is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations;] or
- (b) by reason of a marriage which has been treated in Northern Ireland as a civil partnership ceasing to be so treated with effect from 13 January 2020.]
- [^{F5}(3) For the purposes of this paragraph, a marriage is not to be treated as having come to an end by reason of its having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.]

Textual Amendments

- F1** Sch. 6 para. 4 renumbered as Sch. 6 para. 4(1) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **73(a)** (with regs. 6-9)
- F2** Sch. 6 para. 4(2) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **73(b)** (with regs. 6-9)
- F3** Words in Sch. 6 para. 4(2)(a)(i) inserted (7.12.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/1143\)](#), regs. 1(2), **48(2)**
- F4** Sch. 6 para. 4(2)(aa) inserted (7.12.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/1143\)](#), regs. 1(2), **48(3)**
- F5** Sch. 6 para. 4(3) inserted (7.12.2020) by [The Marriage and Civil Partnership \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/1143\)](#), regs. 1(2), **48(4)**

Commencement Information

- I4** Sch. 6 para. 4 in operation at 6.4.2016, see s. 53(1)(3)

5.—(1) If neither of paragraphs 2 and 3 applies to the woman but she subsequently comes within paragraph (a) or (b) of paragraph 2(1)—

- (a) her transitional rate is to be recalculated applying paragraph 2(2), and
- (b) Schedule 2 (up-rating) applies as if the recalculated rate had been the woman's transitional rate on the day on which she reached pensionable age.

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(2) But the woman's rate is not to be recalculated under sub-paragraph (1) if it has already been recalculated under paragraph 4.

Commencement Information

I5 [Sch. 6 para. 5](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

6 Nothing in paragraph 4 or 5 affects—

- (a) the amount of state pension to which a woman is entitled for periods before that paragraph applies to her, or
- (b) the amount of any increase under section 17 in a case where the period for which the woman's state pension is deferred has ended before that paragraph applies to her.

Commencement Information

I6 [Sch. 6 para. 6](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) transitional provisions for effects of commencing S.I. 2017/297, art. 2 by [S.R. 2017/58](#) Order