

STATE PENSION – CONSEQUENTIAL AMENDMENTS

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INTRODUCTION

- 1 This memo gives guidance on changes to decision making and appeals, subjects common to all benefits and SS benefits as a result of the introduction of SP. The changes are introduced by
 1. the Pensions Act 2014 ([Pensions Act 14](#)) **and**
 2. the Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (Pensions Act 14 (Cons, Supp & Inci Amdts) Order) ([SI 2015 No. 1985](#)) **and**
 3. the Pensions Act 2014 (Consequential and Supplementary Amendments) Order 2016 (Pensions Act 14 (Cons & Supp Amdts) Order) ([SI 2016 No. 224](#)) **and**
 4. the Social Security Benefits Up-rating Order 2016 (SS Ben Up-rating Order 16) ([SI 2016 No. 230](#)) **and**
 5. by the Pensions Act 2014 (Transitional and Transitory Provisions) Order 2016 (Pensions Act 14 (T&T Provs) Order) ([SI 2016 No. 408](#)) **and**
 6. the Pensions Act 2014 (Pension Sharing on Divorce etc.) (Transitional Provision) Order 2016 (Pensions Act 14 (Pens Sharing on Div) (Trans Prov) Order) ([SI 2016 No. 39](#)).

The changes, apart from paragraph 85 below, take effect on 6.4.16¹. The change at paragraph 85 below takes effect on 11.4.16².

1 Pensions Act 14, s 56(4); Pensions Act 14 (Cons, Supp & Inci Amdts) Order, art 1(2)(b); Pensions Act 14 (Cons & Supp Amdts) Order, art 1(2); Pensions Act 14 (T&T Provs) Order, art 1(2); Pensions Act 14 (Pens Sharing on Div)(Trans Prov) Order, art 1(1); 2 SS Ben Up-rating Order 16, art 1(2)(b)

BACKGROUND

- 2 SP is being introduced for people who reach pensionable age on or after 6.4.16. It is replacing RP for such people. However, people who reach pensionable age before 6.4.16 will have to make a claim for RP, even if it is made on or after that date. How the introduction of SP affects changes to decision making and appeals, subjects common to all benefits and other SS benefits is described in paragraphs 3 – 106 below.

Note: See [DMG Chapter 74](#) for guidance on SP and [DMG Chapter 75](#) for guidance on RP.

TIME FOR CLAIMING SP

- 3 The time for claiming SP (where a claim is required - see DMG 02036) is any day on which the claimant is entitled to the benefit and the period of twelve months immediately following it¹. This means, for example, that for entitlement to arise on 27.11.16, a claim must be made no later than 27.11.17.

1 SS (C&P) Regs, reg 19 & Sch 4, para 13

BENEFITS FOR WHICH A CLAIM IS NOT REQUIRED

- 4 A claim is not required for Cat B RP where
1. a claimant is already entitled to
 - 1.1 Cat A RP **or**
 - 1.2 GRB **or**
 - 1.3 both **and**
 2. the claimant marries or enters a civil partnership with a person who is entitled to Cat A RP or SP in their own right¹ **or**

3. the spouse or civil partner of the claimant becomes entitled to Cat A RP or SP in their own right¹ **or**
4. the spouse or civil partner of the claimant dies and they were entitled to Cat A RP or SP at the date of death¹.

Note: SP means entitlement to SP at the transitional rate.

1 SS (C&P) Regs, reg 3(1)(cb)(i, ii & iii); Pensions Act 14, s 4

5 A claim is not required for Cat A RP, Cat B RP or SP where the beneficiary is a woman over the age of 65 and is

1. entitled to WMA or WPA on her ceasing to be so entitled¹ **or**
2. in receipt of WP or BA on her reaching pensionable age¹.

1 SS (C&P) Regs, reg 3(1)(d)

6 A claim for BPT is not required¹ where the beneficiary is in receipt of RP of any category or SP at the date of death of the spouse or civil partner and satisfies the conditions of entitlement.

1 SS (C&P) Regs, reg 3(1)(da); SS CB Act 92, s 36(1)

7 A claim for SP¹ under specified legislation² is not required where the beneficiary is entitled to

1. SP under a different section of the prescribed legislation³ **or**
2. another SP under the same section of the prescribed legislation

1 SS (C&P) Regs, reg 3(1)(ja); 2 Pensions Act 14; 3 Pensions Act 14

Example

Kathryn is entitled to SP at the transitional rate. She is subsequently widowed and becomes entitled to survivor's SP based on inheritance of RP. No claim is needed.

CLAIMS AT ALTERNATIVE OFFICES

8 In addition to being able to claim at an appropriate office, a claimant may make a claim to SP at an alternative office¹ in the circumstances described at [DMG 02052](#) et seq.

1 SS (C&P) Regs, reg 4(6A)(a)(ii) & reg 4(6A)(b)

CLAIMS BY TELEPHONE

- 9 Unless the Secretary of State directs that in any particular case a claim must be made in writing, claims to SP may also be made by telephone to a telephone number specified by the Secretary of State for the purpose of the benefit for which the claim is made¹. No claim form is issued and no signature obtained. Claims made in this way cannot be made at alternative offices.

1 SS (C&P) Regs, reg 4(11)

RIGHTS AND RESPONSIBILITIES OF LOCAL AUTHORITIES AND COUNTY COUNCILS IN ENGLAND

- 10 [DMG 02060](#) gives guidance on the position where organisations have arranged with the Secretary of State to receive claims for a specified benefit or to obtain information or evidence relating to claims for a specified benefit. From 6.4.16 SP will be added as a specified benefit¹.

1 SS (C&P) Regs, reg 32B(3)(m)

CLAIMS MADE ELECTRONICALLY

- 11 A claim for SP can be made electronically¹. Information, including a change of circumstances can also be given electronically².

1 SS (C&P) Regs, reg 4ZC; Sch 9ZC, para 2(1); 2 reg 32ZA

ADVANCE CLAIMS FOLLOWING DEFERMENT

- 12 Where entitlement to SP is deferred a claim may be made up to 4 months before the period of deferment ends¹.

1 SS (C&P) Regs, reg 15B(2)

CLAIMS AT DEATH AND PAYMENTS OF ARREARS UPON DEATH

- 13 The guidance at [DMG 02468 to 02472](#) regarding claims at death and automatic payment of arrears of benefit now applies to SP¹.

1 SS (C&P) Regs, reg 30 (4B) & reg 30(5)-(5H)

TREATING A CLAIM FOR ONE BENEFIT AS A CLAIM FOR ANOTHER BENEFIT

- 14 A claim for SP can be treated as a claim for any other type of SP. Similarly a claim for BB can be treated as a claim for SP¹.

1 SS (C&P) Regs, Sch 1, Part 1

REVISION ON CHANGE OF ELECTION – DEFERRED ENTITLEMENT

- 15 Where
1. a person elects for an increase of SP¹ **and**
 2. the DM decides that the person or their partner is entitled to SPC and takes into account that SP in making or superseding that decision **and**
 3. the person's choice of SP is subsequently changed in favour of a lump sum²

the DM may revise the SPC decision³.

Note: Lump sum relates to claimants whose deceased spouse or civil partner reached pensionable age on or before 5.4.16.

1 Pensions Act 14, s 8(2), s 9 & s 10; 2 s 10 & SP Regs, reg 6; 3 SS CS (D&A) Regs, reg 3(7DA)

REVISION OF SP AWARD

- 16 An award of SP may be revised¹ where the person
1. chooses either a lump sum or survivor's pension² **and**
 2. subsequently changes their choice³.

Note: Lump sum relates to claimants whose deceased spouse or civil partner reached pensionable age on or before 5.4.16.

1 SS CS (D&A) Regs, reg 3(7DB); 2 Pensions Act 14, s 8(2) & s 10; 3 SP Regs, reg 6

REVISION OF TERMINATION OF SP

- 17 Where a decision has been made to terminate¹ SP following a failure to furnish information then the decision may be revised at any time².

1 SS CS (D&A) Regs, reg 18(1); 2 reg 3(7EB)

REVISION OF SP – NO ELECTION MADE

18 Where a claim to SP is made and a choice may be made between¹

1. a lump sum **or**
2. a survivor's pension based on inheritance of deferred RP or GRB **and**
3. no choice is made

the DM may decide the claim before a choice is made².

Note: Lump sum relates to claimants whose deceased spouse or civil partner reached pensionable age on or before 5.4.16.

1 SS (CS) D&A Regs, reg 13B(1); 2 reg 13B(2)

19 The DM may revise¹ the decision when the person²

1. makes a choice **or**
2. becomes entitled to a lump sum.

Note: Lump sum relates to claimants whose deceased spouse or civil partner reached pensionable age on or before 5.4.16.

1 SS (CS) D&A Regs, reg 13B(3); 2 reg 13B(4)

SUPERSESSION ON CHANGE OF ELECTION – DEFERRED ENTITLEMENT

20 The DM may supersede¹ a decision awarding SPC where

1. the person chooses to be paid a lump sum or is entitled to a lump sum² **and**
2. such a lump sum is repaid in consequence of an application to alter that choice or to make a late choice³.

1 SS CS (D&A) Regs, reg 6(2)(oa); 2 Pensions Act 14, s 8(2), s 8 (4) & s 10;

3 SP Regs, reg 4(4) & reg 6, Pensions Act 14, s10

21 The effective date of the supersession¹ is either

1. the day on which the lump sum or payment on account of a lump sum is paid or repaid where that is the payday **or**

2. the following payday.

1 SS (CS) D&A Regs, reg 7(7A)

DECISIONS WHICH CAN BE APPEALED TO THE FIRST-TIER TRIBUNAL

- 22 [Annex D to DMG Volume 1](#) lists decisions and determinations that are appealable. From 6.4.16 that list will include

1. a decision that SP is not payable because a person is a prisoner¹ **and**
2. a decision that a person is not entitled to uprating increases because they are an overseas resident².

1 SS Act 98, Sch 3, para 6C; 2 Sch 3, para 6D

PAYMENT OF STATE PENSION

Date of entitlement for the purposes of payment

- 23 Except when payable at a daily rate¹, a claimant is entitled to SP from
1. the first day of the benefit week **or**
 2. if it is not the first day of the benefit week, the first day of the next following benefit week².

1 SS (C&P) Regs, reg 22DA; 2 reg 16(1E)

Effective date of change of rate

- 24 Except where a change of rate is caused by annual uprating¹ any change in the rate of SP takes effect
1. from the date of change, if that day is the first day of the benefit week **or**
 2. if it is not the first day of the benefit week, from the start of the benefit week in which the change occurs².

1 SSA Act 92, s 150, 150A, 151A; SS (C&P) Regs, reg 16(2H); 2 reg 16(2G)

- 25 Where a change of rate is caused by annual uprating¹ any change in the rate of SP takes effect from

1. the first day of the benefit week **or**
2. if it is not the first day of the benefit week, the first day of the next following benefit week².

1 SS A Act 92, s 150, 150A, 151A; 2 SS (C&P) Regs, reg 16(2H)

Pay day

26 A SP claimant's pay day is determined by the last two digits of their NINO either

1. as is shown in the following table¹

NINO	Pay day
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday

or

2. on any other day that the Secretary of State may choose².

1 SS (C&P) Regs, reg 22CA(4)(a); 2 reg 22CA(4)(b)

Payment of SPC (“old” cases) with SP

27 [DMG 08114](#) gives guidance on the pay day for “old” case SPC claimants who are also paid RP. This guidance applies to SPC claimants who are also paid SP¹.

1 SS (C&P) Regs, reg 26B(2)

Interval of payment

28 SP is paid in arrears¹. The Secretary of State may arrange to pay SP at intervals of

1. one week²

2. two weeks, if the claimant was in receipt of a working age benefit immediately before becoming entitled to SP which was paid fortnightly³
3. four weeks⁴
4. thirteen weeks, if the claimant agrees⁵ **or**
5. such length not exceeding twelve months as the Secretary of State may choose⁶, if
 - 5.1 the Secretary of State makes a direction specifying that length and
 - 5.2 the amount of SP payable is less than £5 per week.

*1 SS (C&P) Regs, reg 22CA(2); 2 reg 22CA(3)(a); 3 reg 22CA(3)(b);
4 reg 22CA(3)(c); 5 reg 22CA(3)(d); 6 reg 22CA(3)(e)(i) & (ii)*

Payment at a daily rate

29 SP is paid at a daily rate where¹

1. the day on which the claimant's first benefit week begins is after
 - 1.1 the day on which the claimant reaches pensionable age² **or**
 - 1.2 where the claimant has deferred their SP under specified legislation³, the first day in respect of which the claimant makes a claim for their SP⁴ **or**
2. the day on which the claimant's last benefit week begins is before the day on which the claimant dies⁵.

*1 SS (C&P) Regs, reg 22DA(1); 2 reg 22DA(1)(a)(i);
3 Pensions Act 14 s 16 & 17; 4 reg 22DA(1)(a)(ii); 5 reg 22DA(1)(b)*

30 The period for which a daily rate is to be paid is¹

1. where paragraph 29 1.1 or 29 1.2 above applies, the period
 - 1.1 beginning on the day on which the claimant reaches pensionable age or the first day in respect of which the claimant makes a claim for SP² **and**
 - 1.2 ending on the day before the day on which the claimant's first benefit week begins³ **or**

2. where paragraph 29 2. above applies, the period beginning on the day on which the claimant's last benefit week begins and ending on the day on which the claimant dies⁴.

1 SS (C&P) Regs, reg 22DA(2); 2 reg 22DA(2)(a)(i); 3 reg 22DA(2)(a)(ii); 4 reg 22DA(2)(b)

Amount of daily rate

- 31 The daily rate at which SP is payable is 1/7th of the claimant's weekly rate which would have had effect on the day if a weekly rate had been payable¹.

1 SS(C&P) Regs, reg 22DA(3)

Benefit week

- 32 A "benefit week"¹ means the period of 7 days ending on the day on which the claimant's SP is payable in accordance with specified legislation².

1 SS (C&P) Regs, reg 22DA(4); 2 reg 22CA(4)

Payment of arrears of SP on death

- 33 [DMG 08352](#) gives guidance on the payment of arrears of benefit to a spouse or civil partner in the event of the claimant's death. SP is added to the list of benefits to which this guidance applies¹.

1 SS (C&P) Regs, reg 30(4B)

ELIGIBLE LOANS DEDUCTIONS SCHEME

- 34 [DMG 08601](#) et seq gives guidance on the ELDS whereby repayment of loans to claimants by certain lenders can be made by deductions from benefits. DMG 08612 gives a list of benefits affected by this guidance. SP is added to this list¹.

1 SS (C&P) Regs, Sch 9 para 7C

RECOVERY OF OVERPAYMENTS

General principles

- 35 [DMG 09161](#) et seq gives guidance on the principles governing the recovery of overpayments. SP is added to the list of benefits at DMG 09161 covered by this guidance¹.

1 SS A Act 92 s71(11)

Offsetting

- 36 [DMG 09343](#) gives guidance on the offsetting of arrears of benefit arising from an appeal, revision or supersession. This guidance also applies to SAP in relation to SP¹.

1 SS (POR) Regs, reg 5(1); (2) & Case 1

Abatement

- 37 [DMG 09373](#) gives a list of prescribed payments for the purposes of abatement. SP is added to this list¹.

1 SS (POR) Regs, reg 8(1)(za)

OVERLAPPING BENEFITS

General

- 38 SP is added to the list of benefits at [DMG 17040](#) which are affected by the overlapping benefit rules¹.

1 SS A Act 92 s73

Exceptions and Modifications

- 39 [DMG 17064](#) gives guidance on the treatment of AP or GRB under the overlapping benefit rules¹. An exception to this guidance is that where a claimant is entitled to AP, SP and either WP or WMA, adjustment of the AP is required².

1 SS (OB) Regs, reg 4(4)(a); 2 reg 4(4A)

Personal benefits requiring adjustment by certain benefits

- 40 [DMG 17085](#) contains a table of adjustments¹. SP is added to column 1 (personal benefit) of that table and US and training allowance added to column 2 (other personal benefit by reference to which the benefit in column (1) is to be adjusted) of that table directly opposite.

1 SS(OB) Regs, reg 6 & Sch 1

IS - PREMIUMS

- 41 [DMG 23111 and 23128](#) describes the effect on certain disability premiums¹ when RP becomes payable. With effect from 6.4.16, SP is treated the same way as RP.

1 IS (Gen) Regs, Sch 2, para 12(1)(c)

JSA EARNINGS DISREGARD – REMUNERATIVE WORK

- 42 If the remunerative work of the claimant's partner has ended because of retirement, disregard any earnings due to be paid for that employment if on retirement the partner
1. is entitled to SP **or**
 2. would be entitled if they had at least 10 qualifying years¹.

1 JSA Regs, Sch 6, para 1B

SOCIAL FUND

- 43 From 6.4.16, SP is added to the list of excluded benefits at DMG Chapter 39, Appendix 7¹. These are benefits payable to the deceased, on or after the date of death, which are excluded from being treated as assets of the deceased ([see DMG 39408](#)).

1 SFMFE Regs, reg 10(1A)

ESA EARNINGS DISREGARD – REMUNERATIVE WORK

- 44 Any earnings paid or due to be paid to the claimant's partner should be disregarded where¹ the partner
1. was engaged in remunerative work as an employed earner (or would have been if the employment had been in GB) **and**
 2. is entitled to SP or would be entitled if they had at least 10 qualifying years.

1 ESA Regs, Sch 7, para 3A

BEREAVEMENT PAYMENT

- 45 [DMG 63007](#) gives guidance that a person whose spouse or civil partner dies will be entitled to a lump sum BPT if the late spouse or civil partner was **not** entitled to a Cat A RP. A change means that, from 6.4.16, such a person will be entitled to a lump sum BPT if the late spouse or civil partner was **not** entitled to
1. Cat A RP **or**
 2. SP¹.

Note: The change will only apply until bereavement support payment (“BSP”) is introduced².

1 SS CB Act 92, s 36(1)(a); 2 Pensions Act 14 (T&T Provs) Order, art 1(3)

STATE PENSION – INHERITED AMOUNT

46 [DMG 74318 and 74319](#) give guidance on when a person whose spouse or civil partner has died is entitled to the inherited amount of SP. That guidance reflects the legislation¹ as modified². That modification will apply where the spouse or civil partner died

1. on or after 6.4.16³ **and**
2. before the day on which BSP is introduced⁴.

1 Pensions Act 14, Sch 3, para 3(1)(d) & (2); 2 Pensions Act 14 (T&T Provs) Order, art 3(2); 3 art 3(1)(a); 4 art 3(1)(b)

CATEGORY A RETIREMENT PENSION

Conditions of entitlement

47 [DMG 75010](#) gives guidance on the conditions of entitlement to Cat A RP. A change means that the first of those conditions of entitlement is that the claimant has reached pensionable age before 6.4.16¹.

1 SS CB Act 92, s 44(1)(a)

Substitution

48 A change means that the guidance on substitution at [DMG 75060](#) et seq will only apply to people who reach pensionable age before 6.4.16¹.

1 SS CB Act 92, s 48(1)

Extent of substitution

49 DMG 75067 gives guidance on when, for the purposes of DMG 75066, people will be treated as satisfying the first contribution condition¹. A change means that the guidance at DMG 75067 will also apply where a former spouse or civil partner would have satisfied that condition, if they had reached pensionable age before 6.4.16, for any year of their working life up to and including the year ending 5.4.16².

1 SS CB Act 92, Sch 3, para 5; 2 SS (WB & RP) Regs, reg 8(3A)

- 50 When considering the prescribed method in accordance with DMG 75069, DMs should note that another change means that a year cannot be a qualifying year after 5.4.16².

1 SS (WB & RP) Regs, reg 8(4) & Sch 1; 2 Sch 1, para 1(a)

- 51 A further change means that where people do not satisfy the single contribution condition¹ they are treated as satisfying it by virtue of their former spouse's or civil partner's contributions if

1. DMG 75070 **1. – 3.** are satisfied **and**
2. the former spouse or civil partner
 - 2.1 fully satisfied the single contribution condition by having 30 qualifying years² **or**
 - 2.2 would have satisfied that condition, if they had reached pensionable age before 6.4.16, in respect of NI contributions paid before 6.4.16³.

1 SS CB Act 92, Sch 3, para 5A(2); 2 SS (WB & RP) Regs, reg 8A(1)(e)(i); 3 reg 8A(1)(e)(ii)

CATEGORY B RETIREMENT PENSION

- 52 [DMG 75101](#) et seq gives guidance on Cat B RP. DMs should consider that guidance in conjunction with the guidance in paragraphs 53 – 82 below. The provisions in the legislation¹ restructure and consolidate the Cat B RP provisions² with effect from 6.4.16 but do not change the conditions of entitlement except to

1. restrict entitlement under the Cat B RP provisions to persons reaching pensionable age before 6.4.16 **and**
2. exclude any contributions of the
 - 2.1 spouse or civil partner **or**
 - 2.2 late or former spouse **or**
 - 2.3 late or former civil partner

made for tax years from 6.4.16 onwards from the calculation of Cat B RP.

1 Pensions Act 14; 2 SS CB Act 92, s 48A - 51

Married person

53 A married person is entitled to a Cat B RP by virtue of the contribution record of their spouse if

1. they reached pensionable age before 6.4.16¹ **and**
2. their spouse
 - 2.1 has reached pensionable age² **and**
 - 2.2 satisfies
 - 2.2.a the first and second contribution conditions if they were born before 6.4.45³ **or**
 - 2.2.b the single contribution condition if they were born on or after 6.4.45⁴.

Note 1: For the purposes of **2.2** earnings factors for the tax year beginning 6.4.16 and subsequent tax years are not included⁵.

Note 2: See paragraphs 58 – 64 below for guidance where a marriage or civil partnership is dissolved, paragraphs 65 – 69 below for guidance where a person's spouse or civil partner has died and paragraphs 77 – 80 for guidance on transgender cases.

Note 3: See [DMG 75005](#) for guidance on pensionable age, Appendix 5 to DMG Chapter 75 for guidance on the first and second contribution conditions and DMG 75015 et seq for guidance on the single contribution condition.

1 SS CB Act 92, s 48A(1)(a); 2 s 48A(1)(b)(i); 3 s 48A(1)(b)(ii) & 48A(6) & Sch 3, para 5; 4 s 48A(1)(b)(ii) & 48A(6) & Sch 3, para 5A; 5 s 48A(7)

54 However, a person is not entitled to a Cat B RP in accordance with paragraph 53 above if they are

1. a man whose spouse **or**
2. a woman whose wife

was born before 6.4.50¹.

Note: See paragraph 77 below for guidance where a woman's late female spouse had changed gender.

1 SS CB Act 92, s 48A(2)

55 Where paragraph 53 above applies, the weekly rate of Cat B RP is that stated in legislation¹. However, this may be reduced if

1. the second contribution condition **or**
2. the single contribution condition

is not fully satisfied².

1 SS CB Act 92, s 48A(4) & Sch 1, Part 4, para 5; 2 s 60A(2); SS (WB & RP) Regs, reg 6, 6A & 6B

Civil partner

56 A claimant is entitled to a Cat B RP by virtue of the contribution record of their civil partner if

1. they reached pensionable age before 6.4.16¹ **and**
2. their civil partner
 - 2.1 was born on or after 6.4.50² **and**
 - 2.2 has reached pensionable age³ **and**
 - 2.3 satisfies the single contribution condition⁴.

Note 1: For the purposes of **2.3** earnings factors for the tax year beginning 6.4.16 and subsequent tax years are not included⁵.

Note 2: See paragraphs 58 – 64 below for guidance where a person's civil partnership is dissolved and paragraphs 65 – 69 below for guidance where a person's civil partner has died.

Note 3: See [DMG 75005](#) for guidance on pensionable age and DMG 75015 et seq for guidance on the single contribution condition.

1 SS CB Act 92, s 48A(3)(a); 2 s 48A(3)(b)(i); 3 s 48A(3)(b)(ii); 4 s 48A(3)(b)(iii) & Sch 5, para 3A; 5 s 48A(7)

57 Where paragraph 56 above applies, the weekly rate of Cat B RP is that stated in legislation¹. However, this may be reduced if the single contribution condition is not fully satisfied².

1 SS CB Act 92, s 48A(4) & Sch 4, Part 1, para 5; 2 s 60(1) & 60A(2); SS (WB & RP) Regs, reg 6A & 6B

Divorcee

58 A person who has been in a marriage which has been dissolved is entitled to a Cat B RP by virtue of the contribution record of their former spouse if

1. they reached pensionable age before
 - 1.1 6.4.16¹ **and**
 - 1.2 the marriage was dissolved² **and**
2. their former spouse
 - 2.1 reached pensionable age before the marriage was dissolved³ **and**
 - 2.2 satisfied
 - 2.2.a the first and second contribution conditions if they were born before 6.4.45⁴ **or**
 - 2.2.b the single contribution condition if they were born on or after 6.4.45⁵.

Note 1: Before 6.4.16, a divorced person or former civil partner could qualify for Cat B RP⁶. However, this is rare as substituted Cat A RP⁷ will normally be more beneficial. The Cat B RP rule for divorcees has not been changed; it has simply been restated separately.

Note 2: For the purposes of **2.2** earnings factors for the tax year beginning 6.4.16 and subsequent tax years are not included⁸.

Note 3: See paragraphs 77 – 80 below for guidance on transgender cases.

Note 4: See [DMG 75005](#) for guidance on pensionable age, Appendix 5 to DMG Chapter 75 for guidance on the first and second contribution conditions and DMG 75015 et seq for guidance on the single contribution condition.

1 SS CB Act 92, s 48AA(1)(a)(i); 2 s 48AA(1)(a)(ii); 3 s 48AA(1)(b)(i); 4 s 48AA(1)(b)(ii) & 48AA(6) & Sch 3, para 5; 5 s 48AA(1)(b)(ii) & 48AA(6) & Sch 3, para 5A; 6 s 48AA; 7 s 48; 8 s 48AA(7)

59 For the purposes of paragraph 58 above, a voidable marriage which has been annulled is treated as a valid marriage which was dissolved on the day it was annulled¹.

1 SS CB Act 92, s 48AA(8)

60 However, a person is not entitled to a Cat B RP in accordance with paragraph 58 above if they are

1. a man whose former spouse **or**
2. a woman whose former wife

was born before 6.4.50¹.

Note: See paragraph 78 below for guidance where a woman's late female spouse had changed gender.

1 SS CB Act 92, s 48AA(2)

61 Where paragraph 58 above applies, the weekly rate of Cat B RP is that stated in legislation¹ if the former spouse is alive. Where the former spouse is deceased, the weekly rate of Cat B RP is equivalent to Cat A BP². However, those amounts may be reduced if

1. the second contribution condition **or**
2. the single contribution condition

is not fully satisfied³.

*1 SS CB Act 92, s 48AA(4) & Sch 1, Part 4, para 5; 2 s 44(4) & 48AA(5);
3 s 60(1) & 60A(2); SS (WB & RP) Regs, reg 6, 6A & 6B*

Former civil partner

62 A person who has been in a civil partnership which has been dissolved is entitled to a Cat B RP by virtue of the contribution record of their former civil partner if

1. they reached pensionable age before
 - 1.1 6.4.16¹ **and**
 - 1.2 the civil partnership was dissolved² **and**
2. their former civil partner
 - 2.1 was born on or after 6.4.50³ **and**
 - 2.2 reached pensionable age before the marriage was dissolved⁴ **and**
 - 2.3 satisfied the single contribution condition⁵.

Note 1: Before 6.4.16, a divorced person or former civil partner could qualify for Cat B RP⁶. However, this is rare as substituted Cat A RP⁷ will normally be more beneficial. The Cat B RP rule for divorcees has not been changed; it has simply been restated separately.

Note 2: For the purposes of **2.3** earnings factors for the tax year beginning 6.4.16 and subsequent tax years are not included⁸.

Note 3: See paragraphs 77 – 80 below for guidance on transgender cases.

Note 4: See [DMG 75005](#) for guidance on pensionable age and DMG 75015 et seq for guidance on the single contribution condition.

*1 SS CB Act 92, s 48AA(3)(a)(i); 2 s 48AA(3)(a)(ii); 3 s 48AA(3)(b)(i); 4 s 48AA(3)(b)(ii);
5 s 48AA(3)(b)(iii) & 48AA(6) & Sch 3, para 5A; 6 s 48AA; 7 s 48; 8 s 48AA(7)*

- 63 For the purposes of paragraph 62 above, a voidable marriage which has been annulled is treated as a valid marriage which was dissolved on the day it was annulled¹.

1 SS CB Act 92, s 48AA(8)

- 64 Where paragraph 62 above applies, the weekly rate of Cat B RP is that stated in legislation¹ if the former civil partner is alive. Where the former civil partner is deceased, the weekly rate of Cat B RP is equivalent to Cat A BP². However, those amounts may be reduced if

1. the second contribution condition **or**
2. the single contribution condition

is not fully satisfied³.

*1 SS CB Act 92, s 48AA(4) & Sch 1, Part 4, para 5; 2 s 44(4)
& 48AA(5); 3 s 60A(2); SS (WB & RP) Regs, reg 6A & 6B*

People widowed after reaching pensionable age

- 65 A change means that a person whose spouse died while they were married is entitled to a Cat B RP by virtue of the contributions of the deceased¹ if

1. the widow or widower reached pensionable age before

1.1 6.4.16 **and**

1.2 their spouse died² **and**

2. the deceased satisfied³
 - 2.1 the first and second contribution conditions⁴ if they died
 - 2.1.a before 6.4.10 **or**
 - 2.1.b on or after 6.4.10 if they had reached pensionable age before that date⁵ **or**
 - 2.2 the single contribution condition⁶ if 2.1 does not apply⁷.

Note 1: For the purposes of 2. earnings factors for the tax year beginning 6.4.16 and subsequent tax years are not included⁸.

Note 2: See paragraphs 77 – 80 below for guidance on transgender cases.

Note 3: See [DMG 75005](#) for guidance on pensionable age, Appendix 5 to DMG Chapter 75 for guidance on the first and second contribution conditions and DMG 75015 et seq for guidance on the single contribution condition.

*1 SS CB Act 92, s 48B(1); 2 s 48B(1)(a); 3 s 48B(1)(b); 4 Sch 3, Part 1, para 5;
5 s48B(1ZB)(a); 6 Sch 3, Part 1, para 5A; 7 s 48B(1ZB)(b); 8 s 48B(3A)*

66 However

1. a man who reached pensionable age before 6.4.10 **or**
2. a woman who reached pensionable age before 6.4.10 and whose spouse was a woman

is **not** entitled to a Cat B RP in accordance with paragraph 65 above¹.

Note 1: However, there would be entitlement to a Cat B RP in accordance with paragraph 72 et seq below if the deceased spouse or civil partner died when over pensionable age².

Note 2: See paragraph 79 below for guidance where a woman's late female spouse had changed gender.

1 SS CB Act 92, s 48B(1ZA); 2 s 51

People becoming surviving civil partners after reaching pensionable age

67 A change means that a person whose civil partner died while they were civil partners of each other is entitled to a Cat B RP by virtue of the contributions of the deceased¹ if

1. the surviving civil partner reached pensionable age
 - 1.1 on or after 6.4.10 but before 6.4.16 **and**
 - 1.2 before their civil partner died² **and**
2. the deceased satisfied³
 - 2.1 the first and second contribution conditions⁴ if they reached pensionable age before 6.4.10⁵ **or**
 - 2.2 the single contribution condition⁶ if **2.1** does not apply⁷.

Note 1: For the purposes of **2.** earnings factors for the tax year beginning 6.4.16 and subsequent tax years are not included⁸.

Note 2: See paragraphs 77 – 80 below for guidance on transgender cases.

Note 3: See [DMG 75005](#) for guidance on pensionable age, Appendix 5 to DMG Chapter 75 for guidance on the first and second contribution conditions and DMG 75015 et seq for guidance on the single contribution condition.

*1 SS CB Act 92, s 48B(1A); 2 s 48B(1A)(a); 3 s 48B(1A)(b); 4 Sch 3, Part 1, para 5;
5 s48B(1B)(a); 6 Sch 3, Part 1, para 5A; 7 s 48B(1B)(b); 8 s 48B(3A)*

Women widowed before reaching pensionable age

68 [DMG 75142](#) gives guidance on entitlement to a Cat B RP for women widowed before

1. 9.4.01 **and**
2. reaching pensionable age.

A change means that guidance will only apply to women who reach pensionable age before 6.4.16¹.

Note: DMG 75142 **1.** and **2.** have to be satisfied².

1 SS CB Act 92, s 48B(4)(a); 2 s 48B(4)(b) & (5)

Men widowed before reaching pensionable age

69 DMG 75144 gives guidance on entitlement to a Cat B RP for men

1. widowed before 9.4.01 **and**
2. who reach pensionable age on or after 6.4.10.

A change means that guidance will only apply to men who reach pensionable age before 6.4.16¹.

Note: DMG 75144 **1.** and **2.** have to be satisfied².

1 SS CB Act 92, s 48B(4A)(a); 2 s 48B(4A)(b), (5) & (7)

Entitled to widowed parents allowance at pensionable age

- 70 DMG 75150 gives guidance on entitlement to a Cat B RP for people entitled to WPA immediately before reaching pensionable age. A change means that that guidance will only apply to people who reached pensionable age before 6.4.16¹.

1 SS CB Act 92, s 48BB(1)

Entitled to widowed parents allowance or bereavement allowance before reaching pensionable age

- 71 DMG 75153 gives guidance on entitlement to a Cat B RP for people entitled to

1. BA at any time before reaching pensionable age **or**
2. WPA at any time over age 45 but not immediately before reaching pensionable age.

A change means that that guidance will only apply to people who reached pensionable age before 6.4.16¹.

1 SS CB Act 92, s 48BB(3)

Widows and widowers who reached pensionable age before 6.4.10

- 72 A person whose spouse died while they were married is entitled to a Cat B RP if

1. they and their spouse were both over pensionable age when their spouse died¹
and
2. they reached pensionable age before 6.4.10² **and**
3. their spouse satisfied³
 - 3.1 the first and second contribution conditions⁴ if they reached pensionable age before 6.4.10⁵ **or**

- 3.2** the single contribution condition⁶ if they reached pensionable age on or after 6.4.10⁷.

Entitlement to a Cat B RP begins on the day the conditions of entitlement are satisfied and continue throughout the person's life⁸.

Note 1: For the purposes of **3.** earnings factors for the tax year beginning 6.4.16 and subsequent tax years are not included⁹.

Note 2: See paragraph 80 below for guidance where a woman's late female spouse had changed gender.

Note 3: See DMG 75005 for guidance on pensionable age, Appendix 5 to DMG Chapter 75 for guidance on the first and second contribution conditions and DMG 75015 et seq for guidance on the single contribution condition.

*1 SS CB Act 92, s 51(1)(a); 2 s 51(1)(b); 3 s 51(1)(c); 4 Sch 3, Part 1, para 5;
5 s 51(3)(a); 6 Sch 3, Part 1, para 5A; 7 s 51(3)(b); 8 s 51(9); 9 s 51(8)*

73 However, a person is not entitled to a Cat B RP¹ in accordance with paragraph 72 above if they are

1. a woman whose husband has died **or**
2. a man whose wife died before 6.4.79.

Note: Where **1.** applies, paragraph 67 above will apply instead.

1 SS CB Act 92, s 51(2)

74 Where paragraph 72 above applies, the weekly rate of Cat B RP is that stated in legislation¹. However, that amount may be reduced if

1. the second contribution condition **or**
2. the single contribution condition

is not fully satisfied².

Note: [DMG 75581](#) et seq applies for the calculation of AP³.

*1 SS CB Act 92, s 51(6), 44 – 45AA & Sch 4A; 2 s 60(1) & 60A(2);
SS (WB & RP) Regs, reg 6, 6A & 6B; 3 SS CB Act 92, s 51(7)*

Surviving civil partner who reached pensionable age before 6.4.10

75 A person whose civil partner died while they were civil partners of each other is entitled to a Cat B RP if

1. they and their civil partner were both over pensionable age when their civil partner died¹ **and**
2. they reached pensionable age before 6.4.10² **and**
3. their civil partner satisfied³
 - 3.1 the first and second contribution conditions⁴ if they reached pensionable age before 6.4.10⁵ **or**
 - 3.2 the single contribution condition⁶ if they reached pensionable age on or after 6.4.10⁷.

Entitlement to a Cat B RP begins on the day the conditions of entitlement are satisfied and continue throughout the person's life⁸.

Note 1: For the purposes of 3. earnings factors for the tax year beginning 6.4.16 and subsequent tax years are not included⁹.

Note 2: See DMG 75005 for guidance on pensionable age, Appendix 5 to DMG Chapter 75 for guidance on the first and second contribution conditions and DMG 75015 et seq for guidance on the single contribution condition.

*1 SS CB Act 92, s 51(4)(a); 2 s 51(4)(b); 3 s 51(4)(c); 4 Sch 3, Part 1, para 5;
5 s 51(5)(a); 6 Sch 3, Part 1, para 5A; 7 s 51(5)(b); 8 s 51(9); 9 s 51(8)*

76 Where paragraph 75 above applies, the weekly rate of Cat B RP is that stated in legislation¹. However, that amount may be reduced if

1. the second contribution condition **or**
2. the single contribution condition

is not fully satisfied².

Note: DMG 75581 et seq applies for the calculation of AP³.

*1 SS CB Act 92, s 51(6), 44 – 45AA & Sch 4A; 2 s 60(1) & 60A(2);
SS (WB & RP) Regs, reg 6, 6A & 6B; 3 SS CB Act 92, s 51(7)*

Married person whose spouse changed gender

77 A woman is not prevented from being entitled to a Cat B RP in accordance with paragraph 54 above where

1. her spouse is a woman who has been issued with a GRC¹ **and**
2. she and her spouse were married before the GRC was issued².

1 SS CB Act 92, s 51ZA(1)(a); GR Act 04; 2 SS CB Act 92, s 51ZA(1)(b)

78 A woman is not prevented from being entitled to a Cat B RP in accordance with paragraph 60 above where

1. her former spouse was, at the time the marriage was dissolved, a woman who has been issued with a GRC¹ **and**
2. she and her spouse were married before the GRC was issued².

1 SS CB Act 92, s 51ZA(2)(a); GR Act 04; 2 SS CB Act 92, s 51ZA(2)(b)

79 A woman is not prevented from being entitled to a Cat B RP in accordance with paragraph 66 above where

1. her deceased spouse was, when she died, a woman who has been issued with a GRC¹ **and**
2. she and her spouse were married before the GRC was issued².

Where this applies, the guidance at paragraph 65 above is changed to the spouse was born before 6.4.45³.

1 SS CB Act 92, s 51ZA(3)(a); GR Act 04; 2 SS CB Act 92, s 51ZA(3)(b); 3 s 51ZA(3) & 48B(1ZB)(a)(ii)

80 A woman is not entitled to a Cat B in accordance with paragraph 72 above if

1. her deceased spouse was, when she died, a woman who has been issued with a GRC¹ **and**
2. she and her spouse were married before the GRC was issued².

1 SS CB Act 92, s 51ZA(4)(a); GR Act 04; 2 SS CB Act 92, s 51ZA(4)(b)

Additional pension uprating

81 Where a spouse or civil partner

1. reached pensionable age on or after 6.4.16¹ **and**
2. died after reaching pensionable age²

the claimant's AP is revalued in line with earnings for the period before the deceased reached pensionable age and uprated in line with inflation for the period after they reached pensionable age³.

*1 SS CB Act 92, s 48B(10)(a) & s 51(11)(a); 2 s 48B(10)(b) & s 51(11)(b);
3 s 48B(11), s 51(12) & Sch 4B; SS A Act, s 148A(1) & s 148AA(1)*

- 82 When the spouse or civil partner dies under pensionable age on or after 6.4.16 the AP will be revalued by earnings for the period before the date of death.

CATEGORY C RETIREMENT PENSION

- 83 [DMG 75181](#) et seq gives guidance on Cat C RP. A change means that that guidance will only apply to

1. a widow whose husband was over pensionable age on 5.7.48 **or**
2. a woman whose marriage to a man, who was over pensionable age on 5.7.48, ended otherwise than by his death¹.

1 SS CB Act 92, s 63(f)(i)

- 84 Another change means that there will be no entitlement to a Cat C for people who reach pensionable age on or after 6.4.16¹.

1 Pensions Act 14, Sch 12, Part 2, para 80

Weekly rate of Category C retirement pension for widows

- 85 The weekly rate of Cat C RP for widows is £71.50¹.

1 SS (WB & RP) Regs, reg 11(3)

CATEGORY D RETIREMENT PENSION

- 86 [DMG 75221](#) et seq gives guidance on Cat D RP. A change means that that guidance will only apply to people who reached pensionable age before 6.4.16¹

1 SS CB Act 92, s 78(3)

AGE ADDITION

- 87 DMG 75281 et seq gives guidance on age addition. A change means that that guidance will only apply to people who reach pensionable age before 6.4.16¹.

1 SS CB Act 92, s 79(1)

DEFERRAL

- 88 The rules for inherited Incs are modified¹ where

1. a widow, widower or surviving civil partner became entitled to a Cat A or Cat B RP before 6.4.12² **and**
2. the deceased spouse or civil partner died before 6.4.12³.

Note: For the purposes of 1., becoming entitled to a Cat A or Cat B RP before 6.4.12 includes becoming entitled on or after that day to a payment in respect of a period before that day⁴.

1 SS CB Act 92, Sch 5, paras 7ZA(2) – (5); 2 Sch 5, para 7ZA(1)(a); 3 Sch 5, para 7ZA(1)(b); 4 Sch 5, para 7ZA(6)

GRADUATED RETIREMENT BENEFIT

- 89 DMG 75471 et seq gives guidance on GRB. A change means that that guidance will only apply to people who reach pensionable age before 6.4.16¹.

1 SS (GRB) (No. 2) Regs, Sch 1; NI Act 65, s 36(7) & (8)

MAXIMUM ADDITIONAL PENSION

Meaning of relevant day

- 90 The relevant day is the day on which a survivor would have become entitled to **both**

1. Cat A RP **and**
2. Cat B RP on their late spouse's or civil partner's contributions

or would have been so entitled had neither been deferred¹.

1 SS (MAP) Regs, reg 2(1)

Relevant day before 6.4.16

- 91 [DMG 75589](#) et seq gives guidance on the prescribed maximum amount of RP AP where a claimant is entitled to inherited AP from their late spouse or civil partner. However, a change means that guidance will only apply to a survivor whose relevant day is before 6.4.16¹.

Note: References to “the specified day” at DMG 75589 et seq should be read as references to “the relevant day”.

1 SS (MAP) Regs, reg 3(A1)

Relevant day on or after 6.4.16

- 92 The prescribed maximum amount of RP AP for a survivor whose relevant day is on or after 6.4.16 is £165.60¹.

1 SS (MAP) Regs, reg 3A

SHARED ADDITIONAL PENSION BECAUSE OF AN OLD STATE SCHEME PENSION CREDIT

- 93 From 6.4.16 the guidance at [DMG 75602](#) et seq will apply to SAP because of an old state scheme pension credit¹. Therefore the references to “state scheme pension credit” at DMG 75606 – 75607 and DMG 75612 – 75614 should be read as “old state scheme pension credit”².

1 SS CB Act 92, s 55A; 2 s 55A(3) – (5) & (7)

Entitlement

- 94 [DMG 75611](#) gives guidance on entitlement to a SAP. To be entitled to a SAP because of an old state scheme pension credit a person must

1. have reached pensionable age before 6.4.16¹ **and**
2. be entitled to an old state scheme pension credit².

Note: For this to apply the person subject to an old state scheme pension debit must either be a person who reaches pensionable age before 6.4.16 or be a person who reaches pensionable age on or after that day but the legal proceedings relating to the termination of the marriage or civil partnership start before 6.4.16³.

1 SS CB Act 92, s 55A(1)(a); 2 s 55A(1)(b); 3 Pensions Act 14 (Pens Sharing on Div) (Trans Prov) Order, art 2(1)

SHARED ADDITIONAL PENSION BECAUSE OF A NEW STATE SCHEME PENSION CREDIT

Background

- 95 Changes from 6.4.16 enable a person who reaches pensionable age before that date to receive a SAP in relation to an order made against another person who reaches pensionable age after that date.

Meaning of new state scheme pension credit

- 96 A new state scheme pension credit is an amount a spouse or civil partner receives from the other spouse or civil partner under a pension sharing court order¹.

1 SS CB Act 92, s 55AA(4); WRP Act 99, s 49A(2)(b)

Entitlement

- 97 To be entitled to a SAP because of a new state scheme pension credit a person must

1. have reached pensionable age before 6.4.16¹ **and**
2. be entitled to a new state scheme pension credit².

A person's entitlement to a SAP because of a new state scheme pension credit continues throughout their life³.

Note: For this to apply the person subject to a new state scheme pension debit must be a person who reaches pensionable age on or after 6.4.16 and the legal proceedings relating to the termination of the marriage or civil partnership must start on or after 6.4.16.

1 SS CB Act 92, s 55AA(1)(a); 2 s 55AA(1)(b); 3 s 55AA(2)

Weekly rate

- 98 The weekly rate of a SAP to which a person is entitled in accordance with paragraph 97 above is the amount of the new state scheme pension credit¹. The amount of the new state scheme pension credit is the specified percentage of the excess amount of transitional rate of SP² of the person who has an order made against them³. The specified percentage is determined by the court issuing the pension sharing order⁴.

The excess amount⁵ is the amount by which the person's transitional rate of SP exceeds their full rate⁶.

*1 SS CB Act 92, s 55AA(3); 2 Pensions Act 14, s 4; 3 WRP Act 99, s 49A(3);
4 s 49A(3) & (5); 5 s 47(4); 6 Pensions Act 14, s 3*

FORFEITURE ACT 1982

99 The guidance in DMG Chapter 76 will also apply to SP¹.

1 Forfeiture Act 1982, s 4(5)

THIRD PARTY DEDUCTIONS – MEANING OF SPECIFIED BENEFIT

100 For the purpose of [DMG 79203](#), SP is a specified benefit where

1. in respect of any period, it is paid together with SPC **and**
2. SPC alone is insufficient for the purposes of deductions¹.

1 SS (C&P) Regs, Sch 9, para 1(1)

SPC ASSESSED INCOME PERIOD – RETIREMENT PROVISION

101 Retirement provision **does not** include SP¹.

1 SPC Act 02, s 7(6)(a)

SPC – DEFERRAL OF SP ENTITLEMENT

Income from capital

102 Where

1. a person elects to be entitled to a lump sum of SP under specified legislation¹ **or**
2. fails to make an election **and**
3. a lump sum payment has been made, disregard an amount equal to
 - 3.1 except where 3.2 applies, the amount of any payment or payments made on account of the lump sum **or**
 - 3.2 the amount of the lump sum

but only for as long as the person does not change their election in favour of an increase in their pension².

1 Pensions Act 14, s 8(2) & 10; 2 SPC Regs, Sch 5, para 23AA

Notional income

103 The rule regarding deprivation of income shall not apply¹ if a claimant

1. elects for an increase in their pension or benefit following deferral under SP legislation² **and**
2. changes the election in accordance with specific regulations³ in favour of a lump sum.

Note: The deferral referred to at **1.** applies to the claimant's own deferral or that of their late spouse or civil partner.

1 SPC Regs, reg 18(6), (7ZA) & (7ZB); 2 Pensions Act 14, s 8(2) & (9); SP Regs, reg 15 & 16; 3 reg 6 & 18(7)

SPC – RETIREMENT PENSION INCOME

104 Retirement pension income includes SP¹. SP should be taken fully into account for SPC.

1 SPC Act 02, s 16(1)(za)

NOTIONAL INCOME – INCOME AVAILABLE UPON APPLICATION

105 A claimant who has reached the qualifying age for SPC but who does not claim SP, has to be treated as possessing the amount of SP which they could expect to receive if they had claimed it¹. However, this is only from the date it could be expected to be acquired if a claim was made.

1 SPC Regs, reg 18(1)

ANNOTATIONS

Please annotate the number of this memo (11/16) against DMG paragraphs:

02009; 02052; 02060; 02069; 02073; 02537; 03360; 03362; 04685; 06040; Volume 1, Annex D (heading); 08114; 08352; 08601; 09161; 09343; 09373; 17040; 17062-69; 17064; 17085; 23111; 23128; 26642 (heading); 39408; Chapter 39, Appendix 7;

49648 (heading); 63007; 74318; 74319; 75002; 75003; 75005 (heading); 75010;
75060 (heading); 75067; 75069; 75070; 75101 (heading); 75104 (heading); 75110
(heading); 75112; 75130 (heading); 75132 (heading); 75134 (heading); 75136
(heading); 75139 (heading); 75142 (heading); 75144 (heading); 75149; 75150
(heading); 75153 (heading); 75181 (main heading); 75221 (main heading); 75281
(main heading); 75375; 75376; 75427; 75471 (main heading); 75534; 75572; 75581
(heading); 75587; 75589 (heading); 75602 (heading); 75605; 75606; 75607; 75611;
75612; 75613; 75614; 75615; 75691; Chapter 75, Appendix 5, paragraph 7 (heading);
76001 (heading); 79203; 83065; 84382; 85130; 85409 (heading); 85441

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 03/13](#) - Obtaining legal advice and guidance on the Law.

DMA Leeds: April 2016

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