



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART II

#### CONTRIBUTORY BENEFITS

*[<sup>F1</sup>Shared additional pension]*

#### Textual Amendments

**F1** Ss. 55A-55C and cross-heading inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 47(1), **Sch. 6 para. 3**; S.R. 2000/133, art. 2(3), **Sch. Pt. IV**

#### **[<sup>F1</sup>55A Shared additional pension.**

- (1) A person shall be entitled to a shared additional pension if he is—
  - (a) over pensionable age, and
  - (b) entitled to a state scheme pension credit.
- (2) A person's entitlement to a shared additional pension shall continue throughout his life.
- (3) The weekly rate of a shared additional pension shall be the appropriate weekly amount, unless the pensioner's entitlement to the state scheme pension credit arose before the final relevant year, in which case it shall be that amount multiplied by the relevant revaluation percentage.
- (4) The appropriate weekly amount for the purposes of subsection (3) above is the weekly rate, expressed in terms of the valuation day, at which the cash equivalent, on that day, of the pensioner's entitlement, or prospective entitlement, to the shared additional pension is equal to the state scheme pension credit.

*Status: Point in time view as at 06/04/2015.*

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- (5) The relevant revaluation percentage for the purposes of that subsection is the percentage specified, in relation to earnings factors for the tax year in which the entitlement to the state scheme pension credit arose, by the last order under section 130 of the Administration Act to come into operation before the end of the final relevant year.
- [ The Department may by regulations make provision for the calculation and <sup>F2</sup>(6) verification of cash equivalents for the purposes of this section.
- (6A) The power conferred by subsection (6) above includes power to provide—
- (a) for calculation or verification in such manner as may be approved by or on behalf of the Government Actuary, and
  - (b) for things done under the regulations to be required to be done in accordance with guidance from time to time prepared by a person prescribed by the regulations.]
- (7) In this section—
- “final relevant year” means the tax year immediately preceding that in which the pensioner attains pensionable age;
- “state scheme pension credit” means a credit under Article 46(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (credit for the purposes of this Part of this Act);
- “valuation day” means the day on which the pensioner becomes entitled to the state scheme pension credit.]

#### Textual Amendments

**F2** S. 55A(6)(6A) substituted for s. 55A(6) (22.11.2000) by [2000 c. 4 \(N.I.\), s. 37\(3\)](#); [S.R. 2000/358, art. 2\(a\)](#), [Sch. Pt. I](#)

#### Modifications etc. (not altering text)

**C1** [S. 55A](#): sums amended (with effect in accordance with arts. 1(2), 6 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2015 \(S.R. 2015/124\)](#), arts. 1(1)(c), [4\(5\)](#)

### [<sup>F1</sup>55B Reduction of shared additional pension: pension sharing.

- (1) The weekly rate of a shared additional pension shall be reduced as follows in any case where—
  - (a) the pensioner has become subject to a state scheme pension debit, and
  - (b) the debit is to any extent referable to the pension.
- (2) If the pensioner became subject to the debit in or after the final relevant year, the weekly rate of the pension shall be reduced by the appropriate weekly amount.
- (3) If the pensioner became subject to the debit before the final relevant year, the weekly rate of the additional pension shall be reduced by the appropriate weekly amount multiplied by the relevant revaluation percentage.
- (4) The appropriate weekly amount for the purposes of subsections (2) and (3) above is the weekly rate, expressed in terms of the valuation day, at which the cash equivalent, on that day, of the pension mentioned in subsection (5) below is equal to so much of the debit as is referable to the shared additional pension.

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- (5) The pension referred to above is a notional pension for the pensioner by virtue of section 55A above which becomes payable on the later of—
- (a) his attaining pensionable age, and
  - (b) the valuation day.
- (6) For the purposes of subsection (3) above, the relevant revaluation percentage is the percentage specified, in relation to earnings factors for the tax year in which the pensioner became subject to the debit, by the last order under section 130 of the Administration Act to come into operation before the end of the final relevant year.
- [ The Department may by regulations make provision for the calculation and <sup>F3</sup>(7) verification of cash equivalents for the purposes of this section.
- (7A) The power conferred by subsection (7) above includes power to provide—
- (a) for calculation or verification in such manner as may be approved by or on behalf of the Government Actuary, and
  - (b) for things done under the regulations to be required to be done in accordance with guidance from time to time prepared by a person prescribed by the regulations.]
- (8) In this section—
- “final relevant year” means the tax year immediately preceding that in which the pensioner attains pensionable age;
- “state scheme pension debit”, means a debit under Article 46(1)(a) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (debit for the purposes of this Part of this Act);
- “valuation day” means the day on which the pensioner became subject to the state scheme pension debit.]

#### Textual Amendments

**F3** S. 55B(7)(7A) substituted for s. 55B(7) (22.11.2000) by 2000 c. 4 (N.I.), s. 37(4); S.R. 2000/358, art. 2(a), **Sch. Pt. I**

#### [<sup>F4</sup>55C Pension increase or lump sum where entitlement to shared additional pension is deferred

- (1) Where a person's entitlement to a shared additional pension is deferred, Schedule 5A to this Act has effect.
- (2) In that Schedule—
  - paragraph 1 makes provision enabling an election to be made where the person's entitlement is deferred
  - paragraphs 2 and 3 make provision about increasing pension where the person's entitlement is deferred
  - paragraphs 4 and 5 make provision about lump sum payments where the person's entitlement is deferred.
- (3) For the purposes of this Act, a person's entitlement to a shared additional pension is deferred—

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- (a) where he would be entitled to a Category A or Category B retirement pension but for the fact that his entitlement is deferred, if and so long as his entitlement to such a pension is deferred, and
- (b) otherwise, if and so long as he does not become entitled to the shared additional pension by reason only of not satisfying the conditions of section 1 of the Administration Act (entitlement to benefit dependent on claim),
- and, in relation to a shared additional pension, “period of deferment” shall be construed accordingly.]

#### Textual Amendments

- F4** S. 55C substituted (17.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255\)](#), arts. 1(4), **273(2)**

#### Modifications etc. (not altering text)

- C2** S. 55C sums amended (with effect in accordance with art. 6 of the amending Order) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2005 \(S.R. 2005/82\)](#), arts. 1(1)(f), **4(5)**

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