

**Changes to legislation:** Pensions Act 1995, Cross Heading: Category B retirement pensions is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 4

#### [<sup>F1</sup>EQUALISATION OF AND INCREASE IN PENSIONABLE AGE FOR MEN AND WOMEN]

##### Extent Information

- E1** The amendment by this Act of an enactment which extends to Northern Ireland extends also to Northern Ireland see s. 178(1)(2)(3).

##### Textual Amendments

- F1** Sch. 4 heading substituted (26.9.2007) by Pensions Act 2007 (c. 22), s. 30(3), Sch. 3 para. 3

### PART III

#### CONSEQUENTIAL AMENDMENTS

##### *Category B retirement pensions*

- 21 (1) In section 20(1)(f) of the <sup>M1</sup>Social Security Contributions and Benefits Act 1992 (general description of benefits), for sub-paragraph (ii) there is substituted—  
“(ii) Category B, payable to a person by virtue of the contributions of a spouse (with increase for child dependants)”.
- (2) In section 25(6) of that Act, in paragraph (b), for “(for married women) under section 53(2)” there is substituted “(for married people) under section 51A(2)”.
- (3) In section 30B of that Act (incapacity benefit), in paragraph (a) of the proviso to subsection (3), for “(for married women) under section 53(2)” there is substituted “(for married people) under section 51A(2)”.
- (4) In section 41(5)(a) of that Act (long-term incapacity benefit for widowers), for “section 51 below” there is substituted “the contributions of his wife”.
- (5) In section 46(2) of that Act (calculation of additional pension in certain benefits), for “50(3)” there is substituted “48A(4) or 48B(2)”.
- (6) After section 51 of that Act there is inserted—

##### **“51A Special provision for married people.**

- (1) This section has effect where, apart from section 43(1) above, a married person would be entitled both—  
(a) to a Category A retirement pension, and

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(b) to a Category B retirement pension by virtue of the contributions of the other party to the marriage.

(2) If by reason of a deficiency of contributions the basic pension in the Category A retirement pension falls short of the weekly rate specified in Schedule 4, Part I, paragraph 5, that basic pension shall be increased by the lesser of—

- (a) the amount of the shortfall, or
- (b) the amount of the weekly rate of the Category B retirement pension.

(3) This section does not apply in any case where both parties to the marriage attained pensionable age before 6th April 1979”, and section 53 of that Act (special provision for married women) is omitted.

(7) In section 52 of that Act (special provision for surviving spouses), for subsection (1)

(b) there is substituted—

“(b) to a Category B retirement pension by virtue of the contributions of a spouse who has died”.

<sup>F1</sup>(8) .....

(9) In section 60 of that Act (complete or partial failure to satisfy contribution conditions)

—

- (a) in subsection (2), for “him” (in paragraph (b)) there is substituted “ the employed earner ” and for “his widow’s entitlement” there is substituted “ the entitlement of the employed earner’s widow or widower ”, and
- (b) for subsection (3)(d) there is substituted—

“(d) a Category B retirement pension payable by virtue of section 48B above”.

<sup>F2</sup>(10) .....

(11) In Schedule 4 to that Act (rates of benefit, etc.), in paragraph 5 of Part I, for “section 50(1)(a)(i)” there is substituted “ section 48A(3) ”.

(12) In Schedule 5 to that Act (increased pension where entitlement deferred), in paragraph 2(5)(a), for “5 or 6” there is substituted “ 5, 5A or 6 ”.

<sup>F3</sup>(13) .....

<sup>F4</sup>(14) .....

(15) For paragraphs 5 and 6 of that Schedule there is substituted—

“5 (1) Where—

- (a) a widow or widower (call that person “W”) is entitled to a Category A or Category B retirement pension and was married to the other party to the marriage (call that person “S”) when S died, and
- (b) S either—
  - (i) was entitled to a guaranteed minimum pension with an increase under section 15(1) of the Pensions Act, or
  - (ii) would have been so entitled if S had retired on the date of S’s death,

the rate of W’s pension shall be increased by the following amount.

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- (2) The amount is—
- (a) where W is a widow, an amount equal to the sum of the amounts set out in paragraph 5A(2) or (3) below (as the case may be), and
  - (b) where W is a widower, an amount equal to the sum of the amounts set out in paragraph 6(2), (3) or (4) below (as the case may be).
- 5A (1) This paragraph applies where W (referred to in paragraph 5 above) is a widow.
- (2) Where the husband dies before 6th April 2000, the amounts referred to in paragraph 5(2)(a) above are the following—
- (a) an amount equal to one-half of the increase mentioned in paragraph 5(1)(b) above,
  - (b) the appropriate amount, and
  - (c) an amount equal to any increase to which the husband had been entitled under paragraph 5 above.
- (3) Where the husband dies after 5th April 2000, the amounts referred to in paragraph 5(2)(a) above are the following—
- (a) one-half of the appropriate amount after it has been reduced by the amount of any increases under section 109 of the Pensions Act, and
  - (b) one-half of any increase to which the husband had been entitled under paragraph 5 above.
- 6 (1) This paragraph applies where W (referred to in paragraph 5 above) is a widower.
- (2) Where the wife dies before 6th April 1989, the amounts referred to in paragraph 5(2)(b) above are the following—
- (a) an amount equal to the increase mentioned in paragraph 5(1)(b) above,
  - (b) the appropriate amount, and
  - (c) an amount equal to any increase to which the wife had been entitled under paragraph 5 above.
- (3) Where the wife dies after 5th April 1989 but before 6th April 2000, the amounts referred to in paragraph 5(2)(b) above are the following—
- (a) the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,
  - (b) one-half of that increase, so far as attributable to employment after 5th April 1988,
  - (c) the appropriate amount reduced by the amount of any increases under section 109 of the Pensions Act, and
  - (d) any increase to which the wife had been entitled under paragraph 5 above.
- (4) Where the wife dies after 5th April 2000, the amounts referred to in paragraph 5(2)(b) above are the following—
- (a) one-half of the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,

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- (b) one-half of the appropriate amount after it has been reduced by the amount of any increases under section 109 of the Pensions Act, and
  - (c) one-half of any increase to which the wife had been entitled under paragraph 5 above”.
- (16) Paragraph 5(1) of that Schedule (inserted by sub-paragraph (15) above) shall have effect, where W is a man who attained pensionable age before 6th April 2010, as if paragraph (a) also required him to have been over pensionable age when S died.
- (17) In paragraph 7 of that Schedule—
- (a) in sub-paragraph (1), for “paragraphs 5 and 6” there is substituted “ paragraphs 5 to 6 ”, and
  - (b) in sub-paragraph (2), for “paragraph 5 or 6” there is substituted “ paragraph 5, 5A or 6 ”.

<sup>F5</sup>(18) .....

#### Textual Amendments

- F1** Sch. 4 para. 21(8) repealed (6.4.2010) by [Pensions Act 2007 \(c. 22\)](#), s. 27(4)(a), **Sch. 7 Pt. 1**
- F2** Sch. 4 para. 21(10) repealed (26.9.2007) by [Pensions Act 2007 \(c. 22\)](#), s. 27(3)(a), **Sch. 7 Pt. 2** (with s. 4(5))
- F3** Sch. 4 para. 21(13) repealed (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), s. 322(1), **Sch. 13**; S.I. 2005/275, art. 2(7), **Sch. Pt. 7**
- F4** Sch. 4 para. 21(14) repealed (6.4.2005) by [Pensions Act 2004 \(c. 35\)](#), s. 322(4), **Sch. 13**
- F5** Sch. 4 para. 21(18) repealed (6.4.2010) by [Pensions Act 2007 \(c. 22\)](#), s. 27(4)(a), **Sch. 7 Pt. 1**

#### Marginal Citations

- M1** 1992 c. 4.

- 22 In section 46 of the <sup>M2</sup>Pension Schemes Act 1993 (effect of entitlement to guaranteed minimum pension on payment of benefits), in subsection (6)(b)(iii), for “section 49” there is substituted “ section 48A or 48B ”.

#### Marginal Citations

- M2** 1993 c. 48.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- [Blanket amendment words substituted by S.I. 2011/1043 art. 36](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 37\(1A\)\(b\) inserted by 2015 c. 8 Sch. 2 para. 7\(b\)](#)
- [s. 51\(5A\)-\(5C\) inserted by 2015 c. 8 s. 43\(1\)](#)
- [s. 51\(7A\) inserted by 2015 c. 8 s. 41\(1\)\(b\)](#)
- [s. 51\(9\)\(10\) inserted by 2015 c. 8 s. 42\(3\)](#)
- [s. 67A\(3\)\(aa\)-\(ac\) inserted by 2015 c. 8 s. 45\(3\)](#)
- [s. 67A\(9\)\(a\)\(viii\)-\(x\) inserted by 2015 c. 8 s. 45\(6\)\(a\)](#)
- [s. 67A\(9\)\(b\)\(vi\)-\(viii\) inserted by 2015 c. 8 s. 45\(6\)\(b\)](#)
- [s. 73\(2\)\(2A\) substituted for s. 73\(2\) by 2015 c. 8 Sch. 2 para. 11](#)
- [s. 75\(1\)-\(1B\) substituted for s. 75\(1\) by 2015 c. 8 Sch. 2 para. 12](#)
- [s. 175\(2\)\(ca\) inserted by 2004 c. 35 s. 240\(2\)](#)
- [s. 175\(2\)\(za\) inserted by 2015 c. 8 s. 43\(2\)](#)