

SCHEDULES

SCHEDULE 9

PENSION SHARING: UP-RATING STATE PENSION UNDER SECTION 13

Introduction

1. This Schedule sets out how to up-rate the rate of a person's state pension under section 13.
2. In this Schedule a reference to the rate of a person's state pension is to the rate—
 - (a) ignoring any reduction under section 7(4) (in the case of a state pension under section 7),
 - (b) taking into account any reduction under section 14 (in the case of a state pension under section 4), and
 - (c) ignoring any increase under section 17.
- 3.—(1) In this Schedule “the total amount of any state pension that has priority”, in relation to a person's state pension under section 13, means the sum of—
 - (a) the rate of any state pension to which the person is entitled under section 2, 4 or 12,
 - (b) the rate of any state pension to which the person is entitled under section 7, and
 - (c) the rate of any earlier state pension to which the person is entitled under section 13 (see sub-paragraph (2)).
- (2) Where a person is entitled to two or more state pensions under section 13 because he or she has become entitled to two or more state scheme pension credits, a pension arising because of an earlier credit is an “earlier” state pension for the purposes of sub-paragraph (1)(c).