

## SCHEDULES

### SCHEDULE 5

Section 9.

#### SURVIVOR'S PENSION UNDER SECTION 9: INHERITED DEFERRAL AMOUNT

##### *Introduction*

**1.** This Schedule—

- (a) sets out the circumstances in which a person (the “pensioner”) is entitled to an inherited deferral amount for the purpose of section 9, and
- (b) determines that amount.

*Dead spouse or civil partner entitled to old state pension with deferral increase*

**2.—(1)** A pensioner whose spouse or civil partner has died is entitled to an inherited deferral amount under this paragraph if—

- (a) the spouse or civil partner was entitled to an old state pension with an increase under paragraph 1 or 2A of Schedule 5 to the Contributions and Benefits Act, and
- (b) the pensioner would, on reaching pensionable age or on the death of the spouse or civil partner, have been entitled to an old state pension if in the relevant provisions of the Contributions and Benefits Act—
  - (i) the words “before 6 April 2016” were omitted, and
  - (ii) any reference to a bereavement allowance included a reference to bereavement support payment under section 29 of this Act.

(2) The inherited deferral amount is equal to the amount by which the weekly rate of the old state pension for the pensioner would have been increased under paragraph 4 of Schedule 5 to the Contributions and Benefits Act on the day on which the pensioner became entitled to the inherited deferral amount.

(3) For the purposes of calculating the amount of that increase, paragraph 4(1A) of Schedule 5 to the Contributions and Benefits Act has effect as if after the words “apart from” (in each place) there were inserted “this paragraph and”.

*Dead spouse's or civil partner's entitlement  
to old state pension deferred at time of death*

3.—(1) A pensioner whose spouse or civil partner has died is entitled to an inherited deferral amount under this paragraph if—

- (a) the spouse's or civil partner's entitlement to an old state pension was deferred when he or she died, and
- (b) the pensioner would, on reaching pensionable age or on the death of the spouse or civil partner, have been entitled to an old state pension if in the relevant provisions of the Contributions and Benefits Act—
  - (i) the words “before 6 April 2016” were omitted, and
  - (ii) any reference to a bereavement allowance included a reference to bereavement support payment under section 29 of this Act.

(2) The inherited deferral amount is equal to the amount by which the weekly rate of the old state pension for the pensioner would have been increased under paragraph 4 of Schedule 5 to the Contributions and Benefits Act on the day on which the pensioner became entitled to the inherited deferral amount.

(3) For the purposes of calculating the amount of that increase—

- (a) a pensioner who is not entitled to a choice under section 8 is to be treated as having met the condition in paragraph 4(1)(c) of Schedule 5 to the Contributions and Benefits Act,
- (b) a pensioner who has chosen under section 8 to be paid a state pension under section 9 is to be treated as having met the condition in paragraph 4(1)(b) of Schedule 5 to the Contributions and Benefits Act, and
- (c) paragraph 4(1A) of Schedule 5 to the Contributions and Benefits Act has effect as if after the words “apart from” (in each place) there were inserted “this paragraph and”.

(4) In this paragraph “deferred” has the meaning given by section 55(3) of the Contributions and Benefits Act.

*“The relevant provisions” of the Contributions and Benefits Act*

4. For the purposes of this Schedule “the relevant provisions” of the Contributions and Benefits Act are those mentioned in section 8(9)(b).

*Supplementary*

5. When determining entitlement to, or calculating, an inherited deferral amount under this Schedule based on entitlement to an old state pension ignore—

- (a) any requirement to make a claim for that pension;

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

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- (b) any provision suspending payment of, or disqualifying a person from receiving, any amount of that pension.