

WELFARE REFORM AND PENSIONS ACT 1999

EXPLANATORY NOTES

COMMENTARY

Commentary

Section 56: Additional Pension

Commentary: the inserted section 48BB

The *inserted subsections (1) and (2)* relate to widows and widowers who are still receiving Widowed Parent's Allowance when they reach pensionable age. The subsections entitle them to a Category B Retirement Pension, on the basis of their spouses' contributions, at the same weekly level as their Widowed Parent's Allowance.

The *inserted subsections (3) and (4)* relate to widows and widowers who were previously entitled to Bereavement Allowance or were aged over 45 when they stopped being entitled to Widowed Parent's Allowance. When they reach pensionable age, they will also be entitled to a Category B Retirement Pension on the basis of their spouses' contributions—calculated by the same rules as if they had been receiving Widow's Pension. The *inserted subsections (5) to (8)* provide these rules.

The *inserted subsection (7)* corresponds to the new section 39C(4) inserted by section 55 (above), and provides the 50% reduction in Additional Pension for cases where the spouse dies after 5th April 2000 (see also commentary on section 52 of this Act).

The *inserted subsections (8) and (9)* contain the same age-related calculation as new section 39C(5). They reduce the amount of Additional Pension by 7% for every year the bereaved spouse was aged below 55 either

when their spouse died and they became entitled to Bereavement Allowance; or

when they stopped being entitled to Widowed Parent's Allowance.

In both cases they must have been at least 45 years old to qualify (so the maximum reduction is by 10 years, or 70%).

The *inserted subsection (10)* raises the amount of Additional Pension to the same level as if it had been increased by the annual uprating order every year since the date of the spouse's death.