

## SCHEDULE 6

### FAMILY BENEFITS

#### PART II

##### CONTRIBUTIONS: MARRIED WOMEN

**10.**—(1) Subject to sub-paragraph (3) and paragraph 11, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period—

- (a) that ended before 1st April 1972, or
- (b) for which contributions have been paid under regulation C4, C6, C9 or C10,

or attributable to the acceptance before 6th April 1988 of a transfer value.

(2) Subject to sub-paragraph (3) and paragraph 11, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service not falling within sub-paragraph (1) which is attributable to a period that—

- (a) began after 31st March 1972 and ended before 6th April 1988, and
- (b) would otherwise not count in calculating any pension becoming payable to her widower.

(3) Where an election is made in respect of a part only of any service, the part must consist of one or more whole years.

(4) The election conditions are that she is married, and either—

- (a) is in pensionable employment, or
- (b) ceased after 5th April 1988 and before 1st April 1989 to be in such employment and immediately became entitled to payment of retirement benefits.

**11.**—(1) An election under paragraph 10(1) or (2)—

- (a) must be made by giving written notice to the Secretary of State within the period specified in sub-paragraphs (2) to (4),
- (b) must specify the period in respect of which it is made,
- (c) must state whether the contributions are to be paid by Method A (periodical payments) or by Method B (lump sum),
- (d) if the contributions are to be paid by Method A, must specify the rate at which they are to be paid, which must comply with paragraph 14(2) and (3),
- (e) has effect from the date on which the notice is received by the Secretary of State, and
- (f) except as provided in paragraph 14(4), is irrevocable.

(2) Where a woman's pensionable employment is part-time, the reference in sub-paragraph (1) (d) to the rate at which contributions are to be paid is a reference to the rate as a percentage of the woman's full-time equivalent salary.

(3) The period within which an election may be made is one of 6 months beginning on the relevant date.

(4) Where paragraph 10(4)(b) applies, the relevant date is 1st October 1988; in any other case, subject to sub-paragraph (5), the relevant date is the first date after 30th September 1988 on which the election conditions were or are satisfied.

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(5) If during the period of 6 months beginning on that first date the election conditions ceased or cease to be satisfied, the relevant date becomes the first date on which they were or are again satisfied.

(6) A woman who could make an election under paragraph 10(2) may only make one under paragraph 10(1) if, and at the same time as, she elects under paragraph 10(2) to pay family benefit contributions in respect of the whole of the reckonable service there mentioned.

(7) Where elections are made both under paragraph 10(1) and under paragraph 10(2) they must specify the same method of payment.

(8) Payment may not in any case be made by Method A if—

- (a) the payment period would be less than one year, or
- (b) the woman is not in pensionable employment.

**12.**—(1) Subject to sub-paragraph (2), where payment is to be made by Method A the payment period is to be ascertained from, or, where the period in respect of which the election was made is not an exact number of years, by extrapolation from, Table 5 below.

**TABLE 5**

<i>Rate of Contributions</i>	<i>Period in years for which contributions are to be paid in respect of each year of period specified in election</i>	
	<i>Election under paragraph 10(1)</i>	<i>Election under paragraph 10(2)</i>
1%	1.45	0.42
2%	0.69	0.20
3%	0.46	0.14
4%	0.33	0.10
5%	0.27	0.08
6%	0.22	0.07
7%	0.18	0.06
8%	0.16	0.05
9%	0.14	0.04

(2) If the period ascertained in accordance with sub-paragraph (1) (“the Table period”) does not end with the last day of a month, the payment period ends with the last day of the month in which the Table period ends.

(3) Where payment is to be made by Method B, the lump sum payable, which must be paid within 3 months after its amount is notified by the Secretary of State, is—

- (a) for each year of service in respect of which an election was made under paragraph 10(1), 1.25%, and
- (b) for each year of service in respect of which an election was made under paragraph 10(2), 0.4%,

of the appropriate amount, and pro rata for any period of less than a year.

(4) The appropriate amount is—

- (a) where the woman was in pensionable employment when the election took effect, the annual rate of her contributable salary at that time, and
- (b) in any other case, her average salary.

**13.—(1)** The widower of a woman who—

- (a) died during the period beginning on 6th April 1988 and ending with 31st March 1989 without having made an election under paragraph 10, and
- (b) either was in pensionable employment when she died or had ceased during that period to be in such employment,

may make a corresponding election under this paragraph.

**(2)** A married woman who—

- (a) ceased to be in pensionable employment during the period mentioned in sub-paragraph (1), and
- (b) on ceasing to be in such employment did not immediately become entitled to payment of retirement benefits,

may make a corresponding election under this paragraph if the conditions in sub-paragraph (3) are satisfied.

**(3)** The conditions referred to in sub-paragraph (2) are that—

- (a) the woman did not again enter pensionable employment, and
- (b) she has become entitled to payment of retirement benefits.

**(4)** Where a woman to whom sub-paragraphs (2) and (3) would otherwise have applied dies before becoming entitled to payment of retirement benefits, her widower may make a corresponding election under this paragraph.

**(5)** An election under this paragraph—

- (a) must be made by giving written notice to the Secretary of State within the appropriate period,
- (b) must specify the period in respect of which it is made, and
- (c) is to be treated as an election to make payment by Method B.

**(6)** The appropriate period referred to in sub-paragraph (5)(a) is—

- (a) where sub-paragraph (1) applies, the period beginning on 1st October 1988 and ending with 31st March 1989,
- (b) where sub-paragraphs (2) and (3) apply, 6 months from the date on which the woman became entitled to payment of retirement benefits, and
- (c) where sub-paragraph (4) applies, 3 months from the date of her death.