

Regulations made under s. 2(9), 15, 17, 19, 20, 21, 23, 25, 27 and 29 of the Social Security (Open Long-Term Benefits Scheme) Act 1997.

**SOCIAL SECURITY (OPEN LONG-TERM BENEFITS)
REGULATIONS 1997**

(LN. 1997/117)

1.4.1997

Amending enactments	Relevant current provisions	Commencement date
LN. 2007/071	Sch 1 - Part V and VI, Sch 2 - Part V and VI	1.4.2007
2009/019	rr. 3(3) & (a) 9(2), 10(2), 11(2), 12(2), 13(2), 19, 23(2), 24(2), 25(2), 26(2), 27(2) & Sch. 1 & 2	1.4.2008
2009/059	Sch. 1 & 2	1.4.2009
2010/104	Sch. 1 & 2	1.4.2010
2011/139	Sch. 1 & 2	1.4.2011
Act. 2011-29	rr. 4(2), 6(2)(b), 8-13, 20(1)(b) & Sch.1	1.7.2009
LN. 2012/194	Sch. 1 & 2	1.8.2012
2013/169	Sch. 1 & 2	1.8.2013
Act. 2014-10	rr. 3(3), 4(1)(b), (3), (3)(b), 6(5), 8, 14, 16(1), (1)(b), 20, 22 & 27(2)(c)	28.3.2014
LN. 2015/088	Sch. 1 & 2	1.8.2014
2015/158	Sch. 1 & 2	1.8.2015
2016/154	Sch. 1 & 2	1.8.2016
2017/185	Sch. 1 & 2	1.8.2017

1997-16

Social Security (Open Long-Term Benefits Scheme)

SOCIAL SECURITY (OPEN LONG-TERM BENEFITS)

REGULATIONS 1997

**Subsidiary
1997/117**

**SOCIAL SECURITY (OPEN LONG-TERM BENEFITS)
REGULATIONS 1997**

**Subsidiary
1997/117**

ARRANGEMENT OF REGULATIONS.

**PART I
GENERAL**

Regulation

1. Title and commencement.
2. Interpretation.
3. Computation of earnings or remuneration.
4. Provisions as to maintenance.
5. Calculation of yearly average.
6. Imprisonment, etc.
7. Disqualifications to be disregarded.

**PART II
SURVIVOR'S BENEFIT.**

8. Surviving spouses or surviving civil partners incapable of self-support.
9. Partial satisfaction of contribution conditions (I).
10. Partial satisfaction of contribution conditions (II).
11. Partial satisfaction of contribution conditions (III).
12. Partial satisfaction of contribution conditions (IV).
13. Partial satisfaction of contribution conditions (V).

**PART III
GUARDIAN'S ALLOWANCE**

14. Adopted children.
15. Illegitimate children.
16. Children of divorced persons or parents whose civil partnership has been dissolved.
17. Children whose parents cannot be traced.
18. Modification of contribution conditions.
19. Partial satisfaction of contribution conditions.

**PART IV
OLD AGE PENSIONS**

20. Women who marry or enter into a civil partnership after attaining pensionable age.
21. Choice of pension.
22. Priority between a man and his wife or civil partners to increase of old age pension for child.
23. Partial satisfaction of contribution conditions (I).
24. Partial satisfaction of contribution conditions (II).
25. Partial satisfaction of contribution conditions (III).

1997-16

Social Security (Open Long-Term Benefits Scheme)

SOCIAL SECURITY (OPEN LONG-TERM BENEFITS)

REGULATIONS 1997

**Subsidiary
1997/117**

26. Partial satisfaction of contribution conditions (IV).
27. Partial satisfaction of contribution conditions (V).

SCHEDULE 1

Reduced Rates of Widow's Benefit or Widower's Pension.

SCHEDULE 2

Reduced rates of Old Age Pension.

Title and commencement.

1. These Regulations may be cited as the Social Security (Open Long-Term Benefits) Regulations 1997 and shall be deemed to have come into effect on the 1st day of April, 1997.

**PART I
GENERAL**

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires,-

“determining authority” means the Director, Supreme Court or Board as the case may require;

“parent” includes a step-parent.

Computation of earnings or remuneration.

3.(1) For the purposes of section 2(9) of the Act (calculation or estimate of earnings or remuneration) the following provisions shall apply-

(a) the earnings or remuneration to be taken into account shall be the net remuneration or profit derived by the person from any occupation; and

(b) where the earnings or remuneration of a person for any period are, by reason of the circumstances of the occupation in which he is engaged, not immediately ascertainable, the earnings or remuneration for that period shall be calculated or estimated in such manner and on such basis as may be decided by the determining authority to be appropriate, having regard to all the circumstances of the case.

(2) Where the earnings or remuneration consist of salary or wages, no account shall be taken of-

(a) any sums the deduction of which from salary or wages is authorised by statute; or

(b) the reasonable expenses, if any, incurred by the person in connection with the employment.

(3) For the purposes of section 22 of the Act (increase of old age pension) the monthly earnings of the wife or civil partner shall, in addition to the requirements of paragraph (1) above, be ascertained in the following manner—

- (a) if there are earnings by the wife or civil partner in the period of thirty days immediately preceding the day of the month prescribed for the payment of the pension, by reference to those earnings;
- (b) in any other case, in such manner as the determining authority may decide to be appropriate, having regard to all the circumstances of the case.

Provisions as to maintenance.

4.(1) For the purposes of any provision of the Act relating to the maintenance of a child, the following conditions shall apply—

- (a) a person shall be treated as maintaining a child—
 - (i) if that person is the only person who contributes to the cost of providing for the child, or if that person contributes to such cost an amount greater than any other one person contributes;
 - (ii) if two or more persons of whom that person is one contribute to such cost an equal amount that is greater than any one other person contributes, and the Director in his discretion decides that, as between them, that person is to be preferred,

and not otherwise;

- (b) for the purposes of this paragraph a man and his wife or civil partner living together shall be treated as one person and amounts contributed by them respectively shall be aggregated accordingly;
- (c) for the purposes of this paragraph—
 - (i) the expression “providing for” a child means making available for the child, food, clothing, lodging, education and all other things reasonably required for the child’s benefit;

- (ii) the making available in kind of anything used for providing for a child shall be treated as a contribution to the cost of providing for the child of an amount equal to the value thereof;
- (iii) money paid or a thing made available in kind shall be treated as contributed by any person so far, and so far only, as it is paid or made available at that person's own expense.

(2) *Deleted.*

(3) For the purpose of section 22 of the Act (increase of old age pension) a beneficiary shall not be treated as wholly or mainly maintaining his spouse or civil partner unless the beneficiary:

- (a) when over pensionable age contributes towards the maintenance an amount not less than the amount of increase of benefit received in respect of the spouse or civil partner; and
- (b) when under pensionable age contributes more than one half of the actual cost of the spouse's or civil partner's maintenance.

Calculation of yearly average.

5.(1) For the purpose of section 11(5) of the Act (calculation of the yearly average of contributions) the yearly average of contributions paid by or credited to a person in relation to benefit of any description shall be calculated by dividing, by the number of years comprised in the period over which the average is to be calculated, the sum total of the contributions as an insured person paid by or credited to that person in respect of that period, other than contributions which were not paid on their due dates and were not treated in accordance with regulations under the Act as so paid.

(2) In relation to a person who is insured under both the Act and the Closed Scheme Act, the sum total of contributions referred to in paragraph (1) above includes contributions under the 1955 Act in respect of periods before the 1st day of January, 1994, other than contributions which were not paid on their due dates and were not treated in accordance with regulations under the 1955 Act as so paid.

Imprisonment. etc.

6.(1) The provisions of section 25 of the Act (disqualification for imprisonment) shall have effect subject to the exceptions contained in the following provisions of this regulation.

(2) A person shall not, by reason of undergoing a period of imprisonment or detention in legal custody, be disqualified—

- (a) for receiving guardian's allowance or any dependant's benefit;
- (b) for receiving survivor's benefit or old age pension if, being charged with a criminal offence, either such charge against him is withdrawn, or he is discharged by the magistrate or is acquitted.

(3) Subject to paragraph (4) the payment to any person of any benefit -

- (a) which is excepted from the operation of section 25 of the Act by virtue of paragraph (2) above; or
- (b) which is payable otherwise than in respect of a period during which he is undergoing imprisonment or detention in legal custody,

shall be suspended while that person is undergoing imprisonment or detention in legal custody.

(4) Guardian's allowance, dependant's benefit and any other benefit to which paragraph (b) of paragraph (3) above applies may be paid during any such period to any person appointed for the purpose by the Director to receive and deal with any sums payable on behalf of the beneficiary on account of that benefit, and the receipt of any person so appointed shall be a good discharge to the Director and the Fund for any sum so paid.

(5) In this regulation the expression "dependant's benefit" means any increase of benefit in respect of a child or a husband, wife or civil partner.

Disqualifications to be disregarded

7. Where any person would be entitled to benefit under the Act but for the operation of any provision of the Act disqualifying him for the receipt of that benefit, he shall be treated as if entitled to the benefit for the purpose of any rights or obligations under Part IV of the Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit.

**PART II
SURVIVOR'S BENEFIT.**

Surviving spouses or surviving civil partners incapable of self support.

8.(1) Where a surviving spouse or surviving civil partner in relation to whom neither the conditions for a survivor's pension contained in section 14(1)(c) of the Act nor the alternative conditions contained in section 15(1) of the Act are satisfied, would, but for the provisions of this regulation, cease to be entitled to survivor's benefit at a time when he or she is by reason of any infirmity incapable of self-support and is under pensionable age, he or she shall, for any subsequent period during which he or she is incapable of self-support by reason of that infirmity have the same right (if any) to a survivor's pension as if the said conditions were satisfied.

(2) A surviving spouse or surviving civil partner who claims a survivor's pension by virtue of this regulation shall from time to time as required by the Director furnish evidence by means of a certificate (in such form as the Director may approve) that by reason of an infirmity he or she is incapable of self-support, and shall at any time submit to such medical examination as the Director may require.

Partial satisfaction of contribution conditions (1).

9.(1) Where a person would be entitled to a survivor's benefit at any of the rates specified in Part II of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such benefit in accordance with paragraph (2) below, if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full monthly rate of survivor's benefit (excluding any increases for children) is at one of the rates set out at the head of column (2) or (3) of Part I of Schedule 1 to these regulations, then the benefit shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (II).

10.(1) Where a person would be entitled to a survivor's benefit at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid since the 1st day of January, 1968, that person shall

nevertheless be entitled to such benefit in accordance with paragraph (2) below, if not less than twenty-six contributions have been paid since the 1st day of January, 1968.

(2) Where the full monthly rate of survivor's benefit (excluding any increases for children) is at one of the rates set out at the head of column (2) or (3) of Part II of Schedule 1 to these regulations, then the benefit shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the number of contributions paid since the 1st day of January, 1968, as shown in column (1) of that Part of that Schedule.

Partial Satisfaction of contribution conditions (III).

11.(1) Where a person would be entitled to a survivor's benefit at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited that person shall nevertheless be entitled to such benefit in accordance with paragraph (2) below, if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full monthly rate of a survivor's benefit (excluding any increases for children) is at one of the rates set out at the head of column (2) or (3) of Part III of Schedule 1 to these regulations, then the benefit shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (IV).

12.(1) Where a person would be entitled to a survivor's benefit at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied both as respects the yearly average of contributions paid or credited and as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to such benefit in accordance with paragraph (2) below if the yearly average of contributions paid or credited is not less than thirteen and not less than twenty-six contributions have been paid since the 1st day of January, 1968.

(2) Where the full monthly rate of a survivor's benefit (excluding any increases for children) is at one of the rates set out at the head of columns (2) to (7) of Part IV of Schedule 1 to these regulations, and the yearly average of contributions paid or credited corresponds with any of the numbers shown in column (1) of that Part of that Schedule, and the number

**SOCIAL SECURITY (OPEN LONG-TERM BENEFITS)
REGULATIONS 1997**

**Subsidiary
1997/117**

of contributions paid since the 1st day of January, 1968, corresponds with any of the numbers shown at the head of columns (2) to (7) of that Part of that Schedule, then the benefit shall be payable at the reduced rate which is applicable both to the number of contributions shown in column (1) and the number of contributions shown at the head of whichever of columns (2) to (7) is appropriate.

Partial satisfaction of contribution conditions (V).

13.(1) Where a person would be entitled to a survivor's benefit at one of the rates specified in Part I of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such benefit in accordance with paragraph (2) below if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full monthly rate of a survivor's benefit (excluding any increases for children) is at one of the rates set out at the head of column (2) or (3) of Parts V and VI of Schedule 1 to these regulations, then the benefit or pension shall be payable as follows—

- (a) where the person would be entitled to survivor's benefit before the 1st day of January 1989, at the reduced rate specified in the appropriate column of Part V of Schedule 1 which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule; and
- (b) where the person would be entitled to survivor's benefit on or after the 1st day of January 1989, at the reduced rate specified in the appropriate column of Part VI of Schedule 1 which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

**PART III
GUARDIAN'S ALLOWANCE**

Adopted children.

14. Where a child has been adopted within the meaning of the Adoption Act, there shall be substituted for the condition contained in section 17(1)(a) of the Act that the parents of the child are dead, the condition set out below which is appropriate to the circumstances of the case, namely—

- (a) if the child was adopted by a person who was not married or in a civil partnership at the date of the adoption order, the

condition that that person is dead and that, if that person married or entered into a civil partnership after the date of the order, the spouse or civil partner whom that person married or entered into a subsequent civil partnership is also dead; or

- (b) if the child was adopted by two spouses jointly, or by one of two spouses or civil partners with the consent of the other, the condition that both of those spouses or civil partners are dead and that, if either of them remarried or entered into a further civil partnership or a civil partnership subsequent to his or her marriage, the person whom either of such spouses remarried is also dead;
- (c) if the child was adopted by one of two spouses or civil partners without the consent of the other, the condition that the spouse or civil partner who adopted the child is dead and that, if that spouse or civil partner remarried or entered into a further civil partnership or a civil partnership subsequent to his or her marriage, the person to whom that spouse or civil partner was remarried or in a subsequent civil partnership with is also dead.

Illegitimate children.

15.(1) Where a child (other than a child to whom regulation 14 applies) is illegitimate, there shall be substituted for the condition that the parents are dead the condition or conditions set out below appropriate to the circumstances of the case, namely—

- (a) if any person has been found by a court of competent jurisdiction to be the father of the child, or if there is no such finding but in the opinion of the determining authority the paternity of the child has been admitted or established, the condition that the father and the mother of the child are dead, and, where applicable, the further condition specified in paragraph (2) below; or
- (b) in any other case, the condition that the mother is dead, and, where applicable the further condition specified in paragraph (2) below.

(2) For the purposes of paragraph (1) above, the further condition shall be that, if the mother of such a child is married at the time of her death, and the child is a child of her husband's family at that time, the husband is also dead.

Children of divorced persons or parents whose civil partnership has been dissolved.

16.(1) Where the marriage or civil partnership of a child's parents was terminated by divorce, there shall be substituted for the condition that the parents are dead the condition or conditions set out below appropriate to the circumstances of the case, namely—

- (a) where, at the death of one of the parents, the child was not in the custody of, or being maintained by, the other parent and there was no order of a court imposing any liability for custody or maintenance of the child on the other parent, the condition that one parent is dead; and
- (b) if one or both of the parents has re-married or entered into a further civil partnership or a civil partnership subsequent to his or her marriage and at the date of the death of either parent the child is included in the family of the person whom either parent has re-married or entered into a subsequent civil partnership with, the condition that any such person is also dead.

(2) In the application of this regulation, the expression "parents" shall include persons who adopt children in the circumstances specified in regulation 14, and persons who marry any such persons.

Children whose parents cannot be traced.

17.(1) Where at the date of the death of one of the parents of a child the other parent cannot be traced, there shall be substituted for the condition that the parents are dead the condition that one of the parents is dead.

(2) For the purposes of this regulation, the provisions of regulation (2) shall apply.

Modification of Contribution conditions.

18. In its application to the classes of persons specified in this Part, paragraph 2 of Part I of Schedule 3 to the Act shall apply with the modification that the contribution conditions for the receipt of guardian's allowance may be satisfied by the person or one of the persons (as the case may be) to whom the appropriate substituted condition contained in the relevant regulation is applicable.

Partial satisfaction of contribution conditions.

19. Where a person would be entitled to guardian's allowance at the rate specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to such allowance at the reduced monthly rate of £1.61 if not less than thirteen contributions have been paid since the 1st day of January, 1968.

PART IV

OLD AGE PENSIONS

Women who marry or enter into a civil partnership after attaining pensionable age.

20.(1) For the purpose of paragraph (iii) of section 20(1) of the Act (further conditions for entitlement to an old age pension where a woman married or enter into a civil partnership after attaining pensionable age), one of the following further conditions must be satisfied in the case of a woman to whom that paragraph is applicable, that is to say—

(a) that—

- (i) she and her husband or civil partner have been married for not less than one year; or
- (ii) if the husband or civil partner dies before the expiration of one year from the date of the marriage or civil partnership, she has a family which includes a child who, or children one of whom, either was at the husband's death a child of his family or is a son or daughter of theirs; or

(b) that, immediately before the date of the marriage or civil partnership, she was entitled to survivor's benefit; or

(c) that immediately before that date, she was entitled to an old age pension; or

(d) that, immediately before that date, she was entitled otherwise than under the Act, to any pension or allowance payable out of public funds and ceased to be so entitled by reason only of her marriage, re-marriage or civil partnership.

(2) Notwithstanding anything contained in paragraph (1)(a)(i) above the Director may, in his absolute discretion, waive the condition that the woman

**SOCIAL SECURITY (OPEN LONG-TERM BENEFITS)
REGULATIONS 1997**

**Subsidiary
1997/117**

and her husband or civil partner shall have been married for one year and may, in his further discretion, revoke such waiver if the husband or civil partner or civil partner dies within one year of the marriage but without prejudice to any pension paid before such revocation.

(3) For the purpose of paragraph (iii) of section 19(1) of the Act, paragraphs (1) and (2) above shall apply mutatis mutandis to men to whom that paragraph applies.

Choice of pension.

21.(1) A person who, but for the provisions of section 19(5) or section 20(5) of the Act (disentitlement to more than one old age pension for the same period) would be entitled for the same period to more than one such pension, may by notice in writing to the Director choose from time to time which pension he shall be entitled to for any month commencing after the date on which such notice is given.

(2) For any period in respect of which no such notice is given the person shall be treated as if he had chosen the pension which is payable at the higher or highest rate.

Priority between a man and his wife or civil partners to increase of old age pension for child.

22. Where but for section 21(5)(a) of the Act (restrictions on increase of old age pensions in respect of children) a man and his wife or civil partner would both be entitled for the same period, by virtue of either of their insurance, to an increase of old age pension in respect of the same child or to increases in respect of more than four children, the following provisions shall apply—

- (a) if and so long as the man and his wife are living together, the man shall, and his wife shall not, be entitled to the increase, or, as the case may be, to the additional increase, or in the case of civil partners, so long as the civil partners are living together, only one of the civil partners shall be entitled to the increase, or as the case may be to the additional increase;
- (b) if and so long as they are not living together, such one of them shall, and such other of them shall not, be entitled to the increase or additional increase as the Director may in his discretion from time to time determine.

Partial satisfaction of contribution conditions (I).

23.(1) Where a person would be entitled to old age pension at one of the rates specified in Part II of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such a pension in accordance with paragraph (2) below, if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full monthly rate of old age pension (excluding any increases for children) is at one of the rates set out at the head of columns (2) to (4) of Part I of Schedule 2 to these regulations, then the pension shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (II).

24.(1) Where a person would be entitled to old age pension at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to such a pension in accordance with paragraph (2) below, if not less than twenty-six contributions have been paid since the 1st day of January, 1968.

(2) Where the full monthly rate of old age pension (excluding any increases for children) is at one of the rates set out at the head of columns (2) to (4) of Part II of Schedule 2 to these regulations, then the pension shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the number of contributions paid since the 1st day of January, 1968, as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (III).

25.(1) Where a person would be entitled to old age pension at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such pension in accordance with paragraph (2) below, if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full monthly rate of old age pension (excluding any increases for children) is at one of the rates set out at the head of columns

**SOCIAL SECURITY (OPEN LONG-TERM BENEFITS)
REGULATIONS 1997**

**Subsidiary
1997/117**

(2) to (4) of Part III of Schedule 2 to these regulations, then the pension shall be payable at the reduced rate specified in the appropriate column of that Part of that Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule.

Partial satisfaction of contribution conditions (IV).

26.(1) Where a person would be entitled to old age pension at one of the rates specified in Part III of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied both as respects the yearly average of contributions paid or credited and as respects the number of contributions paid since the 1st day of January, 1968, that person shall nevertheless be entitled to such a pension in accordance with paragraph (2) below, if the yearly average of contributions paid or credited is not less than thirteen and not less than twenty-six contributions have been paid since the 1st day of January, 1968.

(2) Where the full monthly rate of old age pension (excluding any increases for children) is at one of the rates set out at the head of columns (2) to (10) of Part IV of Schedule 2 to these regulations and the yearly average of contributions paid or credited corresponds with any of the numbers shown in column (1) of that Part of that Schedule, and the number of contributions paid since the 1st day of January, 1968, corresponds with any of the numbers shown at the head of columns (2) to (10) of that Part of that Schedule, then the pension shall be payable at the rate which is applicable both to the number of contributions shown in column (1) and the number of contributions shown at the head of whichever of columns (2) to (10) is appropriate.

Partial satisfaction of contribution conditions (V).

27.(1) Where a person would be entitled to old age pension at one of the rates specified in Part I of Schedule 2 to the Act but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, that person shall nevertheless be entitled to such pension in accordance with paragraph (2) below, if the yearly average of contributions paid or credited is not less than thirteen.

(2) Subject to the provisions of section 18(1) of the Act, where the full monthly rate of old age pension (excluding any increases for children) is at one of the rates set out at the head of column (2) to (4) of Parts V and VI of Schedule 2 to these regulations, then the pension shall be payable—

- (a) where the person would be entitled to a pension before the 1st day of January, 1989, at the reduced rates specified in the appropriate column of Part V of Schedule 2 which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule;
- (b) where the person would be entitled to a pension on or after the 1st day of January, 1989, at the reduced rates specified in the appropriate column of Part VI of Schedule 2 which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Part of that Schedule; and
- (c) where on or after the 1st day of January, 1989 a woman would be entitled to a pension by virtue of her husband's or civil partner's insurance and the husband or civil partner would be entitled to a pension before the 1st day of January, 1989, at the reduced rates specified in the appropriate column of Part V of Schedule 2 which corresponds with the yearly average of contributions paid by or credited to the husband or civil partner as shown in column (1) of that Part of that Schedule.

SCHEDULE 1
REDUCED RATES OF SURVIVOR'S BENEFIT

PART I

Regulation 9

(1)	(2)	(3)
Yearly average of contributions paid or credited	Full monthly rate of benefit payable	
	£5.22	£2.61
	Reduced monthly rate of benefit payable	
	£	£
43-44	4.79	2.39
40-42	4.35	2.18
37-39	3.92	1.96
34-36	3.48	1.74
30-33	3.05	1.52
26-29	2.61	1.31
22-25	2.18	1.09
18-21	1.74	0.87
13-17	1.31	0.65

PART II

Regulation 10

(1)	(2)	(3)
Number of contributions paid by the relevant person since 1st January, 1968	Full monthly rate of benefit payable	
	£8.70	£6.53
	Reduced monthly rate of benefit payable	
	£	£
78-103	7.83	5.52
52-77	6.96	4.57
26-51	6.09	3.61

PART III

Regulation 11

(1)	(2)	(3)
Yearly average of contributions paid or credited	Full monthly rate of benefit payable	
	£8.70	£6.53
	Reduced monthly rate of benefit payable	
	£	£
43-44	8.05	5.96
40-42	7.18	5.44
37-39	6.53	4.92
34-36	5.87	4.35
30-33	5.00	3.78
26-29	4.35	3.26
22-25	3.48	2.61
18-21	2.83	2.18
13-17	2.18	1.61

PART IV

Regulation 12

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Yearly average of	Full monthly rate of benefit payable					
	£8.70	£6.53	£8.70	£6.53	£8.70	£6.53
Contributions paid or credited	Amount payable					
	on contributions which include 26-51 contributions paid since 1st January, 1968		on contributions which include 52-77 contributions paid since 1st January, 1968		on contributions which include 78-103 contributions paid since 1 st January, 1968	
	£	£	£	£	£	£
43-44	5.61	3.31	6.39	4.22	7.22	5.18
40-42	5.05	3.00	5.79	3.78	6.92	4.61
37-39	4.57	2.65	5.22	3.35	5.87	4.09
34-36	4.09	2.39	5.09	3.05	5.26	3.70
30-33	3.52	2.04	4.05	2.61	4.52	3.18
26-29	3.05	1.78	3.48	2.31	3.92	2.78
22-25	2.48	1.48	2.83	1.87	3.18	2.22
18-21	1.78	1.17	2.31	1.52	2.57	1.87
13-17	1.52	0.87	1.74	1.09	1.96	1.31

PART V

Regulation 13

(1)	(2)	(3)
Yearly average of contributions paid or credited	Full monthly rate of benefit payable	
	£536.63	£452.44
	Reduced monthly rate of benefit payable	
43-44	£480.83	£382.36
40-42	£451.47	£365.40
37-39	£424.05	£342.66
34-36	£397.49	£319.95
30-33	£368.25	£298.18
26-29	£340.70	£273.58
22-25	£309.50	£248.90
18-21	£278.27	£226.26
13-17	£248.90	£202.56

**SOCIAL SECURITY (OPEN LONG-TERM BENEFITS)
REGULATIONS 1997**

**Subsidiary
1997/117**

PART VI

Regulation 13

(1)	(2)	(3)
Yearly average of contributions paid or credited	Full monthly rate of benefit payable	
	£536.63	£452.44
	Reduced monthly rate of benefit payable	
44	£472.34	£398.49
43	£461.89	£389.02
42	£450.58	£380.52
41	£440.13	£371.08
40	£429.71	£361.60
39	£418.38	£353.01
38	£407.93	£343.53
37	£397.49	£335.07
36	£386.19	£325.57
35	£375.75	£317.11
34	£365.40	£307.64
33	£353.98	£298.18
32	£343.53	£289.67
31	£333.19	£280.22
30	£321.78	£271.64
29	£311.45	£262.16
28	£300.99	£253.67
27	£289.67	£244.22
26	£279.24	£235.73
25	£268.80	£226.26
24	£257.49	£216.80
23	£247.06	£208.22
22	£235.73	£198.76
21	£225.28	£190.28
20	£214.85	£180.79
19	£203.54	£172.32
18	£193.11	£162.84
17	£182.66	£154.28
16	£171.34	£144.80
15	£160.92	£135.32
14	£150.56	£126.86
13	£139.15	£117.40

SCHEDULE 2
REDUCED RATES OF OLD AGE PENSIONS

PART I

Regulation 23

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Full monthly rate of benefit payable		
	£4.35	£2.61	£1.74
	Reduced monthly rate of benefit payable		
	£	£	£
48-49	4.13	2.48	1.61
46-47	4.05	2.39	1.61
43-45	3.78	2.31	1.52
40-42	3.61	2.18	1.44
37-39	3.26	1.96	1.31
34-36	2.91	1.74	1.17
30-33	2.61	1.52	1.09
26-29	2.18	1.31	0.87
22-25	1.87	1.09	0.74
18-21	1.52	0.87	0.65
13-17	1.09	0.65	0.44

PART II

Regulation 24

(1)	(2)	(3)	(4)
Number of Contributions paid by the relevant person since 1st January, 1968	Full monthly rate of benefit payable		
	£10.44	£6.53	£3.92
	Reduced monthly rate of benefit payable		
	£	£	£
78-103	8.92	5.52	3.35
52-77	7.40	4.57	2.83
26-51	5.87	3.61	2.31

PART III

Regulation 25

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Full monthly rate of benefit payable		
	£10.44	£6.53	£3.92
	Reduced monthly rate of benefit payable		
	£	£	£
48-49	9.87	6.22	3.70
46-47	9.57	5.96	3.61
43-45	9.14	5.66	3.48
40-42	8.57	5.35	3.26
37-39	7.70	4.79	2.91
34-36	6.74	4.22	2.48
30-33	6.09	3.78	2.31
26-29	5.22	3.26	1.96
22-25	4.13	2.61	1.52
18-21	3.35	2.18	1.17
13-17	2.48	1.74	0.74

PART IV

Regulation 26

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Yearly average of contributions paid or credited	Full monthly rate of benefit payable								
	£10.44			£6.53			£3.92		
	*	*	*	*	*	*	*	*	*
	26-51	52-77	78-103	26-51	52-77	78-103	26-51	52-77	78-103
	£	£	£	£	£	£	£	£	£
48-49	5.52	6.96	8.40	3.44	4.35	5.26	2.13	2.61	3.09
46-47	5.39	6.74	8.09	3.26	4.13	5.00	2.13	2.61	3.09
43-45	5.09	6.39	7.70	3.09	3.92	4.74	2.00	2.48	3.00
40-42	4.83	6.09	7.35	2.91	3.70	4.48	1.91	2.39	2.87
37-39	4.35	5.44	6.53	2.65	3.35	4.09	1.70	2.04	2.44
34-36	3.87	4.79	5.70	2.35	2.91	3.52	1.52	1.87	2.18
30-33	3.48	4.35	5.22	2.04	2.61	3.18	1.44	1.74	2.04
26-29	2.91	3.70	4.48	1.78	2.31	2.78	1.13	1.44	1.70
22-25	2.39	2.91	3.61	1.48	1.87	2.22	0.91	1.09	1.26
18-21	1.96	2.39	2.83	1.17	1.52	1.87	0.74	0.87	1.00
13-17	1.44	1.74	2.04	0.91	1.17	1.48	0.48	0.57	0.61

* Amount payable on contributions, which include these numbers of contributions paid since the 1st day of January, 1968

PART V

Regulation 27

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Full monthly rate of benefit payable		
	£678.70	£452.44	£226.26
	Reduced monthly rate of benefit payable		
48-49	£644.54	£428.72	£215.82
46-47	£611.48	£406.09	£205.39
43-45	£576.43	£382.36	£194.07
40-42	£548.06	£365.40	£182.66
37-39	£514.98	£342.66	£172.32
34-36	£480.87	£319.95	£160.92
30-33	£446.79	£298.18	£148.61
26-29	£413.70	£273.58	£140.12
22-25	£375.76	£248.90	£126.86
18-21	£341.80	£226.26	£115.54
13-17	£306.66	£202.56	£104.10

PART VI

Regulation 27

(1)	(2)	(3)	(4)
Yearly average of contributions paid or credited	Full monthly rate of benefit payable		
	£678.70	£452.44	£226.26
	Reduced monthly rate of benefit payable		
49	£664.46	£442.98	£221.48
48	£651.28	£434.48	£216.80
47	£638.03	£425.02	£213.01
46	£624.64	£416.42	£208.22
45	£610.50	£406.96	£203.54
44	£597.25	£398.49	£198.76
43	£584.07	£389.02	£195.05
42	£570.80	£380.52	£190.28
41	£556.67	£371.08	£185.59
40	£542.39	£361.60	£180.79
39	£529.14	£353.01	£176.13
38	£515.85	£343.53	£172.32
37	£502.59	£335.07	£167.52
36	£488.41	£325.57	£162.84
35	£475.18	£317.11	£158.07
34	£461.92	£307.64	£154.28
33	£447.76	£298.18	£149.58
32	£434.47	£289.67	£144.80
31	£420.34	£280.22	£140.12
30	£406.96	£271.64	£135.32
29	£393.79	£262.16	£131.63
28	£380.53	£253.67	£126.86
27	£366.39	£244.22	£122.17
26	£353.13	£235.73	£117.40
25	£339.82	£226.26	£113.56
24	£325.70	£216.80	£108.90
23	£312.32	£208.22	£104.10
22	£298.19	£198.76	£99.43
21	£284.92	£190.28	£94.64
20	£275.43	£180.79	£94.64
19	£258.49	£172.32	£86.17
18	£244.31	£162.84	£81.47
17	£230.98	£154.28	£76.70
16	£216.82	£144.80	£72.02
15	£203.53	£135.32	£68.21
14	£190.30	£126.86	£63.44
13	£176.14	£117.40	£58.74

Social Security (Open Long-Term Benefits Scheme)

1997-16

SOCIAL SECURITY (OPEN LONG-TERM BENEFITS)

REGULATIONS 1997

**Subsidiary
1997/117**