
STATUTORY INSTRUMENTS

2015 No. 1677

**The Occupational Pension Schemes (Schemes that
were Contracted-out) (No.2) Regulations 2015**

PART 4

**ADDITIONAL REQUIREMENTS IN RELATION
TO GUARANTEED MINIMUM PENSIONS**

Circumstances for the purposes of section 17(6) of the 1993 Act in which widower's, widow's or surviving civil partner's guaranteed minimum pension is payable

21.—(1) In addition to providing for a widower's, widow's or surviving civil partner's pension to be payable in the circumstances specified in section 17(4A) of the 1993 Act, a scheme that was a salary related contracted-out scheme is to make provision for such a pension to be payable if—

- (a) the widower, widow or surviving civil partner and the earner were both over pensionable age when the earner died;
- (b) the widower, widow or surviving civil partner is either residing with a child, or is entitled to child benefit in respect of a child, who is—
 - (i) a child of the widower, widow or surviving civil partner and the earner;
 - (ii) a child in respect of whom the earner was, immediately before the earner's death, entitled to child benefit, or would have been so entitled, if the child had not been absent from Great Britain; or
 - (iii) if the widower, widow or surviving civil partner and the earner were residing together immediately before the earner's death, a child in respect of whom the widower, widow or surviving civil partner was, at that time, entitled to child benefit, or would have been so entitled, if the child had not been absent from Great Britain;^{F1}...
- (c) the widower, widow or surviving civil partner attained the age of 45—
 - (i) before the earner died; or
 - (ii) during a period when the circumstances mentioned in sub-paragraph (b) existed.
- [^{F2}(d) the widower, widow or surviving civil partner is entitled to a bereavement support payment by virtue of the earner's contributions; or
- (e) the widower, widow or surviving civil partner was entitled to a bereavement support payment by virtue of the earner's contributions but that entitlement came to an end at a time after the widower, widow or surviving civil partner attained the age of 45.]

(2) For the purposes of this regulation "child benefit" has the same meaning as in the Contributions and Benefits Act.

Changes to legislation: *There are currently no known outstanding effects for the The Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015, Section 21. (See end of Document for details)*

Textual Amendments

- F1** Word in reg. 21(1) omitted (6.4.2017) by virtue of [The Occupational Pension Schemes and Social Security \(Schemes that were Contracted-out and Graduated Retirement Benefit\) \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/354\)](#), regs. 1(2), **4(6)(a)**
- F2** Reg. 21(1)(d)-(e) inserted (6.4.2017) by [The Occupational Pension Schemes and Social Security \(Schemes that were Contracted-out and Graduated Retirement Benefit\) \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/354\)](#), regs. 1(2), **4(6)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Occupational Pension Schemes (Schemes that were Contracted-out) (No.2) Regulations 2015, Section 21.