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*Changes to legislation: Pensions Act (Northern Ireland) 2015, Paragraph 52 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## SCHEDULES

### SCHEDULE 12

#### STATE PENSION: AMENDMENTS

### PART 2

#### AMENDMENTS TO DO WITH OLD STATE PENSION SYSTEM

##### *Category B retirement pensions*

**52** For section 48A substitute—

**“48A Category B retirement pension for married person or civil partner**

(1) A married person is entitled to a Category B retirement pension by virtue of the contributions of his or her spouse if—

- (a) the person attained pensionable age before 6 April 2016, and
- (b) the spouse—
  - (i) has attained pensionable age, and
  - (ii) satisfies the relevant contribution condition.

(2) But subsection (1) does not confer a right to a Category B retirement pension on a man whose spouse was born before 6 April 1950.

(3) A person who is a civil partner is entitled to a Category B retirement pension by virtue of the contributions of his or her civil partner (“the contributing civil partner”) if—

- (a) the person attained pensionable age before 6 April 2016, and
- (b) the contributing civil partner—
  - (i) was born on or after 6 April 1950,
  - (ii) has attained pensionable age, and
  - (iii) satisfies the condition in paragraph 5A of Schedule 3.

(4) A Category B retirement pension payable under this section is payable at the weekly rate specified in paragraph 5 of Part 1 of Schedule 4.

(5) A person ceases to be entitled to a Category B retirement pension under this section if—

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- (a) the person's spouse or civil partner dies (but see sections 48B and 51), or
  - (b) the person otherwise ceases to be married or in the civil partnership (but see section 48AA).
- (6) In subsection (1)(b)(ii) “the relevant contribution condition” means—
- (a) in a case where the spouse was born before 6 April 1945, the conditions in paragraph 5 of Schedule 3;
  - (b) in any other case, the condition in paragraph 5A of Schedule 3.
- (7) For the purposes of any provision of this Act as it applies in relation to this section, no account is to be taken of any earnings factors of the spouse or contributing civil partner for the tax year beginning with 6 April 2016 or any later tax year.

#### **48AA Category B retirement pension for divorcee or former civil partner**

- (1) A person who has been in a marriage that has been dissolved is entitled to a Category B retirement pension by virtue of the contributions of his or her former spouse if—
- (a) the person attained pensionable age—
    - (i) before 6 April 2016, and
    - (ii) before the marriage was dissolved, and
  - (b) the former spouse—
    - (i) attained pensionable age before the marriage was dissolved, and
    - (ii) satisfied the relevant contribution condition.
- (2) But subsection (1) does not confer a right to a Category B retirement pension on a man whose former spouse was born before 6 April 1950.
- (3) A person who has been in a civil partnership that has been dissolved is entitled to a Category B retirement pension by virtue of the contributions of his or her former civil partner if—
- (a) the person attained pensionable age—
    - (i) before 6 April 2016, and
    - (ii) before the civil partnership was dissolved, and
  - (b) the former civil partner—
    - (i) was born on or after 6 April 1950,
    - (ii) attained pensionable age before the civil partnership was dissolved, and
    - (iii) satisfied the condition in paragraph 5A of Schedule 3.

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(4) During any period when the person's former spouse or civil partner is alive, a Category B retirement pension payable under this section is payable at the weekly rate specified in paragraph 5 of Part 1 of Schedule 4.

(5) During any period after the person's former spouse or civil partner is dead, a Category B retirement pension payable under this section is payable at the weekly rate of the basic pension specified in section 44(4).

(6) In subsection (1)(b)(ii) “the relevant contribution condition” means—

(a) in a case where the former spouse was born before 6 April 1945, the conditions in paragraph 5 of Schedule 3;

(b) in any other case, the condition in paragraph 5A of Schedule 3.

(7) For the purposes of any provision of this Act as it applies in relation to this section, no account is to be taken of any earnings factors of the former spouse or civil partner for the tax year beginning with 6 April 2016 or any later tax year.

(8) A voidable marriage or civil partnership which has been annulled is to be treated for the purposes of this section as if it had been a valid marriage or civil partnership which was dissolved at the date of annulment.”.

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**Commencement Information**

**II** Sch. 12 para. 52 in operation at 6.4.2016, see s. 53(1)(3)

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**Changes and effects yet to be applied to :**

- specified provision(s) transitional provisions for effects of commencing S.I. 2017/297, art. 2 by [S.R. 2017/58](#) Order