
STATUTORY INSTRUMENTS

2009 No. 2206

**The Social Security (State Pension and
National Insurance Credits) Regulations 2009**

PART 3

State pension reform - amendment of secondary legislation

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979

12. After regulation 6 insert—

“Proportion of retirement pension where the contribution condition in paragraph 5A of Schedule 3 to the Social Security Contributions and Benefits Act 1992 is not satisfied

6A.—(1) This regulation applies where the contribution condition in paragraph 5A of Schedule 3 (contribution conditions for entitlement to benefit) to the Social Security Contributions and Benefits Act 1992 (“the 1992 Act”) is not satisfied in relation to a benefit to which that paragraph applies.

(2) The amount of such a benefit to which a person is nevertheless entitled shall be—

- (a) 1/30th of the weekly rate of basic pension in that benefit for each year in the contributor's working life in relation to which the requirements of paragraph 5A(2)(a) and (b) of Schedule 3 to the 1992 Act are satisfied; and
- (b) any additional pension in that benefit arising from one or more surpluses in the contributor's earnings factors for the relevant years.

(3) For the purposes of paragraph (2)(a), satisfaction of the requirements of paragraph 5A(2)(a) and (b) of Schedule 3 to the 1992 Act in relation to a year includes satisfaction of those requirements by virtue of regulation 8.

(4) Paragraph (5) of regulation 6 applies to entitlement to a Category A retirement pension by virtue of this regulation as it does to such entitlement by virtue of that regulation.

Regulations 6 and 6A: supplemental

6B. In regulations 6 and 6A, “basic pension” includes the weekly rate of Category B retirement pension specified in paragraph 5 of Part 1 (contributory periodical benefits) of Schedule 4 (rates of benefit, etc) to the Social Security Contributions and Benefits Act 1992.”.