

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).

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.

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.

Recalculation of transitional rate where circumstances change

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