

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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

## SCHEDULES

### SCHEDULE 5 **N.I.**

#### [<sup>F1</sup>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 modified (coming into force in accordance with arts. 1(2)(3), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2024 (S.R. 2024/73), arts. 1(1)(c), **4(4)(b)**

*Increase of pension where pensioner's deceased  
spouse [<sup>F1</sup>or civil partner] has deferred entitlement*

##### Textual Amendments

- F1** Words in Sch. 5 para. 4 cross-heading inserted (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(f)(i)**

- 4 [<sup>F2</sup>(1) Subject to paragraph 8, this paragraph applies where a [<sup>F3</sup>widow, widower or surviving civil partner] (“W”) is entitled to a Category A or Category B retirement pension and was married to [<sup>F4</sup>or was the civil partner of] the other party to the marriage [<sup>F5</sup>or civil partnership] (“S”) when S died and one of the following conditions is met—
- S was entitled to a Category A or Category B retirement pension with an increase under this Schedule,
  - W is a [<sup>F3</sup>widow, widower or surviving civil partner] to whom paragraph 3C applies and has made an election under paragraph 3C(2)(a), or
  - paragraph 3C would apply to W but for the fact that the condition in sub-paragraph (1)(d) of that paragraph is not met.]

[<sup>F2</sup>(1A) Subject to sub-paragraph (3), the rate of W's pension shall be increased—

**Changes to legislation:** *Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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*

- (a) in a case falling within sub-paragraph (1)(a), by an amount equal to the increase to which S was entitled under this Schedule, apart from [F6 paragraphs 5 to 6A]<sup>F7</sup> ... ,
- (b) in a case falling within sub-paragraph (1)(b), by an amount equal to the increase to which S would have been entitled under this Schedule, apart from [F6 paragraphs 5 to 6A]<sup>F8</sup> ... , if the period of deferment had ended immediately before S's death and S had then made an election under paragraph A1(1)(a), or
- (c) in a case falling within sub-paragraph (1)(c), by an amount equal to the increase to which S would have been entitled under this Schedule, apart from [F6 paragraphs 5 to 6A]<sup>F9</sup> ... , if the period of deferment had ended immediately before S's death.]

<sup>F10</sup>(2) .....

- (3) If a married person dies after [F11 5th October 2002][<sup>F12</sup> or a civil partner dies on or after 5th December 2005], the rate of the retirement pension for that person's [F13 widow, widower or surviving civil partner] shall be increased by an amount equivalent to the sum of—
  - (a) the increase in the basic pension to which the deceased spouse [F14 or civil partner] was entitled; and
  - (b) one-half of the increase in the additional pension.
- (4) In any case where—
  - (a) there is a period between the death of the former spouse [F15 or civil partner] and the date on which the surviving spouse [F15 or civil partner] becomes entitled to a Category A or Category B retirement pension, and
  - (b) one or more orders have come into force under section 132 of the Administration Act during that period,

the amount of the increase to which the surviving spouse [F15 or civil partner] is entitled under this paragraph shall be determined as if the order or orders had come into force before the beginning of that period.
- (5) This paragraph does not apply in any case where the deceased spouse died before 6th April 1979 and the widow or widower attained pensionable age before that date.

#### Textual Amendments

- F2** Sch. 5 para. 4(1)(1A) substituted for Sch. 5 para. 4(1) (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. 9](#)
- F3** Words in Sch. 5 para. 4(1) 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\(f\)\(ii\)\(aa\)](#)
- F4** Words in Sch. 5 para. 4(1) inserted (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\(f\)\(ii\)\(bb\)](#)
- F5** Words in Sch. 5 para. 4(1) inserted (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\(f\)\(ii\)\(cc\)](#)

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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

- F6** Words in Sch. 5 para. 4(1A) 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(f)(iii)**
- F7** Words in Sch. 5 para. 4(1A)(a) omitted (6.4.2016) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 78(2)**
- F8** Words in Sch. 5 para. 4(1A)(b) omitted (6.4.2016) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 78(2)**
- F9** Words in Sch. 5 para. 4(1A)(c) omitted (6.4.2016) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 78(2)**
- F10** Sch. 5 para. 4(2) omitted by virtue of S.I. 1995/3213 (N.I. 22), arts. 1, 123, **Sch. 2 Pt. III para. 18(13)(14)**
- F11** Words in Sch. 5 para. 4(3) substituted (*retrospectively*) by virtue of 2000 c. 4 (N.I.), s. 35(1)(a)(2)(c)
- F12** Words in Sch. 5 para. 4(3) inserted (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(f)(iv)(aa)**
- F13** Words in Sch. 5 para. 4(3) 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(f)(iv)(bb)**
- F14** Words in Sch. 5 para. 4(3)(a) inserted (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(f)(iv)(cc)**
- F15** Words in Sch. 5 para. 4(4) inserted (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(f)(v)**

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

- C1** Sch. 5 paras. 4-7 modified (6.10.2002) by S.R. 2001/441, **art. 2**
- C2** Sch. 5 para. 4 restricted (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. 21**
- C3** Sch. 5 para. 4 applied (with modifications) (6.4.2016) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 5 paras. 2, 3** (with ss. 8, 9)
- C4** Sch. 5 para. 4(1) modified (16.12.1995) by S.I. 1995/3213 (N.I. 22), arts. 1, 123, **Sch. 2 para. 18(14)**

[<sup>F16</sup>5<sup>F17</sup>(1) Where—

- (a) a [<sup>F18</sup>widow, widower or surviving civil partner] (call that person “W”) is entitled to a Category A or Category B retirement pension and was married to [<sup>F19</sup>or was the civil partner of] the other party to the marriage [<sup>F20</sup>or civil partnership] (call that person “S”) when S dies, and
- (b) S either—
- (i) was entitled to a guaranteed minimum pension with an increase under section 11(1) of the Pensions Act, or
  - (ii) would have been so entitled if S had retired on the date of S's death, the rate of W's pension shall be increased by the following amount.

(2) The amount is—

- (a) where W is [<sup>F21</sup>a woman—
- (i) whose deceased spouse was a man, or
  - (ii) who falls within paragraph 7(3) below,
- an] amount equal to the sum of the amounts set out in paragraph 5A(2) or (3) below (as the case may be), <sup>F22</sup>...

**Changes to legislation:** *Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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*

- (b) where W is a [<sup>F23</sup>man whose deceased spouse was a woman], an amount equal to the sum of the amounts set out in paragraph 6(2), (3) or (4) below (as the case may be)<sup>F24</sup>, and
- (c) where W [<sup>F25</sup>is—
- (i) a woman who does not fall within paragraph 7(3) below and whose deceased spouse was a woman,
  - (ii) a man whose deceased spouse was a man, or
  - (iii) a surviving civil partner,
- an] amount equal to the sum of the amounts set out in paragraph 6A(2) below.]

#### Textual Amendments

- F16** Sch. 5, paras. 5, 5A, 6 substituted (16.12.1995) for Sch. 5 paras. 5 and 6 by S.I. 1995/3213 (N.I. 22), arts. 1, 123, **Sch. 2 para. 18(15)(16)**
- F17** Sch. 5 para. 1 modified (13.12.1995) by S.I. 1995/3213, art. 123, **Sch. 2 Pt. III para. 18(16)**
- F18** Words in Sch. 5 para. 5(1)(a) 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(g)(i)(aa)**
- F19** Words in Sch. 5 para. 5(1)(a) inserted (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(g)(i)(bb)**
- F20** Words in Sch. 5 para. 5(1)(a) inserted (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(g)(i)(cc)**
- F21** Words in Sch. 5 para. 5(2)(a) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **66(18)(a)(i)** (with regs. 6-9)
- F22** Word in Sch. 5 para. 5(2) omitted (5.12.2005) by virtue of The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 6(g)(ii)(aa)**
- F23** Words in Sch. 5 para. 5(2)(b) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **66(18)(a)(ii)** (with regs. 6-9)
- F24** Sch. 5 para. 5(2)(c) and preceding word inserted (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(g)(ii)(bb)**
- F25** Words in Sch. 5 para. 5(2)(c) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **66(18)(a)(iii)** (with regs. 6-9)

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

- C5** Sch. 5 paras. 4-7 modified (6.10.2002) by S.R. 2001/441, **art. 2**
- C6** Sch. 5 para. 5 applied (with modifications) (3.3.2009 for specified purposes, 6.4.2009 in so far as not already in force) by Pensions Act (Northern Ireland) 2008 (c. 1), **ss. 12(10)**, 21(1); S.R. 2009/75, art. 2(a)(b)

[<sup>F26</sup><sup>F27</sup>A(1) This paragraph applies where W (referred to in paragraph 5 above) is a [<sup>F28</sup>woman—

- (a) whose deceased spouse was a man, or
- (b) who falls within paragraph 7(3) below.]

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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

- (2) Where the [<sup>F29</sup>spouse] dies before [<sup>F30</sup>6th October 2002], the amounts referred to in paragraph 5(2)(a) above are the following—
- (a) an amount equal to one-half of the increase mentioned in paragraph 5(1)(b) above,
  - (b) the appropriate amount, and
  - (c) an amount equal to any increase to which the [<sup>F29</sup>spouse] had been entitled under paragraph 5 above.
- (3) Where the [<sup>F31</sup>spouse] dies after [<sup>F30</sup>5th October 2002], the amounts referred to in paragraph 5(2)(a) above are the following—
- (a) one-half of the appropriate amount <sup>F32</sup>... , and
  - (b) one-half of any increase to which the [<sup>F31</sup>spouse] had been entitled under paragraph 5 above.]]

#### Textual Amendments

- F26** Sch. 5 paras. 5, 5A, 6 substituted (16.12.1995) for Sch. 5 paras. 5 and 6 by S.I. 1995/3213 (N.I. 22), arts. 1, 123, **Sch. 2 para. 18(15)(16)**
- F27** Sch. 5 para. 5A omitted (7.6.2012 for specified purposes) by virtue of Pensions Act (Northern Ireland) 2012 (c. 3), ss. 3(5), 34(3) (with s. 3(7)); S.R. 2012/233, **art. 2(2)(c)**
- F28** Words in Sch. 5 para. 5A(1) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **66(18)(b)** (with regs. 6-9)
- F29** Word in Sch. 5 para. 5A(2) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **66(18)(c)** (with regs. 6-9)
- F30** Words in Sch. 5 para. 5A(2)(3) substituted (*retrospectively*) by virtue of 2000 c. 4 (N.I.), s. 35(1)(2)(c)
- F31** Word in Sch. 5 para. 5A(3) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **66(18)(c)** (with regs. 6-9)
- F32** Words in Sch. 5 para. 5A(3)(a) omitted (with effect in accordance with s. 5(3)-(5) of the amending Act) by virtue of Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 20**

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

- C7** Sch. 5 paras. 4-7 modified (6.10.2002) by S.R. 2001/441, **art. 2**

- [<sup>F33</sup>ϕ<sup>F34</sup> (1) This paragraph applies where W (referred to in paragraph 5 above) is a [<sup>F35</sup>man whose deceased spouse was a woman].
- (2) Where the wife dies before 6th April 1989, the amounts referred to in paragraph 5(2)(b) above are the following—
- (a) an amount equal to the increase mentioned in paragraph 5(1)(b) above,
  - (b) the appropriate amount, and
  - (c) an amount equal to any increase to which the wife had been entitled under paragraph 5 above.
- (3) Where the wife dies after 5th April 1989 but before [<sup>F36</sup>6th October 2002], the amounts referred to in paragraph 5(2)(b) above are the following—
- (a) the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,

**Changes to legislation:** *Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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*

- (b) one-half of that increase, so far as attributable to employment after 5th April 1988,
  - (c) the appropriate amount reduced by the amount of any increases under section 105 of the Pension Act, and
  - (d) any increase to which the wife had been entitled under paragraph 5 above.
- (4) Where the wife dies after [<sup>F36</sup>5th October 2002], the amounts referred to in paragraph 5(2)(b) above are the following—
- (a) one-half of the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,
  - (b) one-half of the appropriate amount <sup>F37</sup>... , and
  - (c) one-half of any increase to which the wife had been entitled under paragraph 5 above.]]

#### Textual Amendments

- F33** Sch. 5 paras. 5, 5A, 6 substituted (16.12.1995) for Sch. 5 paras. 5 and 6 by S.I. 1995/3213 (N.I. 22), arts. 1, 123, **Sch. 2 Pt. III paras. 18(15)(16)**
- F34** Sch. 5 para. 6 omitted (7.6.2012 for specified purposes) by virtue of Pensions Act (Northern Ireland) 2012 (c. 3), ss. 3(5), 34(3) (with s. 3(7)); S.R. 2012/233, **art. 2(2)(c)**
- F35** Words in Sch. 5 para. 6(1) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **66(18)(d)** (with regs. 6-9)
- F36** Words in Sch. 5 para. 6(3)(4) substituted (*retrospectively*) by virtue of 2000 c. 4 (N.I.), s. 35(1)(2)(c)
- F37** Words in Sch. 5 para. 6(4)(b) omitted (with effect in accordance with s. 5(3)-(5) of the amending Act) by virtue of Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 20**

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

- C8** Sch. 5 paras. 4-7 modified (6.10.2002) by S.R. 2001/441, **art. 2**

- [<sup>F38</sup>~~6A~~<sup>F39</sup>(1) This paragraph applies where W (referred to in paragraph 5 above) [<sup>F40</sup>is—
- (a) a woman who does not fall within paragraph 7(3) below and whose deceased spouse was a woman,
  - (b) a man whose deceased spouse was a man, or
  - (c) a surviving civil partner.]
- (2) The amounts referred to in paragraph 5(2)(c) above are the following—
- (a) one-half of the increase mentioned in paragraph 5(1)(b) above, so far as attributable to employment before 6th April 1988,
  - (b) one-half of the appropriate amount <sup>F41</sup>... , and
  - (c) one-half of any increase to which the deceased [<sup>F42</sup>spouse or] civil partner had been entitled under paragraph 5 above.]]

#### Textual Amendments

- F38** Sch. 5 para. 6A inserted (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(h)**
- F39** Sch. 5 para. 6A omitted (7.6.2012 for specified purposes) by virtue of Pensions Act (Northern Ireland) 2012 (c. 3), ss. 3(5), 34(3) (with s. 3(7)); S.R. 2012/233, **art. 2(2)(c)**

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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

- F40** Words in Sch. 5 para. 6A(1) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **66(18)(e)** (with regs. 6-9)
- F41** Words in Sch. 5 para. 6A(2)(b) omitted (with effect in accordance with s. 5(3)-(5) of the amending Act) by virtue of Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 20**
- F42** Words in Sch. 5 para. 6A(2)(c) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **66(18)(f)** (with regs. 6-9)

- 7 <sup>F43</sup>(1) For the purposes of <sup>F44</sup>paragraphs 5 to 6A] above, the “appropriate amount” means the greater of—
- (a) the amount by which the deceased person’s Category A or Category B retirement pension had been increased <sup>F45</sup>by virtue of] section 132 of the Administration Act corresponding to an order <sup>F45</sup>by virtue of] section 150(1) (e) of the Great Britain Administration Act; or
  - (b) the amount by which his Category A or Category B retirement pension would have been so increased had he died immediately before his surviving spouse <sup>F46</sup>or civil partner] became entitled to a Category A or Category B retirement pension.
- (2) Where an amount is required to be calculated in accordance with the provisions of <sup>F47</sup>paragraph 5, 5A, 6 or 6A] or sub-paragraph (1) above—
- (a) the amount so calculated shall be rounded to the nearest penny, taking any 1/2p as nearest to the next whole penny above; and
  - (b) where the amount so calculated would, apart from this sub-paragraph, be a sum less than 1/2p, that amount shall be taken to be zero, notwithstanding any other provision of this Act, the <sup>F48</sup>Pensions Act] or the Administration Act.]
- <sup>F49</sup>(3) For the purposes of paragraphs 5, 5A and 6A above, a woman falls within this sub-paragraph if—
- (a) she was married to another woman who, at the time of her death, was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
  - (b) that marriage subsisted before the time when that certificate was issued.]

#### Textual Amendments

- F43** Sch. 5 para. 7 omitted (7.6.2012 for specified purposes) by virtue of Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 3(5), 34(3)** (with s. 3(7)); S.R. 2012/233, **art. 2(2)(c)**
- F44** Words in Sch. 5 para. 7(1) 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(i)(i)(aa)**
- F45** Words in Sch. 5 para. 7(1)(a) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 para. 40**; S.R. 1994/450, art. 2, Sch. Pt. IV
- F46** Words in Sch. 5 para. 7(1)(b) inserted (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(i)(i)(bb)**
- F47** Words in Sch. 5 para. 7(2) 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(i)(ii)**

**Changes to legislation:** *Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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*

**F48** Words in Sch. 5 para. 7(2)(b) substituted (7.2.1994) by 1993 c. 49, ss. 184, 186(2), **Sch. 7 para. 36(d)**; S.R. 1994/17, art. 2

**F49** Sch. 5 para. 7(3) inserted (13.1.2020) by **The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)**, regs. 1(2), **66(18)(g)** (with regs. 6-9)

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

**C9** Sch. 5 paras. 4-7 modified (6.10.2002) by S.R. 2001/441, **art. 2**

- [<sup>F507Z</sup>1] (1) This paragraph modifies paragraphs 5A to 6A in cases where—
- (a) W became entitled to a Category A or Category B retirement pension before 7 June 2012, and
  - (b) S died before 7 June 2012.
- (“W” and “S” have the same meaning as in paragraph 5.)
- (2) Paragraph 5A applies as if—
- (a) in sub-paragraph (2), after paragraph (a), there were inserted—  
“(b) the appropriate amount; and”;
  - (b) in sub-paragraph (3), after “following—”, there were inserted—  
“(a) one half of the appropriate amount; and”.
- (3) Paragraph 6 applies as if—
- (a) in sub-paragraph (2), after paragraph (a), there were inserted—  
“(b) the appropriate amount; and”;
  - (b) in sub-paragraph (3), after paragraph (b), there were inserted—  
“(c) the appropriate amount reduced by the amount of any increases under section 105 of the Pensions Act; and”;
  - (c) in sub-paragraph (4), after paragraph (a), there were inserted—  
“(b) one half of the appropriate amount; and”.
- (4) Paragraph 6A applies as if in sub-paragraph (2), after paragraph (a), there were inserted—  
“(b) one half of the appropriate amount; and”.
- (5) In paragraphs 5A to 6A as modified by this paragraph, the “appropriate amount” means the greater of—
- (a) the amount by which the deceased person's Category A or Category B retirement pension had been increased under section 132 of the Administration Act; or
  - (b) the amount by which his or her Category A or Category B retirement pension would have been so increased had he or she died immediately before the surviving spouse or civil partner became entitled to a Category A or Category B retirement pension.
- (6) In sub-paragraph (1)(a) the reference to becoming entitled to a pension before 7 June 2012 includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day.]



---

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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](#)

---

---

#### Textual Amendments

**F50** Sch. 5 para. 7ZA inserted (6.4.2016) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 78(3)**

**Changes to legislation:**

Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Increase of pension where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 14 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [S.R. 2019/211 art. 2\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by S.R. 2020/347, arts. 1(1), 2)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 167ZZ10(5) inserted by [2022 c. 5 \(N.I.\) s. 4 Sch. Pt. 2 para. 38](#)
- s. 4C(5)(i)(j) repealed by [2008 c. 1 \(N.I.\) Sch. 4 para. 41\(3\)\(c\) Sch. 6 Pt. 7](#)
- s. 5A para. 2 sum modified by [S.R. 2022/231 art. 4\(4\)](#)
- s. 11A(1)(eb) inserted by [2021 c. 26 Sch. 27 para. 14](#) (This amendment not applied to legislation.gov.uk. The existing section 11A of Act repealed by paragraph 4(2) of the Schedule to the National Insurance Contributions (Reduction in Rates) Act 2023 (c. 57))
- s. 30B(3)(b) word substituted by [S.I. 1995/3213 \(N.I.\) Sch. 2 Pt. 3 para. 14\(b\)](#)
- s. 30B(4)(aa) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 9 para. 3](#)
- s. 30B(4)(aa) word repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 8](#)
- s. 35(1)(e) and word inserted by [S.I. 2015/2006 \(N.I.\) art. 68\(2\)\(a\)](#)
- s. 35(3)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 68\(2\)\(b\)](#)
- s. 45(2A)(a) words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 1\(3\)\(b\)](#)
- s. 45(2A)(b) substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 1\(3\)\(c\)](#)
- s. 46(5)(6) added by [2008 c. 13 \(N.I.\) Sch. 3 para. 6\(3\)](#)
- s. 46(5)(a) words substituted by [2012 c. 3 \(N.I.\) Sch. 3 para. 2](#)
- s. 47(4A) inserted by [2008 c. 13 \(N.I.\) s. 81\(6\)](#)
- s. 83A substituted for ss. 83, 84 by [S.I. 1995/3213 \(N.I.\) Sch. 2 Pt. 2 para. 2](#)
- s. 83A(1) words substituted by [2004 c. 33 Sch. 24 para. 90\(a\)](#)
- s. 83A(2) words inserted by [2004 c. 33 Sch. 24 para. 90\(b\)](#)
- s. 83A(3) words inserted by [2004 c. 33 Sch. 24 para. 90\(b\)](#)
- s. 123(1)(ea) inserted by [S.I. 2015/2006 \(N.I.\) art. 65\(2\)\(a\)](#)
- s. 123(1)(ga) inserted by [2010 c. 13 \(N.I.\) s. 5\(1\)\(a\)](#)
- s. 123(1C) inserted by [S.I. 2015/2006 \(N.I.\) art. 65\(2\)\(b\)](#)
- s. 123(6A)(6B) inserted by [2010 c. 13 \(N.I.\) s. 5\(1\)\(b\)](#)
- s. 123A inserted by [S.I. 2015/2006 \(N.I.\) art. 65\(3\)](#)
- s. 123A transfer of functions by [S.R. 2016/76 Sch. 4 Pt. 1](#)
- s. 123A(2) words omitted by [S.R. 2016/76 Sch. 6 para. 38](#)
- s. 123A(4)(b) words omitted by [S.R. 2016/76 Sch. 6 para. 38](#)
- s. 129B-129F inserted (temp. until 31.12.2010) by [2007 c. 2 \(N.I.\) s. 31\(1\)](#)
- s. 134(2A) inserted by [2010 c. 13 \(N.I.\) s. 15\(2\)](#)
- s. 136(4)(ca) inserted by [2010 c. 13 \(N.I.\) s. 15\(6\)](#)
- s. 136(4A) inserted by [2010 c. 13 \(N.I.\) s. 15\(7\)](#)
- s. 146(2A) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 3 para. 3\(c\)](#)
- s. 160(2)(aa) inserted by [S.I. 2015/2006 \(N.I.\) art. 68\(3\)\(a\)](#)
- s. 160(9)(da) inserted by [S.I. 2015/2006 \(N.I.\) art. 68\(3\)\(b\)](#)
- s. 167ZA(2)(ba) inserted by [S.I. 2015/2006 \(N.I.\) art. 68\(4\)\(a\)](#)
- s. 167ZA(3A) inserted by [S.I. 2015/2006 \(N.I.\) art. 68\(4\)\(b\)](#)
- s. 167ZB(2)(ba) inserted by [S.I. 2015/2006 \(N.I.\) art. 68\(5\)\(a\)](#)
- s. 167ZB(3A) inserted by [S.I. 2015/2006 \(N.I.\) art. 68\(5\)\(b\)](#)
- s. 167ZE(2A) inserted by [2015 c. 1 \(N.I.\) s. 12\(3\)\(b\)](#)
- s. 167ZE(2B) inserted by [2015 c. 1 \(N.I.\) s. 12\(3\)\(c\)](#)

- s. 167ZL(2)(ba) inserted by S.I. 2015/2006 (N.I.) art. 68(6)(a)
- s. 167ZL(8)(za) inserted by S.I. 2015/2006 (N.I.) art. 68(6)(c)
- s. 167ZU(2)(ca) inserted by S.I. 2015/2006 (N.I.) art. 69(2)
- s. 167ZU(4)(da) inserted by S.I. 2015/2006 (N.I.) art. 69(3)
- s. 167ZW(2)(ca) inserted by S.I. 2015/2006 (N.I.) art. 69(4)
- s. 167ZW(4)(da) inserted by S.I. 2015/2006 (N.I.) art. 69(5)
- s. 167ZY(5) words repealed by 2022 c. 18 (N.I.) Sch. 5
- s. 167ZZ9(2)(ba) inserted by 2022 c. 5 (N.I.) s. 4 Sch. Pt. 2 para. 37
- s. 169A inserted by S.I. 2015/2006 (N.I.) art. 68(7)
- s. 172(4B) inserted by 2012 c. 3 (N.I.) Sch. 3 para. 4(4)
- Sch. 4 Pt. 1 para. 2 repealed by 2007 c. 2 (N.I.) Sch. 8
- Sch. 4 Pt. 1 para. 2A repealed by 2007 c. 2 (N.I.) Sch. 8
- Sch. 4 Pt. 4 para. 1A repealed by 2007 c. 2 (N.I.) Sch. 8
- Sch. 4 Pt. 4 para. 2 repealed by 2007 c. 2 (N.I.) Sch. 8
- Sch. 4C inserted by 2008 c. 13 (N.I.) Sch. 2
- Sch. 4C para. 7(2)(c) inserted by 2012 c. 3 (N.I.) Sch. 3 para. 6(7)(b)
- Sch. 4C para. 7(3) inserted by 2012 c. 3 (N.I.) Sch. 3 para. 6(8)
- Sch. 4C para. 3 omitted by 2012 c. 3 (N.I.) Sch. 3 para. 6(3)
- Sch. 4C para. 7(2)(b) word inserted by 2012 c. 3 (N.I.) Sch. 3 para. 6(7)(a)
- Sch. 4C para. 1 words substituted by 2012 c. 3 (N.I.) Sch. 3 para. 6(2)
- Sch. 4C para. 2 words substituted by 2012 c. 3 (N.I.) Sch. 3 para. 6(2)
- Sch. 4C para. 5(b) words substituted by 2012 c. 3 (N.I.) Sch. 3 para. 6(4)
- Sch. 4C para. 6 words substituted by 2012 c. 3 (N.I.) Sch. 3 para. 6(5)
- Sch. 4C para. 7(1) words substituted by 2012 c. 3 (N.I.) Sch. 3 para. 6(4)
- Sch. 4C para. 7(1) words substituted by 2012 c. 3 (N.I.) Sch. 3 para. 6(6)
- Sch. 5 para. 000A1(4) omitted by 2012 c. 3 (N.I.) Sch. 2 para. 3(2)
- Sch. 11 para. 2(i) inserted by S.I. 2015/2006 (N.I.) art. 68(8)(a)
- Sch. 11 para. 9 inserted by S.I. 2015/2006 (N.I.) art. 68(8)(b)