

SCHEDULES

SCHEDULE 1

Sections 1 to 5, 9, 12 and 13

STATE PENSION: CONSEQUENTIAL AND RELATED AMENDMENTS

PART 1

CATEGORY A AND B RETIREMENT PENSIONS: SINGLE CONTRIBUTION CONDITION

- 1 (1) Section 44 of the SSCBA (Category A retirement pension) is amended as follows.
 - (2) In subsection (1) for paragraph (b) substitute—

“(b) he satisfies the relevant conditions or condition;”.
 - (3) After subsection (1) insert—

“(1A) In subsection (1)(b) above “the relevant conditions or condition” means—

 - (a) in a case where the person attains pensionable age before 6th April 2010, the conditions specified in Schedule 3, Part I, paragraph 5;
 - (b) in a case where the person attains pensionable age on or after that date, the condition specified in Schedule 3, Part I, paragraph 5A.”
- 2 (1) Section 48A of the SSCBA (Category B retirement pension for married person or civil partner) is amended as follows.
 - (2) In subsection (2) for paragraph (b) substitute—

“(b) satisfies the relevant conditions or condition.”
 - (3) After subsection (2) insert—

“(2ZA) In subsection (2)(b) above “the relevant conditions or condition” means—

 - (a) in a case where the spouse is a married man who attains pensionable age before 6th April 2010, the conditions specified in Schedule 3, Part I, paragraph 5;
 - (b) in a case where the spouse attains pensionable age on or after that date, the condition specified in Schedule 3, Part I, paragraph 5A.”
 - (4) In subsection (2B) for paragraph (b) substitute—

“(b) satisfies the condition specified in Schedule 3, Part I, paragraph 5A.”
- 3 (1) Section 48B of the SSCBA (Category B retirement pension for surviving spouse or civil partner) is amended as follows.
 - (2) In subsection (1) for “the conditions specified in Schedule 3, Part I, paragraph 5” substitute “the relevant conditions or condition”.
 - (3) After subsection (1) insert—

“(1ZA) In subsection (1) above “the relevant conditions or condition” means—

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- (a) in a case where the spouse—
 - (i) died before 6th April 2010, or
 - (ii) died on or after that date having attained pensionable age before that date,
 the conditions specified in Schedule 3, Part I, paragraph 5;
 - (b) in a case where the spouse died on or after that date without having attained pensionable age before that date, the condition specified in Schedule 3, Part I, paragraph 5A.”
- (4) In subsection (1A) for “the conditions specified in Schedule 3, Part I, paragraph 5” substitute “the condition specified in Schedule 3, Part I, paragraph 5A”.
- 4 In section 60 of the SSCBA (complete or partial failure to satisfy contribution conditions) after subsection (8) insert—
- “(9) References in this section to a Category A or Category B retirement pension do not include one to which Schedule 3, Part I, paragraph 5A applies.”
- 5 After section 60 of the SSCBA insert—

“60A Failure to satisfy contribution condition in paragraph 5A of Schedule 3

- (1) Subsection (2) below applies if the contribution condition in Schedule 3, Part I, paragraph 5A is not satisfied in relation to a benefit to which that paragraph applies.
- (2) A person who would have been entitled to the benefit had the condition been satisfied shall nevertheless be entitled to a prescribed proportion of that benefit in respect of each of the years of the contributor’s working life that falls within subsection (3) below.
- (3) A year of the contributor’s working life falls within this subsection if it is a year in relation to which the requirements in paragraph 5A(2)(a) and (b) of Part I of Schedule 3 are satisfied.
- (4) “The contributor” means the person by whom the condition is to be satisfied.
- (5) In any case where—
 - (a) an employed earner who is married or a civil partner dies on or after 6th April 2010 as a result of—
 - (i) a personal injury of a kind mentioned in section 94(1) below, or
 - (ii) a disease or injury such as is mentioned in section 108(1) below, and
 - (b) the contribution condition specified in Schedule 3, Part I, paragraph 5A is not satisfied in respect of the employed earner,
 that condition shall be taken to be satisfied for the purposes of the entitlement of the employed earner’s widow, widower or surviving civil partner to a Category B retirement pension payable by virtue of section 48B.
- (6) In subsections (1) to (3) any reference—
 - (a) to the contribution condition in Schedule 3, Part I, paragraph 5A, or
 - (b) to the requirements of paragraph 5A(2)(a) and (b),

includes a reference to that condition or those requirements as modified by virtue of paragraph 5A(4).”

PART 2

CATEGORY B RETIREMENT PENSION: REMOVAL OF RESTRICTION ON ENTITLEMENT

- 6 In section 54 of the SSCBA (Category A and B retirement pensions: supplemental provisions) omit subsection (3) (election to defer pension entitlement requires consent of other party to marriage etc.).
- 7 In section 55 of the SSCBA (pension increase or lump sum where pensions entitlement deferred) in subsection (3) for paragraph (a) substitute—
“(a) does not become entitled to that pension by reason only of not satisfying the conditions of section 1 of the Administration Act (entitlement to benefit dependent on claim), or”.
- 8 In Schedule 5 to the SSCBA (pension increase or lump sum where pensions entitlement deferred) in paragraph 8, omit sub-paragraph (3) (construction of references where person’s pension linked to contributions of other party to marriage or civil partnership).

PART 3

CONTRIBUTIONS CREDITS FOR RELEVANT PARENTS AND CARERS

Social Security Contributions and Benefits Act 1992 (c. 4)

- 9 In section 22 of the SSCBA (earnings factors) after subsection (5) (regulations may provide for crediting of contributions) insert—
“(5A) Section 23A makes provision for the crediting of Class 3 contributions for the purpose of determining entitlement to the benefits to which that section applies.”
- 10 In section 176 of the SSCBA (parliamentary control) in subsection (1) (regulations and orders subject to affirmative procedure) after paragraph (a) insert—
“(aa) the first regulations made by virtue of section 23A(3)(c);”.

Welfare Reform Act 2007 (c. 5)

- 11 In Part 1 of Schedule 1 to the Welfare Reform Act 2007 (employment and support allowance: additional conditions) in paragraph 1 (conditions relating to national insurance) in sub-paragraph (5) (meaning of “benefit”) after paragraph (c) insert—
“(ca) credits under section 23A of that Act.”.

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

PART 4

CATEGORY A AND C RETIREMENT PENSIONS: ABOLITION OF ADULT DEPENDENCY INCREASES

- 12 In section 30B of the SSCBA (incapacity benefit: rate) in subsection (3) omit paragraph (b) (increase under section 83 or 85 to be disregarded in determining rate of incapacity benefit).
- 13 In section 78 of the SSCBA (Categories C and D retirement pensions and other benefits for aged) in subsection (4) omit paragraph (d) (increase under section 83 or 85 to be disregarded in determining appropriate weekly rate of Category D retirement pension).
- 14 In section 88 of the SSCBA (increases to be in respect of only one adult dependant) for “under or by virtue of sections 83 to 86A” substitute “by virtue of section 86A”.
- 15 In section 89 of the SSCBA (meaning of earnings for purposes of provisions relating to increases in benefits) in each of subsections (1) and (1A), for “sections 82 to 86A” substitute “sections 82 and 86A”.
- 16 In section 114 of the SSCBA (persons maintaining dependants etc.) in subsection (4) (amounts paid by way of maintenance etc. to be treated as contributions for the purposes of specified provisions) omit “to 84”.
- 17 In section 149 of the SSCBA (pensioners' entitlement to Christmas bonus: supplementary) in subsection (3) (circumstances in which persons to be treated as entitled to increase in payment of a qualifying benefit) in paragraph (b) omit “section 83(2) or (3) above or”.
- 18 In Part 4 of Schedule 4 to the SSCBA (rates of increases for dependants)—
- (a) in paragraph 5 (Category A or B retirement pension) for the figure in column (3) (increase for adult dependant) substitute “—”;
 - (b) in paragraph 6 (Category C retirement pension) for the figure in column (3) (increase for adult dependant) substitute “—”.

PART 5

UP-RATING OF BASIC PENSION ETC. AND STANDARD MINIMUM GUARANTEE BY REFERENCE TO EARNINGS

Social Security Contributions and Benefits Act 1992 (c. 4)

- 19 In Schedule 5 to the SSCBA (pension increase or lump sum where entitlement to retirement pension is deferred) in paragraph 2 (pension increase where entitlement deferred) in sub-paragraph (7) (increase to take account of up-rating of pensions) after “section 150” insert “or 150A”.
- 20 In each of paragraphs 5A(3)(a), 6(4)(b) and 6A(2)(b) of that Schedule (calculation of increase to survivor’s pension where member’s guaranteed minimum pension deferred) omit “after it has been reduced by the amount of any increases under section 109 of the Pensions Act”.

Social Security Administration Act 1992 (c. 5)

- 21 In section 150 of the Administration Act (annual up-rating of benefits) in subsection (10)(a)(i) (when order is to take effect) after “the tax year” insert “following that in which the order is made”.
- 22 In section 152 of that Act (rectification of mistakes in orders under section 150)—
- (a) after subsection (1) insert—
- “(1A) If the Secretary of State is satisfied that such a mistake has occurred in the preparation of the previous order under section 150A above, he may by order vary the amount of any one or more of the amounts referred to in subsection (1) of that section by increasing or reducing it to the level at which it would have stood had the mistake not occurred.”;
- (b) in the sidenote, after “150” insert “or 150A”.
- 23 In section 155 of that Act (effect of alteration of rates of benefit under Parts 2 to 5 of the SSCBA) in subsection (1) (when section has effect) in paragraph (b) after “150” insert “, 150A”.
- 24 In section 155A of that Act (power to anticipate pensions up-rating order) in subsection (1) (power arises where statement made to Commons of amounts of proposed increase in order under section 150) in paragraph (a), for “150 above” substitute “150 or 150A above (as the case may be)”.
- 25 In section 159 of that Act (effect of alteration in the component rates of income support) in subsection (5), in paragraph (b) of the definition of “alteration”—
- (a) after “150” (where it first occurs) insert “or 150A”;
- (b) in sub-paragraph (ii) after “150” insert “, 150A”.
- 26 In section 159A of that Act (effect of alteration of rates of a jobseeker’s allowance) in subsection (5), in paragraph (b) of the definition of “alteration”, after each occurrence of “section 150” insert “or 150A”.
- 27 In section 159B of that Act (effect of alterations affecting state pension credit)—
- (a) in subsection (4) (power to anticipate up-rating of state pension credit) in paragraph (a) after “section 150” insert “, 150A”;
- (b) in subsection (6), in paragraph (b) of the definition of “alteration”—
- (i) after “150” (where it first occurs) insert “or 150A”;
- (ii) after “150” (where it next occurs) insert “, 150A”.
- 28 In section 159C of that Act as inserted by the Welfare Reform Act 2007 (c. 5) (effect of alteration of rates of an employment and support allowance)—
- (a) in subsection (4) (application of subsection (5)) in paragraph (a), after “150” insert “, 150A”;
- (b) in subsection (6), in paragraph (b) of the definition of “alteration”—
- (i) after “150” (where it first occurs) insert “or 150A”;
- (ii) after “150” (where it next occurs) insert “, 150A”.
- 29 In section 189 of that Act (regulations and orders_general) in subsection (8) (orders not to be made without consent of Treasury) after “150,” insert “150A,”.
- 30 In section 190 of that Act (parliamentary control of orders and regulations) in subsection (1)(a) (orders subject to the affirmative procedure) after “150,” insert “150A,”.

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

- 31 In Part 1 of Schedule 7 to that Act (regulations not requiring prior submission to the Social Security Advisory Committee) in paragraph 3 (up-rating etc.) after “section 150” insert “or 150A”.
- 32 In Part 2 of that Schedule (regulations not requiring prior submission to the Industrial Injuries Advisory Council) in paragraph 12 for “or 150” substitute “, 150 or 150A”.

PART 6

DEEMED EARNINGS FACTORS FOR PURPOSES OF ADDITIONAL PENSION

- 33 In section 22 of the SSCBA (earnings factors) at the end of subsection (2A) (derivation of earnings factors for purposes of calculating additional pension) insert—
- “This subsection does not affect the operation of sections 44A and 44B (deemed earnings factors).”
- 34 (1) Section 44A of the SSCBA (deemed earnings factors) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) Subsections (1) to (4) below apply to the first appointed year or any subsequent tax year before 2010-11.”
- (3) In subsection (1) (amount of deemed earnings factor for purposes of section 44(6) (za)) after “a relevant year” insert “to which this subsection applies”.
- (4) After subsection (4) insert—
- “(4A) The following do not apply to a pensioner attaining pensionable age on or after 6th April 2010—
- (a) the requirement referred to in subsection (2)(d) above, and
- (b) subsections (3) and (4) above.”

PART 7

ADDITIONAL PENSION: SIMPLIFIED ACCRUAL RATES

Social Security Contributions and Benefits Act 1992 (c. 4)

- 35 In section 176 of the SSCBA (parliamentary control)—
- (a) in subsection (1)(c) (orders subject to affirmative procedure) at the appropriate place insert—
- “section 122(8);”;
- (b) in subsection (4) (certain orders not subject to parliamentary procedure) after “second appointed year” insert “or designating the flat rate introduction year”.

Pension Schemes Act 1993 (c. 48)

- 36 In section 12B of the Pension Schemes Act 1993 (reference scheme)—

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

- (a) in subsection (5) (definition of earner’s qualifying earnings) in paragraph (b), for “the upper earnings limit for that year multiplied by fifty-three” substitute “the applicable limit”;
 - (b) in subsection (7), before the definition of “normal pension age” insert—
 - “the applicable limit” means—
 - (a) in relation to a tax year before the flat rate introduction year, the upper earnings limit for the year multiplied by 53;
 - (b) in relation to the flat rate introduction year or any subsequent tax year, the upper accrual point;”.
- 37 In section 41 of that Act (reduced rates of Class 1 contributions)—
- (a) in subsection (1) (earnings relevant for subsections (1A) and (1B) limited by upper earnings limit) for “the current upper earnings limit” substitute “the applicable limit”;
 - (b) after that subsection insert—
 - “(1ZA) In subsection (1)—
 - (a) “the applicable limit”—
 - (i) in relation to a tax week falling in a tax year before the flat rate introduction year, means the upper earnings limit for the week in question;
 - (ii) in relation to a tax week falling in the flat rate introduction year or any subsequent tax year, means the upper accrual point divided by 52; and
 - (b) “prescribed”—
 - (i) in relation to the lower or upper earnings limit, means (in accordance with section 5(4) of the Social Security Contributions and Benefits Act 1992) prescribed under that provision;
 - (ii) in relation to the amount mentioned in paragraph (a)(ii) above, means (in accordance with section 181) prescribed by regulations under this Act.”
- 38 In section 181(1) of that Act (general interpretation) insert at the appropriate places—
- ““the flat rate introduction year” has the meaning given by section 122 of the Social Security Contributions and Benefits Act 1992;”;
 - ““the upper accrual point” has the meaning given by section 122 of the Social Security Contributions and Benefits Act 1992;”.
- 39 In Schedule 4 to that Act (priority in bankruptcy etc.) in paragraph 2 (employer’s contributions to occupational pension scheme)—
- (a) in sub-paragraph (5) in paragraph (b) of the definition of “reckonable earnings”, for “the current upper earnings limit” substitute “the applicable limit”; and
 - (b) after that sub-paragraph insert—
 - “(6) “The applicable limit” means—

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

- (a) in relation to a payment made in a tax week falling in a tax year before the flat rate introduction year, the upper earnings limit for the week in question;
- (b) in relation to a payment made in a tax week falling in the flat rate introduction year or any subsequent tax year, the upper accrual point divided by 52.”

PART 8

INCREASE IN PENSIONABLE AGE FOR MEN AND WOMEN

Social Security Contributions and Benefits Act 1992 (c. 4)

- 40 In section 38 of the SSCBA (widow’s pension) in subsection (2) (entitlement to continue until age of 65) for “the age of 65” substitute “pensionable age”.
- 41 In section 64 of the SSCBA (entitlement to attendance allowance) in subsection (1) (conditions to be satisfied for entitlement to the allowance) for “is aged 65 or over” substitute “has attained pensionable age”.
- 42 (1) Section 75 of the SSCBA (disability living allowance: persons aged 65 or over) is amended as follows.
 - (2) In subsection (1) (no entitlement to the allowance for persons aged 65 or over) for “the age of 65” substitute “pensionable age”.
 - (3) For the sidenote substitute “Persons who have attained pensionable age”.
- 43 In section 149 of the SSCBA (supplementary provisions relating to Christmas bonus) in subsection (4) (for purposes of section 148 persons not to be taken to be entitled to payment of war disablement pension unless they have attained the age of 65) for “the age of 65” substitute “pensionable age”.

State Pension Credit Act 2002 (c. 16)

- 44 In section 3 of the State Pension Credit Act 2002 (savings credit) in subsection (1) (first condition for savings credit) in paragraph (a) for “the age of 65” substitute “pensionable age”.