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**Changes to legislation:** Pensions Act 2008, Cross Heading: Compensation payable to widow, widower or surviving civil partner is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 5

#### PENSION COMPENSATION PAYABLE ON DISCHARGE OF PENSION COMPENSATION CREDIT

##### Modifications etc. (not altering text)

- C1** Sch. 5 applied (24.7.2014) by [The Pensions Act 2011 \(Transitional, Consequential and Supplementary Provisions\) Regulations 2014 \(S.I. 2014/1711\)](#), regs. 1(1), **42(1)**, 53, 57 (with regs. 6, 41, 44(1), 47(1), 69(2), 72(1), 76(1)); coming into force immediately after s. 29 of 2011 c 19 - see S.I. 2014/1683, art. 2

### PART 3

#### TRANSFEEE ATTAINS PENSION COMPENSATION AGE AFTER TRANSFER DAY

##### *Compensation payable to widow, widower or surviving civil partner*

- 7 (1) This paragraph applies where—
- (a) the transferee dies after liability in respect of the pension compensation credit has been discharged under section 116,
  - (b) the transferee—
    - (i) was, before death, entitled under paragraph 6 to periodic compensation commencing at pension compensation age, or
    - (ii) would have become so entitled had he or she not died, and
  - (c) the transferee is survived by a widow, widower or surviving civil partner (“the surviving partner”).
- (2) Subject to sub-paragraph (4), the surviving partner is entitled to periodic compensation commencing on the day following the transferee's death and continuing for life.
- (3) The annual rate of the periodic compensation at any time is—
- (a) where the transferee dies after attaining pension compensation age, half of the annual rate of the periodic compensation (including the revaluation amount (see paragraph 8) [<sup>F1</sup>, any actuarial increase under paragraph 16A] and any increases under paragraph 17) to which the transferee would at that time have been entitled under paragraph 6 had the transferee not died;
  - (b) where the transferee dies before attaining pension compensation age, half of the annual rate of the periodic compensation (including the revaluation amount (see paragraph 8) and any increases under paragraph 17) to which the transferee would at that time have been entitled under paragraph 6 if—
    - (i) the transferee's pension compensation age had been the transferee's actual age immediately before the date of the transferee's death, and
    - (ii) the transferee had not died.

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[<sup>F2</sup>(assuming commencement of the periodic compensation was not postponed by virtue of paragraph 16A).]

[<sup>F3</sup>(3A) For the purposes of sub-paragraph (3)(a), if on the day the transferee (“T”) died commencement of T's periodic compensation under paragraph 6 was postponed by virtue of paragraph 16A, assume that the periodic compensation commenced immediately before the date of T's death.]

- (4) For the purposes of this paragraph, a person's entitlement under paragraph 6 is to be determined disregarding paragraph 15(1)(b) (successful applicant for terminal illness lump sum loses entitlement to periodic compensation).
- (5) The surviving partner is not entitled to periodic compensation under this paragraph in such circumstances as may be prescribed.

#### Textual Amendments

- F1** Words in Sch. 5 para. 7(3)(a) inserted (13.3.2013) by [Pensions Act 2011 \(c. 19\), s. 38\(4\), Sch. 4 para. 32\(2\)\(a\)](#); S.I. 2013/585, art. 2(b)(iii)
- F2** Words in Sch. 5 para. 7(3)(b) inserted (13.3.2013) by [Pensions Act 2011 \(c. 19\), s. 38\(4\), Sch. 4 para. 32\(2\)\(b\)](#); S.I. 2013/585, art. 2(b)(iii)
- F3** Sch. 5 para. 7(3A) inserted (13.3.2013) by [Pensions Act 2011 \(c. 19\), s. 38\(4\), Sch. 4 para. 32\(2\)\(c\)](#); S.I. 2013/585, art. 2(b)(iii)

#### Commencement Information

- I1** Sch. 5 para. 7 wholly in force at 6.4.2011; para. 7 in force for certain purposes at Royal Assent see s. 149(2)(k); para. 7 in force so far as not already in force at 6.4.2011 by [S.I. 2011/664, art. 2\(3\), Sch. Pt. 2](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)