

1989 No. 829

PENSIONS

The Pensions (Miscellaneous Offices) (Requisite Benefits) (Amendment) Order 1989

Made - - - - 11th May 1989

Coming into force 1st June 1989

The Treasury, in exercise of powers conferred by sections 65 and 96 of the Social Security Act 1973(a) and now vested in them(b), hereby make the following Order:-

**Citation and commencement**

1. This Order may be cited as the Pensions (Miscellaneous Offices) (Requisite Benefits) (Amendment) Order 1989 and shall come into force on 1st June 1989.

**Interpretation**

2. In this Order:-

(1) "the Act of 1975" means the Social Security Pensions Act 1975(c) and "the principal Order" means the Pensions (Miscellaneous Offices) (Requisite Benefits) Order 1978(d).

(2) Except where the context otherwise requires, expressions used in the principal Order shall for the purposes of this Order have the same meaning as they have for the purposes of that Order.

**Widower's guaranteed minimum pension**

3. The following paragraph shall be inserted after article 9 of the principal Order:-

**"Widower's guaranteed minimum pension**

9A. (1) As from the death on or after 6th April 1989 (whether before or after attaining pensionable age) of a female office holder, her widower shall, subject to paragraphs (2) and (3), be entitled to receive, in relation to the pension provided for him by a scheme, a guaranteed minimum pension the weekly rate of which shall be not less than his guaranteed minimum as ascertained in accordance with section 36(3) of the Act of 1975(e).

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(a) 1973 c.38. (b) The functions of the Minister for the Civil Service as the Minister designated by virtue of a designation under section 65(1) of 1973 c.38, were transferred to the Treasury by the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670), articles 2(1)(c) and 4(2). (c) 1975 c.60. (d) S.I. 1978/552. (e) Section 36(3) was substituted by the Social Security Act 1986, (c.50), section 9(3).

(2) Paragraph (1) above shall apply in the circumstances prescribed under section 36(7A) of the Act of 1975(a) and for the period prescribed under that sub-section.

(3) Paragraph (1) above shall not apply:

- (a) if at the date of her death the office holder's accrued rights to a guaranteed minimum pension have been extinguished under section 43(7) of the Act of 1975; or
- (b) if the widower's accrued rights are extinguished under that sub-section."

11th May 1989

*Kenneth Carlisle*  
*David Lightbown*  
Two of the Lords Commissioners  
of Her Majesty's Treasury

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Pensions (Miscellaneous Offices) (Requisite Benefits) Order 1978 by conferring entitlement to guaranteed minimum pensions to the widowers of the female office holders specified in the Schedule, who die after 5th April 1989, in order to meet the further contracting-out requirement inserted into the Social Security Pensions Act 1975 by the Social Security Act 1986. Under the power conferred by section 65 as read with sections 64(1)(b) and 64(10) of the Social Security Act 1973 this amendment has effect from 6th April 1989.

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(a) Sub-section (7A) was inserted into section 36 by the Social Security Act 1986 (c.50), section 9(3).

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