



Pensions (Miscellaneous Provisions) Act 1990

1990 CHAPTER 7

Pensions increase

5 Guaranteed minimum pensions: abolition of double indexation for surviving spouses.

(1) In section 59 of the Pensions Act (increase of official pensions) after subsection (5) (deduction of guaranteed minimum pension for purpose of calculating increase) there shall be inserted—

“(5ZA) In the application of subsection (5) above in relation to a widow’s or widower’s pension in a case where the pensioner becomes entitled on the death of the deceased spouse to such a guaranteed minimum pension as is there mentioned—

- (a) the pensioner shall be treated as having been entitled to that guaranteed minimum pension at all times during the period beginning with the date on which the deceased spouse became entitled to a guaranteed minimum pension and ending with the date of the death;
- (b) the rate of the guaranteed minimum pension to which the pensioner is treated as so entitled at any time during that period shall be taken to be one half of the rate of the deceased spouse’s guaranteed minimum pension at that time; and
- (c) the amount by reference to which any increase in the widow’s or widower’s pension is to be calculated shall, subject to any directions under section 59A below (whether made before or after the coming into force of this subsection), be accordingly reduced under that subsection by an amount equal to the rate, as determined under paragraph (b) above, of the guaranteed minimum pension to which the pensioner is treated as entitled;

but this subsection does not apply to a widow’s or widower’s pension in respect of any service of the deceased spouse if the deceased spouse’s pension

Changes to legislation: *There are currently no known outstanding effects for the Pensions (Miscellaneous Provisions) Act 1990, Section 5. (See end of Document for details)*

in respect of that service became payable before the coming into force of this subsection.”

- (2) In subsection (7) of that section (interpretation) after the definition of “lump sum” there shall be inserted—

““widower’s pension” means a pension payable in respect of the services of the pensioner’s deceased wife.”

Changes to legislation:

There are currently no known outstanding effects for the Pensions (Miscellaneous Provisions) Act 1990, Section 5.