

2005 No. 3030

SOCIAL SECURITY

**The Social Security (Inherited SERPS) (Amendments relating to
Civil Partnership) Regulations 2005**

Made - - - - - *31st October 2005*

Coming into force - - - - - *5th December 2005*

Whereas a draft of this Instrument was laid before Parliament in accordance with the provisions of section 52(8) of the Welfare Reform and Pensions Act 1999(a) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 52(1), (2) and (9) and 83(6) of that Act(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Inherited SERPS) (Amendments relating to Civil Partnership) Regulations 2005 and shall come into force on 5th December 2005.

Amendment of the Social Security (Inherited SERPS) Regulations 2001

2.—(1) The Social Security (Inherited SERPS) Regulations 2001(c) shall be amended as follows.

(2) In regulation 2 (modification of Part II of the Contributions and Benefits Act)—

(a) in paragraph (1)—

(i) after “becomes widowed” insert “or a surviving civil partner”;

(ii) for “widow or widower” substitute “widow, widower or surviving civil partner”; and

(iii) after “spouse” insert “or civil partner”;

(b) in paragraph (2), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(c) in paragraph (3)(f), after “spouse” insert “or civil partner”; and

(d) in paragraph (4), after “widowed person’s” insert “or surviving civil partner’s”.

(3) In the Schedule—

(a) in the heading, after “widowed person’s” insert “or surviving civil partner’s”; and

(a) 1999 c. 30.

(b) Section 52(2) was amended by paragraph 25 of Schedule 11 to the Pensions Act 2004 (c.35) and by paragraph 26 of the Schedule to S.I. 2005/2053. Section 52(9) is cited because of the meaning ascribed to the word “prescribed”.

(c) S.I. 2001/1085. This instrument was amended by S.I. 2005/811.

- (b) in column 1 (description of person), for “widow or widower” (in each place) substitute “widow, widower or surviving civil partner”.

Signed by authority of the Secretary of State for Work and Pensions.

31st October 2005

Anne C McGuire
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 52(2) of the Welfare Reform and Pensions Act 1999 (c. 30) as amended by the Civil Partnership (Pensions and Benefits Payments) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2053). They extend the provisions of the Social Security (Inherited SERPS) Regulations 2001 (S.I. 2001/1085) to surviving civil partners.

In particular, regulation 2 makes provision for surviving civil partners whose civil partner dies on or after 5th December 2005 to receive an increase in the rate of the additional (earnings related) pension under the State Earnings Related Pensions Scheme (SERPS) in the same way as a surviving spouse.

This regulation also allows for the proportion of the additional pension used in the calculation of the surviving civil partner’s inheritable increments or lump sum to be increased in line with the provisions set out in those Regulations relating to the calculation of the additional pension for surviving civil partners.

A Regulatory Impact Assessment has not been prepared for this Statutory Instrument as it has no impact on business, charities, voluntary bodies or any public bodies distinct from that of the Civil Partnership Act 2004 itself. A full Regulatory Impact Assessment for civil partnership was published alongside the Civil Partnership Act 2004 and can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>.

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