

# Freedom of Information request 2634/2013

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## Information request

- 1. If the pension being received is based on the female's own contributions... will she continue to receive this pension instead of her deceased husbands?*
- 2. If the pension being received is already based on her deceased husband's NI contributions...will she now receive the pension of her deceased husband? If not, what pension can she expect?*
- 3. The widows of pensioners receiving SERPS are entitled to all or part of that pension, depending on the year of birth of the deceased...Does the new legislation reflect this?*

## DWP response

Allow me to address your queries in turn, although I would firstly like to highlight that the Department has published a technical note which goes into significant detail on the issues related to this and your other questions. This note is available at: [www.gov.uk/dwp/single-tier-pension](http://www.gov.uk/dwp/single-tier-pension).

### Question 1:

The single-tier pension will be based on an individual's own National Insurance (NI) record. This means that individuals, both men and women, reaching State Pension age after the introduction of the new pension in April 2016, will not be able to derive a pension based on the record of their spouse or civil partner (or former spouse or civil partner).

This means that individuals reaching State Pension age will not be able to access the "married person's pension" or a "widow's pension", or a Category A substituted pension in cases where a marriage or civil partnership has ended.

### Question 2:

For cases where an individual reaches State Pension age before 6 April 2016, they will continue to be able to derive a basic pension based on the NI record of their (former) spouse or civil partner. This means that an individual who, for example, has already begun to receive a "married person's pension" or "widow's pension" (technically known as the Category B(L) and Category B pensions) or a Category A substituted pension due

to, for example, divorce, will continue to receive this category of pension after the introduction of the single-tier pension, and will be able to receive a Category B pension upon the death of their spouse or civil partner.

In cases where the contributor (i.e.: the individual whose NI record is being relied on) reaches State Pension age after the implementation of single tier, then the individual deriving a pension based on the contributor's NI record will be able to do so based on the NI record as it stood at April 2016.

**Question 3:**

Where one party of a marriage or civil partnership reaches State Pension age before the introduction of the single tier, inheritance arrangements will continue largely in line with the current arrangements.

Where both parties to a marriage or civil partnership (which existed before single tier's introduction) reach State Pension age after implementation, then there will be the facility for the surviving party to inherit 50% of the deceased's "Protected Payment", if one exists. The Protected Payment is the part of an individual's state pension which is over the full single-tier amount (with £144 per week being used illustratively in January's White Paper *The single-tier pension: a simple foundation for saving*).