Draft Regulations laid before Parliament under section 52(8) of the Welfare Reform and Pensions Act 1999 for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2001 No.

SOCIAL SECURITY

The Social Security (Inherited SERPS) Regulations 2001

Made - - - -	*2001*
Coming into force - -	*6th October 2002*

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(**1**) and approved by resolution of each House of Parliament:

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Inherited SERPS) Regulations 2001 and shall come into force on 6th October 2002.

(2) In these Regulations—

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits Act 1992(**3**);

"additional pension" means an additional pension derived from contributions or earnings factors in any tax year beginning after 5th April 1978 and ending before the beginning of the tax year beginning 6th April 2002; and

"pensionable age" has the meaning given by the rules in Part I of Schedule 4 to the Pensions Act 1995(**4**).

Modification of Part II of the Contributions and Benefits Act

2.—(1) Where, on or after 6th October 2002, a person becomes widowed and entitled to a widowed parent's allowance or a Category B retirement pension under Part II of the Contributions

(**1**) 1999 c. 30.
(**2**) Section 52(9) is cited for the meaning given to "prescribed".
(**3**) 1992 c. 4.
(**4**) 1995 c. 26.

and Benefits Act by virtue of being a widow or widower then, provided that the deceased spouse 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 constitutent 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 widow or widower, 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 constitutent 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 and bereavement allowance)(**5**) except in so far as that section relates to the rate of a bereavement allowance;

(b) section 48A (Category B retirement pension for married person)(**6**);

(c) section 48B (Category B retirement pension for widows and widowers)(**7**);

(d) section 48BB (Category B retirement pension: entitlement by reference to benefits under section 39A or 39B)(**8**);

(e) section 51 (Category B retirement pensions for widowers')(**9**); and

(f) paragraphs 4 to 7 of Schedule 5 (increase of pension where pensioner's deceased spouse has deferred entitlement)(**10**).

Signed by authority of the Secretary of State for Social Security.

Minister of State,
2001 Department of Social Security

(**5**) 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).

(**6**) Sections 48A to 48C were substituted for sections 49 and 50 by paragraph 3(1) of Schedule 4 to the Pensions Act 1995 (c. 26). *See* paragraph 3(3) of Schedule 4 to that Act for the application of section 48B to men who attain pensionable age before 6th April 2010.

(**7**) Section 48B was amended by paragraph 6 of Schedule 8 to the Welfare Reform and Pensions Act 1999.

(**8**) 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.

(**9**) 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.

(**10**) 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.