

SCHEDULES

SCHEDULE 5

BENEFITS AND PENSIONS

PART 2

STATE BENEFITS

Category A retirement pension

- 7 (1) Any question—
- (a) whether the person is entitled to a Category A retirement pension (under section 44 of the 1992 Act) for any period after the certificate is issued, and
 - (b) (if so) the rate at which the person is so entitled for the period,
- is to be decided as if the person's gender had always been the acquired gender.
- (2) Accordingly, if (immediately before the certificate is issued) the person—
- (a) is a woman entitled to a Category A retirement pension, but
 - (b) has not attained the age of 65,
- the person ceases to be so entitled when it is issued.
- (3) And, conversely, if (immediately before the certificate is issued) the person—
- (a) is a man who has attained the age at which a woman of the same age attains pensionable age, but
 - (b) has not attained the age of 65,
- the person is to be treated for the purposes of section 44 of the 1992 Act as attaining pensionable age when it is issued.
- (4) But sub-paragraph (1) does not apply if and to the extent that the decision of any question to which it refers is affected by—
- (a) the payment or crediting of contributions, or the crediting of earnings, in respect of a period ending before the certificate is issued, or
 - (b) preclusion from regular employment by responsibilities at home for such a period.
- (5) Paragraph 10 makes provision about deferment of Category A retirement pensions.