



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART X

COMPUTATION OF BENEFITS

[^{F1}139B Effect of alterations affecting state pension credit

- (1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—
- (a) an award of state pension credit is in force in favour of any person (“the recipient”); and
 - (b) an alteration—
 - (i) in any component of state pension credit,
 - (ii) in the recipient’s benefit income,
 - (iii) in any component of a contribution-based jobseeker’s allowance,
[in any component of a contributory employment and support
^{F2}(iiiia) allowance,] or
 - (iv) in the recipient’s war disablement pension or war widow’s or widower’s pension,affects the computation of the amount of state pension credit to which he is entitled.
- (2) Where, as a result of the alteration, the amount of state pension credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of state pension credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department, and the award shall have effect accordingly.
- (3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount of state pension credit as before, the award shall continue in force accordingly.

Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 139B is up to date with all changes known to be in force on or before 15 June 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

- (4) Subsection (5) below applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—
- (a) in relation to any of the items referred to in subsection (1)(b)(i) to (iv) above, the amount of the alteration which he proposes to make by an order under section 150 [^{F3}, 150A][^{F4}, 151A] or 152 of the Great Britain Administration Act or by or under any other enactment; and
 - (b) the date on which he proposes to bring the alteration into force (“the proposed commencing date”).
- (5) If, in a case where this subsection applies, an award of state pension credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—
- (a) may provide for state pension credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items specified in subsection (1)(b)(i) to (iv) above which will be in force on that date; or
 - (b) may be expressed in terms of the amounts of those items in force at the date of the award.
- (6) In this section—
- “alteration” means—
- (a) in relation to any component of state pension credit, its alteration by or under any enactment;
 - (b) in relation to a person’s benefit income, the alteration of any of the applicable sums by any enactment or by an order under [^{F5}section 132, 132A, 132B] or 133 above to the extent that any such alteration affects the amount of his benefit income;
 - (c) in relation to any component of a contribution-based jobseeker’s allowance, its alteration by or under any enactment; and
 - (d) in relation to a person’s war disablement pension or war widow’s or widower’s pension, its alteration by or under any enactment;
- [^{F6}“applicable sums” has the same meaning as in section 139 above;]
- “benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act [^{F7}, state pension under Part 1 of the Pensions Act (Northern Ireland) 2015][^{F8}or personal independence payment] ;
- “the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;
- “component”—
- (a) in relation to contribution-based jobseeker’s allowance, means any of the sums specified in regulations under the Jobseekers (Northern Ireland) Order 1995 which are relevant in calculating the amount payable by way of a jobseeker’s allowance;
 - (b) in relation to state pension credit, means any of the sums specified in regulations under section 2, 3 or 12 of the State Pension Credit Act (Northern Ireland) 2002;
 - (c) [^{F9}in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in

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calculating the amount payable by way of a contributory employment and support allowance;]

“war disablement pension” means—

- (a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under—
- (i) the Air Force (Constitution) Act 1917;
 - (ii) the Personal Injuries (Emergency Provisions) Act 1939;
 - (iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939;
 - (iv) the Polish Resettlement Act 1947; or
 - (v) Part VII or section 151 of the Reserve Forces Act 1980; or
- (b) without prejudice to paragraph (a), any retired pay or pension to which [^{F10}any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003] applies;

“war widow’s or widower’s pension” means—

- (a) [^{F11}any widow's, widower's or surviving civil partner's] pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the definition of “war disablement pension”; or
- (b) a pension or allowance for a [^{F12}widow, widower or surviving civil partner] granted under any scheme mentioned in [^{F13}section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003] .]

Textual Amendments

- F1** S. 139B inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14\)](#), ss. 14, 21(2), [Sch. 2 Pt. 2 para. 15](#); S.R. 2002/366, [art. 2\(I\)](#); S.R. 2003/373, art. 2
- F2** S. 139B(1)(b)(iia) inserted (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 3 para. 4\(19\)\(a\)](#); S.R. 2008/276, art. 2(2)(d), [Sch. Pt. 2](#)
- F3** Word in s. 139B(4)(a) inserted (with effect in accordance with s. 5(3)(4) of the amending Act) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\)](#), [Sch. 1 para. 25\(a\)](#)
- F4** Words in s. 139B(4)(a) inserted (28.9.2016) by [The Pensions \(2015 Act\) \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/353\)](#), arts. 1(a), [2\(4\)\(a\)](#)
- F5** Words in s. 139B(6) substituted (28.9.2016) by [The Pensions \(2015 Act\) \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/353\)](#), arts. 1(a), [2\(4\)\(b\)\(i\)](#)
- F6** Words in s. 139B(6) inserted (28.9.2016) by [The Pensions \(2015 Act\) \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/353\)](#), arts. 1(a), [2\(4\)\(b\)\(ii\)](#)
- F7** Words in s. 139B(6) inserted (28.9.2016) by [The Pensions \(2015 Act\) \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/353\)](#), arts. 1(a), [2\(4\)\(b\)\(iii\)](#)
- F8** Words in s. 139B(6) inserted (20.6.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 9 para. 17](#); S.R. 2016/215, art. 3(2)
- F9** Words in s. 139B(6) added (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 3 para. 4\(19\)\(b\)](#); S.R. 2008/276, art. 2(2)(d), [Sch. Pt. 2](#)
- F10** Words in s. 139B(6) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 6 para. 205\(2\)](#) (with [Sch. 7](#))
- F11** Words in s. 139B(6)(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. 10\(a\)](#)

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- F12** Words in s. 139B(6)(b) 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. 10\(b\)](#)
- F13** Words in s. 139B(6) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 6 para. 205\(3\)](#) (with Sch. 7)

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Changes and effects yet to be applied to :

- s. 139B word substituted by [S.I. 2015/2006 \(N.I.\) Sch. 3 para. 7](#)
- s. 139B(1)(b)(iii) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 139B(6) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)

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

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. [S.I. 2018/1125, reg. 8](#) omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by [S.R. 2019/211 art. 2\(2\)\(a\)](#) (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. 101(1)(4)(5)s. 101(6)(a)(b) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 2A(9) added by [2010 c. 13 \(N.I.\) Sch. 1 para. 24](#)
- s. 2G(1)(d) inserted by [S.I. 2015/2006 \(N.I.\) art. 65\(5\)](#)
- s. 5(1A)-(1C) inserted by [2010 c. 13 \(N.I.\) s. 18\(2\)\(c\)](#)
- s. 31A(1A) words substituted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 11\(a\)\(ii\)](#)
- s. 104A(1A)-(1C) inserted by [2007 c. 2 \(N.I.\) s. 42\(3\)](#)
- s. 110A inserted by [2007 c. 2 \(N.I.\) s. 43](#)
- s. 110A repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 110A heading word inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(4\)](#)
- s. 110A(2) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(a\)](#)
- s. 110A(2)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(b\)](#)
- s. 110A(4)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(6\)](#)
- s. 110ZA inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(2\)](#)
- s. 110ZA repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 116E and cross-heading inserted by [2010 c. 13 \(N.I.\) s. 16\(3\)](#)
- s. 126(2)-(2B) substituted for s. 126(2) by [2007 c. 2 \(N.I.\) s. 35](#)
- s. 130AB inserted by [2008 c. 13 \(N.I.\) Sch. 3 para. 14](#)
- s. 140C inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 20](#)
- s. 166(2)(ac) inserted by [2010 c. 13 \(N.I.\) s. 17](#)