



Social Security (Miscellaneous Provisions) Act 1977

1977 CHAPTER 5

Retirement pensions

3 Increments of retirement pension for deferred retirement etc.

(1) Schedule 1 to the Pensions Act (which provides for an increment of Category A or Category B retirement pension for each incremental period in the period during which the pensioner deferred his retirement after reaching pensionable age) shall have effect with the following amendments, namely—

- (a) in paragraph (a) of paragraph 2(2) (which provides for an incremental period to be a period of six consecutive days) for the words from " six consecutive days " onwards there shall be substituted the words " six days which are treated by regulations as days of increment for the purposes of this Schedule in relation to the person and the pension in question ; and ";
- (b) in paragraph 2(3) (which relates to the amount of increment) for " 1/8 th " there shall be substituted " 1/7 th ";
- (c) in paragraph 2(4) (which relates to the weekly rate of the pension by reference to which the amount of an increment is to be determined) for the words " be the rate that would have applied on the last day of that period, including " there shall be substituted the word " include " and in paragraph 2(5) the words " under sub-paragraph (4) above " shall be omitted;
- (d) at the end of paragraph 2 there shall be inserted the following sub-paragraph—

“(6) Where a pensioner's rights premium is paid in respect of a person who is, or if he had retired from regular employment would be, entitled to a Category A or Category B retirement pension, then, in calculating any increment under this paragraph which falls to be paid to him in respect of such a pension after the date on which the premium is paid there shall be disregarded any guaranteed minimum pension to which the pensioner was entitled in connection with the employment to which the premium relates;”

Status: This is the original version (as it was originally enacted).

- (e) for paragraph 3 (which enables regulations to provide for days to be treated as not being days of increment and which is superseded by paragraph (a) above) there shall be substituted the following paragraph—
- “3 Regulations may provide that sub-paragraphs (1) to (3) of paragraph 2 above shall have effect with such additions, omissions and amendments as are prescribed in relation to a person during whose period of deferment there has been a change, other than a change made by such an order as is mentioned in sub-paragraph (5) of that paragraph, in the rate of the Category A or Category B retirement pension to which he would have been entitled if he had retired from regular employment on attaining pensionable age ; and the regulations may make such consequential additions, omissions and amendments in paragraph 5(3) of this Schedule as the Secretary of State considers are appropriate in consequence of any changes made by virtue of this paragraph in paragraph 2 of this Schedule.”
- (2) Section 35(6) of the Pensions Act shall apply with the substitution of " seven " for " eight " and of " 1/7 th " for " 1/8 th ".
- (3) So much of any pension as is payable to a beneficiary by virtue of section 35(6) of the Pensions Act (which provides for increases in a person's guaranteed minimum if payment of his occupational pension is postponed after he attains pensionable age) shall be treated for the purposes of section 23 of that Act (which relates to the up-rating of long-term benefits) as if—
- (a) it were such a sum as is mentioned in subsection (1)(c) of the said section 23 (which relates to increments of Category A or Category B retirement pension which are payable under Schedule 1 to that Act in consequence of deferred retirement); and
- (b) for the references in subsection (3) of the said section 23 to Schedule 1 to that Act and periods of deferment there were substituted respectively references to the said section 35(6) and periods of postponement.
- (4) Any increase of pension falling to be paid by virtue of the preceding subsection shall be paid by the Secretary of State out of the National Insurance Fund as if it were an increase of the relevant benefit mentioned in the following subsection and shall be treated as mentioned in the preceding subsection but as if paragraph (b) of that subsection and in the said subsection (3) the words from " and " onwards were omitted.
- (5) In subsection (3) of this section " beneficiary " means a person entitled to a Category A or Category B retirement pension, a widowed mother's allowance or a widow's pension.