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STATUTORY INSTRUMENTS

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**2009 No. 2206**

**The Social Security (State Pension and National Insurance Credits) Regulations 2009**

**PART 2**

**Graduated retirement benefit - amendment of primary legislation**

**Amendment of the National Insurance Act 1965**

2. The National Insurance Act 1965(1) is amended as follows.
- 3.—(1) In subsection (2) of section 36 (graduated retirement benefit), for “the units” to the end substitute “, a unit of graduated contributions shall be £7.50.”.
  - (2) The amendment in paragraph (1) does not apply—
    - (a) in relation to a woman who attained pensionable age before 6th April 2010; or
    - (b) for the purposes of the reference to the graduated retirement benefit of a deceased person in section 37(1) (as amended by regulation 4), where the deceased person was a woman who would have attained pensionable age before 6th April 2010.
- 4.—(1) Subsection (1) of section 37 (special provisions as to graduated retirement benefit for widows, widowers and surviving civil partners) is amended in accordance with this regulation.
  - (2) For paragraphs (a) to (c) substitute—

“, where a person, having paid graduated contributions as an insured person, dies leaving a widow, widower or surviving civil partner and the survivor—

    - (a) has attained pensionable age at the time of the death; or
    - (b) remains that person’s widow, widower or surviving civil partner (as the case may be) when attaining pensionable age.”.
  - (3) Omit the words from “; and where a man” to the end of the subsection.
  - (4) The amendment in paragraph (2) does not apply where the survivor attained pensionable age before 6th April 2010 (and it is immaterial for this purpose when the deceased person died).

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(1) 1965 c. 51. Sections 36 and 37 of the National Insurance Act 1965 (c. 51) were repealed by the Social Security Act 1973 (c. 38) with effect from 6th April 1975 but continue in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1992 (c. 6). The relevant regulations are the Social Security (Graduated Retirement Benefit) (No.2) Regulations 1978 (S.I. 1978/393) as amended by S.I. 1989/1642, S.I. 1995/2606, S.I. 1996/1345, S.I. 1997/454, S.I. 1999/2422, S.I. 2005/454, S.I. 2005/3078 and S.I. 2009/497.