



National Insurance Act 1965

1965 CHAPTER 51

PART II

BENEFIT.

Graduated retirement benefit.

36 Graduated retirement benefit.

- (1) Subject to the provisions of this Act, graduated retirement benefit shall be payable to any person who is over pensionable age and has retired from regular employment, and shall be an increase in the weekly rate of his retirement pension equal to sixpence for each unit, ascertained in accordance with subsections (2) and (3) of this section, of the graduated contributions properly paid by him as an insured person.
- (2) For the purpose of graduated retirement benefit the units of graduated contributions shall be as follows:—
 - (a) in the case of contributions calculated at the rate of four and a quarter per cent. specified in section 4(1)(c) of this Act, the units shall be seven pounds ten shillings for men and nine pounds for women; and
 - (b) in the case of contributions calculated at any rate having effect under section 5(1)(b) of this Act, the units shall be of such amounts as may be specified for men and women respectively by order of the Minister, being amounts which maintain the same proportions as under paragraph (a) of this subsection between the percentage used in calculating the contributions and the amount of the unit, except for adjusting the amount of a unit to the nearest shilling above, or to the nearest shilling below, the proportionate amount.
- (3) Where a person's graduated contributions calculated at any of the said rates do not make an exact number of units—
 - (a) the incomplete fraction of a unit and any similar fraction resulting from his contributions calculated at any of the other rates shall be added together to produce (so far as they go) a further unit or units;

Status: This is the original version (as it was originally enacted).

- (b) subject to the foregoing paragraph, any incomplete fraction of a unit (including a fraction resulting from the addition under that paragraph) shall, if it is one half or more, be treated as a complete unit.
- (4) Where a person does not retire from regular employment on attaining pensionable age, then for the purpose of calculating the graduated retirement benefit payable to him from the date of his retirement there shall be added to the amount of the graduated contributions properly paid by him one half of the aggregate graduated retirement benefit which would have been payable to him for the period before that date if he had retired from regular employment on attaining pensionable age and had received that benefit for the whole of the period without any interruption or abatement; and the number of units paid by him shall be determined as if the addition made in respect of benefit for any week had been a contribution paid at the rate appropriate to a payment of remuneration made in that week.
- (5) For the purposes of subsection (4) of this section, the Minister may by regulations provide for treating all or any of the graduated contributions paid by a person in the income tax year in which he attained pensionable age as having been paid before, or as having been paid after, the day on which he attained that age, whether or not the contribution in question was so paid.
- (6) Subject to any regulations under section 44(b) of this Act, the foregoing provisions of this section shall have effect subject to section 30(7) of this Act.
- (7) A person who has attained pensionable age and retired from regular employment, but is not entitled to a retirement pension, shall be treated for the purposes of the foregoing provisions of this section as receiving a retirement pension at a nominal weekly rate :
Provided that—
- (a) this subsection shall not confer any right to graduated retirement benefit on a person who would be entitled to a retirement pension but for some provision of this Act or of regulations disqualifying him for receipt of it; and
- (b) regulations may provide that any right by virtue of this subsection to benefit at less than a specified weekly rate shall be satisfied either altogether or for a specified period by the making of a single payment of the prescribed amount.

37 Special provisions as to graduated retirement benefit for widows.

- (1) Subject to the provisions of this section, where a man, having paid graduated contributions as an insured person, dies leaving a widow, and she either has attained pensionable age at the time of his death or remains his widow when she attains that age, then section 36 of this Act shall apply as if the increase in the weekly rate of her retirement pension provided for by subsection (1) thereof were the amount there specified by reference to her graduated contributions plus sixpence for every shilling or part of a shilling of the weekly rate of his graduated retirement benefit.
- (2) For the purposes of subsection (1) of this section, the weekly rate of the husband's graduated retirement benefit shall (whether or not he was receiving or entitled to receive any such benefit) be taken to have been the weekly rate appropriate to the amount of graduated contributions paid by him together with any addition under section 36(4) of this Act; and where at his death he had attained pensionable age but had not retired from regular employment, that addition shall be computed as if he had retired from regular employment immediately before his death.

- (3) A woman's right to graduated retirement benefit by virtue of this section shall be brought into account under section 36(4) of this Act in determining the graduated retirement benefit payable to her under the said section 36:

Provided that, if the husband died after she attained pensionable age, she shall for the purposes of this subsection be treated as not having attained pensionable age until the date of his death.

- (4) A woman's right to graduated retirement benefit by virtue of this section in respect of a husband she marries after she attains pensionable age shall be subject to such additional conditions as may be prescribed; and except as may be provided by regulations a woman more than once married shall not be entitled for the same period to any graduated retirement benefit by virtue of this section in respect of more than one of the husbands.
- (5) Regulations may provide that where a woman is entitled to graduated retirement benefit and to a widowed mother's allowance the graduated retirement benefit shall be an increase in the weekly rate of that allowance; and where that benefit is such an increase, section 36(6) and (7) of this Act shall not apply.