

Status: Point in time view as at 28/06/2010.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Choice between increase of pension and lump sum where pensioner's entitlement is deferred is up to date with all changes known to be in force on or before 15 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)

SCHEDULES

SCHEDULE 5

[^{F1}PENSION INCREASE OR LUMP SUM WHERE ENTITLEMENT TO RETIREMENT PENSION IS DEFERRED]

Textual Amendments

- F1** Sch. 5 heading 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)*, art. 1(4), **Sch. 9 para. 2**

Modifications etc. (not altering text)

- C1** Sch. 5 modified (temp. from 1.12.1999 until 5.10.2002) by *The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))*, arts. **1(4)(b)**, 49(7)(b) (the temp. modification lapsing on the coming into operation of S.R. 2001/441)
- C1** Sch. 5 modified (6.4.2005) by *The Social Security (Retirement Pensions etc.) (Transitional Provisions) Regulations (Northern Ireland) 2005 (S.R. 2005/123)*, regs. 1(1), **2**
- C1** Sch. 5: 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) 2010 (S.R. 2010/118)*, arts. 1(1)(c), **4(4)(b)**

[^{F1}Choice between increase of pension and lump sum where pensioner's entitlement is deferred

Textual Amendments

- F1** Sch. 5 para. A1 and cross-heading inserted (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)*, art. 1(4), **Sch. 9 para. 3**

- A1. (1) Where a person's entitlement to a Category A or Category B retirement pension is deferred and the period of deferment is at least 12 months, the person shall, on claiming his pension or within a prescribed period after claiming it, elect in the prescribed manner either—
- that paragraph 1 (entitlement to increase of pension) is to apply in relation to the period of deferment, or
 - that paragraph 3A (entitlement to lump sum) is to apply in relation to the period of deferment.
- (2) If no election under sub-paragraph (1) is made within the period prescribed under that sub-paragraph, the person is to be treated as having made an election under sub-paragraph (1)(b).
- (3) Regulations—
- may enable a person who has made an election under sub-paragraph (1) (including one that the person is treated by sub-paragraph (2) as having

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- made) to change the election within a prescribed period and in a prescribed manner, if prescribed conditions are satisfied, and
- (b) if they enable a person to make an election under sub-paragraph (1)(b) in respect of a period of deferment after receiving any increase of pension under paragraph 1 by reference to that period, may for the purpose of avoiding duplication of payment—
- (i) enable an amount determined in accordance with the regulations to be recovered from the person in a prescribed manner and within a prescribed period, or
 - (ii) provide for an amount determined in accordance with the regulations to be treated as having been paid on account of the amount to which the person is entitled under paragraph 3A.
- (4) Where the Category A or Category B retirement pension includes any increase under [F²paragraphs 5 to 6A], no election under sub-paragraph (1) applies to so much of the pension as consists of that increase (an entitlement to an increase of pension in respect of such an increase after a period of deferment being conferred either by paragraphs 1 and 2 or by paragraph 2A).]

Textual Amendments

- F2** Words in Sch. 5 para. A1(4) substituted (5.12.2005) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order \(Northern Ireland\) 2005 \(S.R. 2005/434\)](#), art. 1(3), [Sch. para. 6\(a\)](#)

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