

Status: Point in time view as at 05/12/2005.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Married couples and civil partners is up to date with all changes known to be in force on or before 30 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 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(4)(b)**

[^{F1}Married couples [^{F2}and civil partners]]

Textual Amendments

- F1** Sch. 5 para. 8 cross-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. 12**
- F2** Words in Sch. 5 para. 8 cross-heading added (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)**

- 8 (1) For the purposes of paragraphs 1 to 3 above in their application to a Category B retirement pension to which a married woman is entitled by virtue of her husband's contributions, a married woman who would have become entitled to such a pension on an earlier day if her husband's entitlement to his Category A retirement pension had not been deferred shall be treated as having (in addition to any other period of enhancement) a period of enhancement which begins on that earlier day and ends on the same day as her husband's period of enhancement.

- (2) The reference in sub-paragraph (1) above to the day on which the woman's husband's period of enhancement ends shall, where the marriage is terminated before that day, be construed as a reference to the day on which the marriage is terminated.

[^{F3}(3) In the case of the following pensions (where "P" is a married person [^{F4}or a civil partner] and "S" is the other party to the marriage [^{F5}or civil partnership]), that is—

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- (a) a Category B retirement pension to which P is entitled by virtue of the contributions of S, or
- (b) P's Category A retirement pension with an increase under section 51A(2) above attributable to the contributions of S,

[^{F6}the references in paragraphs 2(3) and 3B(3) and (5)] to the pension to which a person would have been entitled if that person's entitlement had not been deferred shall be construed as a reference to the pension to which P would have been entitled if neither P's nor S's entitlement to a retirement pension had been deferred.]

- [^{F7}(4) The conditions in paragraph 3C(1)(c) and 4(1)(a) are not satisfied by a Category B retirement pension to which S was or would have been entitled by virtue of W's contributions.
- (5) Where the Category A retirement pension to which S was or would have been entitled includes an increase under section 51A(2) attributable to W's contributions, the increase or lump sum to which W is entitled under paragraph 4(1A) or 7A(2) is to be calculated as if there had been no increase under that section.
- (6) In sub-paragraphs (4) and (5), "W" and "S" have the same meaning as in paragraph 3C, 4 or 7A, as the case requires.]

Textual Amendments

- F3** Sch. 5 para. 8(3)(4) substituted (16.12.1995) by S.I. 1995/3213 (N.I. 22), arts. 1, 123, **Sch. 2 para. 18(18)**
- F4** Words in Sch. 5 para. 8(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(1)(ii)(aa)**
- F5** Words in Sch. 5 para. 8(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(1)(ii)(bb)**
- F6** Words in [Sch. 5 para. 8\(3\)](#) 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. 13(a)**
- F7** [Sch. 5 para. 8\(4\)-\(6\)](#) substituted for [Sch. 5 para. 8\(4\)](#) (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. 13(b)**

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