

STATUTORY INSTRUMENTS

**2001 No. 1085**

**The Social Security (Inherited SERPS) Regulations 2001**

**Modification of Part II of the Contributions and Benefits Act**

2.—(1) Where, on or after 6th October 2002, a person becomes widowed [<sup>F1</sup>or a surviving civil partner] and entitled to a widowed parent's allowance or a Category B retirement pension under Part II of the Contributions and Benefits Act by virtue of being a [<sup>F2</sup>widow or widower][<sup>F2</sup>widow, widower or surviving civil partner] then, provided that the deceased spouse [<sup>F3</sup>or civil partner] of that person attained pensionable age before 6th October 2002, any provision of that Part which is listed in paragraph (3) of this regulation shall have effect so that the rate of the additional pension in that pension or allowance, or of any constituent element of an increase in that additional pension, which would, but for this paragraph, be payable to that person under or by virtue of that provision shall be increased by 100 per cent.

(2) Where, on or after 6th October 2002, a person becomes a person of a description specified in Column 1 of the Schedule to these Regulations and entitled to a widowed parent's allowance or a Category B retirement pension under Part II of the Contributions and Benefits Act by virtue of being a [<sup>F4</sup>widow or widower][<sup>F4</sup>widow, widower or surviving civil partner], any provision of that Part which is listed in paragraph (3) of this regulation shall have effect so that the rate of the additional pension in that pension or allowance, or of any constituent element of an increase in that additional pension, which would, but for this paragraph, be payable to a person of that description under or by virtue of that provision shall be increased by the percentage specified in Column 2 of that Schedule.

(3) The provisions of Part II of the Contributions and Benefits Act referred to in paragraphs (1) and (2) of this regulation are as follows:

- (a) section 39C (rate of widowed parent's allowance <sup>F5</sup> ...) <sup>M1F6</sup> ...;
- <sup>F7</sup>(b) .....
- (c) section 48B (Category B retirement pension for widows and widowers) <sup>M2</sup>;
- (d) section 48BB (Category B retirement pension: entitlement by reference to benefits under section 39A or 39B) <sup>M3</sup>;
- (e) section 51 ( [<sup>F8</sup>Category B retirement pension for widows, widowers and surviving civil partners who attained pensionable age before 6th April 2010] ) <sup>M4</sup>; and
- (f) paragraphs 4 to 7 of Schedule 5 (increase of pension where pensioner's deceased spouse [<sup>F9</sup>or civil partner] has deferred entitlement) <sup>M5</sup>.

[<sup>F10</sup>(4) Where, on or after 6th April 2006, a person becomes a person of a description specified in Column 1 of the Schedule to these Regulations and entitled to a widowed person's [<sup>F11</sup>or surviving civil partner's] lump sum under paragraph 7A of Schedule 5 to the Contributions and Benefits Act, paragraph 7B(3) of Schedule 5 to that Act shall have effect so that the half of the additional pension specified in paragraph (b) of the definition of "P" is increased by the percentage specified in Column 2 of the Schedule to these Regulations.]

### Textual Amendments

- F1** Words in reg. 2(1) inserted (E.W.S.) (5.12.2005) by [The Social Security \(Inherited SERPS\) \(Amendments relating to Civil Partnership\) Regulations 2005 \(S.I. 2005/3030\)](#), regs. 1, **2(2)(a)(i)**
- F2** Words in reg. 2(1) substituted (E.W.S.) (5.12.2005) by [The Social Security \(Inherited SERPS\) \(Amendments relating to Civil Partnership\) Regulations 2005 \(S.I. 2005/3030\)](#), regs. 1, **2(2)(a)(ii)**
- F3** Words in reg. 2(1) inserted (E.W.S.) (5.12.2005) by [The Social Security \(Inherited SERPS\) \(Amendments relating to Civil Partnership\) Regulations 2005 \(S.I. 2005/3030\)](#), regs. 1, **2(2)(a)(iii)**
- F4** Words in reg. 2(2) substituted (E.W.S.) (5.12.2005) by [The Social Security \(Inherited SERPS\) \(Amendments relating to Civil Partnership\) Regulations 2005 \(S.I. 2005/3030\)](#), regs. 1, **2(2)(b)**
- F5** Words in [reg. 2\(3\)\(a\)](#) omitted (6.4.2017 coming into force in accordance with art. 1-3) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **19(a)**
- F6** Words in [reg. 2\(3\)\(a\)](#) omitted (6.4.2017 coming into force in accordance with art. 1-3) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **19(b)**
- F7** [Reg. 2\(3\)\(b\)](#) omitted (6.4.2016 coming into force in accordance with art. 1(2)(b)) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **22(a)**
- F8** Words in [reg. 2\(3\)\(e\)](#) substituted (6.4.2016 coming into force in accordance with art. 1(2)(b)) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **22(b)**
- F9** Words in [reg. 2\(3\)\(f\)](#) inserted (E.W.S.) (5.12.2005) by [The Social Security \(Inherited SERPS\) \(Amendments relating to Civil Partnership\) Regulations 2005 \(S.I. 2005/3030\)](#), regs. 1, **2(2)(c)**
- F10** [Reg. 2\(4\)](#) added (E.W.S.) (6.4.2005) by [The Social Security \(Inherited SERPS\) \(Amendment\) Regulations 2005 \(S.I. 2005/811\)](#), regs. 1, **2(a)**
- F11** Words in [reg. 2\(4\)](#) inserted (E.W.S.) (5.12.2005) by [The Social Security \(Inherited SERPS\) \(Amendments relating to Civil Partnership\) Regulations 2005 \(S.I. 2005/3030\)](#), regs. 1, **2(2)(d)**

### Marginal Citations

- M1** Section 39C was inserted by section 55 of the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#) and amended by section 35(4) of the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#).
- M2** Section 48B was amended by paragraph 6 of Schedule 8 to the [Welfare Reform and Pensions Act 1999](#).
- M3** Section 48BB was inserted by section 56 of the [Welfare Reform and Pensions Act 1999](#). Sections 39A to 39C were inserted by section 55 of that Act.
- M4** Section 51 was amended by section 127(2) of the [Pensions Act 1995](#) and by section 35(13) of the [Child Support, Pensions and Social Security Act 2000](#). See paragraph 3(3) of Schedule 4 to the [Pensions Act 1995](#) for the application of section 51 to men who attain pensionable age on or after 6th April 2010.
- M5** Paragraphs 4 to 7 of Schedule 5 were substituted or amended by paragraph 21(13), (15) and (17) of Schedule 4 to the [Pensions Act 1995](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Inherited SERPS) Regulations 2001, Section 2.