



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 5

#### MISCELLANEOUS

##### *State and official pensions*

#### **137 Official pensions: adjustment of increases in survivors' pensions**

- (1) Section 59 of the Social Security Pensions Act 1975 (c. 60) (increase of official pensions) is amended as follows.
- (2) Subsection (5ZA) is amended as follows.
- (3) In the words before paragraph (a)—
  - (a) for “or widower's” substitute “, widower's or surviving civil partner's ”;
  - (b) after “spouse” insert “ or civil partner ”.
- (4) In paragraph (a), after “spouse” insert “ or civil partner ”.
- (5) In paragraph (b)—
  - (a) after “period” insert “ (“the relevant time”) ”;
  - (b) for the words from “one half” to the end substitute “ the rate provided for in subsection (5ZB); ”.
- (6) In paragraph (c), for “or widower's” substitute “, widower's or surviving civil partner's ”.
- (7) Omit the words from “but this subsection” to the end.
- (8) After subsection (5ZA) insert—

“(5ZB) The rate referred to in subsection (5ZA)(b) is—

  - (a) in the case of a widow's pension, one half of the rate of the deceased husband's guaranteed minimum pension at the relevant time;

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**Changes to legislation:** Pensions Act 2008, Section 137 is up to date with all changes known to be in force on or before 15 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (b) in the case of a widower's pension, one half of so much of the rate of the deceased wife's guaranteed minimum pension at the relevant time as is attributable to earnings factors for the tax year 1988-89 and subsequent tax years;
- (c) in the case of a surviving civil partner's pension, one half of so much of the rate of the deceased civil partner's guaranteed minimum pension at the relevant time as is attributable to earnings factors for the tax year 1988-89 and subsequent tax years.

(5ZC) Subsection (5ZA)—

- (a) does not apply to a widow's or widower's pension in respect of any service of the deceased spouse if the deceased spouse's pension in respect of that service became payable before 24 July 1990;
- (b) applies to a surviving civil partner's pension only in respect of amounts payable after the coming into force of this subsection.”

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**Commencement Information**

**II** S. 137 in force at 13.3.2014 by [S.I. 2014/463](#), [art. 2](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1A) inserted by [2023 c. 44 s. 1\(2\)](#)
- s. 5(1C) inserted by [2023 c. 44 s. 1\(3\)](#)
- s. 13(3)(ec) inserted by [2023 c. 20 Sch. para. 56](#)
- s. 13A inserted by [2023 c. 44 s. 1\(4\)](#)
- s. 24(1)(c) inserted by [2015 c. 8 Sch. 2 para. 43\(2\)\(d\)](#)
- s. 143(6)(7) inserted by [2023 c. 44 s. 1\(5\)\(b\)](#)