



# Pensions Act (Northern Ireland) 2015

## CHAPTER 5

### PENSIONS ACT (NORTHERN IRELAND) 2015

#### PART 1

#### STATE PENSION

##### *Introduction*

1. State pension

##### *State pension at the full or reduced rate*

2. Entitlement to state pension at full or reduced rate
3. Full and reduced rates of state pension

##### *State pension at the transitional rate*

4. Entitlement to state pension at transitional rate
5. Transitional rate of state pension
6. Recalculation and backdating of transitional rate in special cases

##### *Transitional entitlement based on contributions of others*

7. Survivor's pension based on inheritance of additional old state pension

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11. Reduced rate elections: effect on section 4 pensions
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*Transition: pension sharing on divorce etc.*

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## SCHEDULES

### SCHEDULE 1 — TRANSITIONAL RATE OF STATE PENSION: CALCULATING THE AMOUNT

#### PART 1 — INTRODUCTION

1. (1) This Schedule sets out how to calculate the amounts...

#### PART 2 — AMOUNT FOR PRE-COMMENCEMENT QUALIFYING YEARS

*How to calculate the amount for pre-commencement qualifying years*

2. A person's amount for pre-commencement qualifying years is calculated as...

*Step 1: calculation of the person's pension under the old system*

3. (1) For the purposes of Step 1 of the calculation...

*Step 2: calculation of a pension based on the new system*

4. (1) For the purposes of Step 2 of the calculation...
5. (1) In paragraph 4(2) and (3) references to an "amount..."

*Step 4: revaluation*

6. (1) This paragraph determines how the amount mentioned in Step...

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### PART 3 — AMOUNT FOR POST-COMMENCEMENT QUALIFYING YEARS

7. (1) A person's amount for post-commencement qualifying years, (if any)...

### SCHEDULE 2 — TRANSITIONAL RATE OF STATE PENSION: UP- RATING

1. This Schedule sets out how to up-rate the transitional rate...
2. In this Schedule a reference to the transitional rate of...
3. (1) The transitional rate of a person's state pension is...
4. (1) The transitional rate of a person's state pension is...

### SCHEDULE 3 — SURVIVOR'S PENSION UNDER SECTION 7: INHERITED AMOUNT

#### *Introduction*

1. This Schedule— (a) sets out the circumstances in which a...

#### *Dead spouse or civil partner in old state pension system etc.*

2. (1) A pensioner whose spouse or civil partner has died...
3. (1) A pensioner whose spouse or civil partner has died...
4. (1) A pensioner whose spouse or civil partner has died...

#### *Dead spouse or civil partner in new state pension system*

5. (1) A pensioner whose spouse or civil partner has died...
6. (1) A pensioner whose spouse or civil partner has died...
7. (1) A pensioner whose spouse or civil partner has died...
8. (1) A pensioner whose spouse or civil partner has died...

#### *Supplementary*

9. When determining entitlement to, or calculating, an inherited amount under...

### SCHEDULE 4 — SURVIVOR'S PENSION UNDER SECTION 7: UP- RATING

#### *Introduction*

1. This Schedule sets out how to up-rate the rate of...
2. In this Schedule a reference to the rate of a...
3. In this Schedule a reference to “the amount of any...

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*Rate of section 7 pension, when added to any priority pension, is less than the full rate*

4. (1) The rate of the person's state pension under section...

*Rate of section 7 pension, when added to any priority pension, straddles the full rate*

5. (1) The rate of the person's state pension under section...

*Priority pension alone is equal to or higher than the full rate*

6. (1) The rate of the person's state pension under section...

#### SCHEDULE 5 — SURVIVOR'S PENSION UNDER SECTION 9: INHERITED DEFERRAL AMOUNT

##### *Introduction*

1. This Schedule— (a) sets out the circumstances in which a...

*Dead spouse or civil partner entitled to old state pension with deferral increase*

2. (1) A pensioner whose spouse or civil partner has died...

*Dead spouse's or civil partner's entitlement to old state pension deferred at time of death*

3. (1) A pensioner whose spouse or civil partner has died...

*“The relevant provisions” of the Contributions and Benefits Act*

4. For the purposes of this Schedule “the relevant provisions” of...

##### *Supplementary*

5. When determining entitlement to, or calculating, an inherited deferral amount...

#### SCHEDULE 6 — REDUCED RATE ELECTIONS: EFFECT ON RATE OF SECTION 4 PENSION

##### *Introduction*

1. This Schedule modifies the rules about the transitional rate of...

*Increased transitional rate for woman married to person over pensionable age etc.*

2. (1) This paragraph applies to the woman if on reaching...

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*Increased transitional rate for widows or divorcees etc.*

3. (1) This paragraph applies to the woman if on reaching...

*Recalculation of transitional rate where circumstances change*

4. (1) If the woman is married or in a civil...
5. (1) If neither of paragraphs 2 and 3 applies to...
6. Nothing in paragraph 4 or 5 affects—

SCHEDULE 7 — REDUCED RATE ELECTIONS: BASIC AMOUNT OF STATE PENSION UNDER SECTION 12

1. This Schedule— (a) sets out the circumstances in which a...
2. (1) A woman is entitled to a basic amount under...
3. (1) A woman is entitled to a basic amount under...
4. A woman who is entitled to a basic amount under...

SCHEDULE 8 — PENSION SHARING: APPROPRIATE WEEKLY RATE UNDER SECTION 13

*Introduction*

1. This Schedule sets out the appropriate weekly rate of a...

*Appropriate weekly rate for pensioner with old state scheme pension credit*

2. (1) This paragraph sets out the appropriate weekly rate if...

*Appropriate weekly rate for pensioner with new state scheme pension credit*

3. (1) This paragraph sets out the appropriate weekly rate if...

*Supplementary*

4. (1) Regulations may make provision about the calculation and verification...

SCHEDULE 9 — PENSION SHARING: UP-RATING STATE PENSION UNDER SECTION 13

*Introduction*

1. This Schedule sets out how to up-rate the rate of...
2. In this Schedule a reference to the rate of a...
3. (1) In this Schedule “the total amount of any state...

*Rate of section 13 pension, when added to any priority pension, is less than the full rate*

4. (1) The rate of the person's state pension under section...

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*Rate of section 13 pension, when added to any priority pension, straddles the full rate*

5. (1) The rate of the person's state pension under section...

*Priority pension alone is equal to or higher than the full rate*

6. (1) The rate of the person's state pension under section...

## SCHEDULE 10 — PENSION SHARING: APPROPRIATE WEEKLY REDUCTION UNDER SECTION 14

### *Introduction*

1. This Schedule sets out the appropriate weekly reduction in the...

*Appropriate weekly reduction for person subject to old state scheme pension debit*

2. (1) This paragraph sets out the appropriate weekly reduction if...

*Appropriate weekly reduction for person subject to new state scheme pension debit*

3. (1) This paragraph sets out the appropriate weekly reduction if...

### *Supplementary*

4. (1) Regulations may make provision about the calculation and verification...

## SCHEDULE 11 — PENSION SHARING: AMENDMENTS

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

1. The Contributions and Benefits Act is amended as follows.
2. In section 21 (contribution conditions), in subsection (1), after “section...
3. In section 43 (persons entitled to more than one retirement...
4. (1) Section 55A (shared additional pension) is amended as follows....
5. After section 55A insert— Shared additional pension because of a...
6. (1) Section 55B (reduction of shared additional pension in Category...



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*The Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

7. In the Administration Act, after section 130AC (inserted by Schedule...

*The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)*

8. The Welfare Reform and Pensions (Northern Ireland) Order 1999 is...
9. (1) Article 44 (shareable state scheme rights) is amended as...
10. In Article 45 (activation of benefit sharing), in paragraph (1),...
11. (1) Article 46 (creation of state scheme pension debits and...
12. After Article 46 insert— Creation of debits and credits: transferor...
13. (1) Article 48 (interpretation) is amended as follows.

*The State Pension Credit Act (Northern Ireland) 2002 (c.14)*

14. In section 16 of the State Pension Credit Act (Northern...

SCHEDULE 12 — STATE PENSION: AMENDMENTS

PART 1 — AMENDMENTS TO DO WITH NEW STATE PENSION SYSTEM

*The Forfeiture (Northern Ireland) Order 1982 (NI 14)*

1. In Article 6 of the Forfeiture (Northern Ireland) Order 1982...

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

2. The Contributions and Benefits Act is amended as follows.
3. In section 1 (outline of contributory system), in subsection (1) (a),...
4. In section 13 (Class 3 contributions), in subsection (2), omit...
5. After section 19A insert— Extended meaning of benefit” etc. in...
6. (1) Section 22 (earnings factors) is amended as follows.
7. In section 121(1) (interpretation), in the definition of “benefit”, after...

*The Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

8. The Administration Act is amended as follows.
9. In section 1 (entitlement to benefit dependent on claim), in...
10. In section 5 (regulations about claims for and payments of...
11. In section 69 (overpayments - general), in subsection (11), before...
12. In section 71 (overlapping benefits - general)—

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13. In section 115CA (interpretation of Part 6), in subsection (1),...
14. In section 116B (supply of other government information for fraud...
15. In section 118 (regulations as to notification of deaths), in...
16. After section 130AB insert— Revaluation for transitional pensions under Pensions...
17. After section 132A insert— Up-rating of transitional state pensions under...
18. (1) Section 135A (power to anticipate pensions up-rating order) is...
19. (1) Section 143 (general financial arrangements) is amended as follows....
20. In section 149 (Social Security Advisory Committee), in subsection (5)...
21. (1) Section 155 (reciprocal agreements) is amended as follows.
22. In section 163 (inalienability), in subsection (1), before paragraph (a)...
23. In section 166 (Assembly control of orders and regulations), in...
24. In section 167(1) (interpretation), in the definition of “benefit”, before...

*The Social Security (Northern Ireland) Order 1993 (NI 2)*

25. In Article 4 of the Social Security (Northern Ireland) Order...

*The Pensions (Northern Ireland) Order 1995 (NI 22)*

26. In Schedule 2 to the 1995 Order (pensionable age), in...

*The Social Security (Northern Ireland) Order 1998 (NI 10)*

27. The Social Security (Northern Ireland) Order 1998 is amended as...
28. In Article 4 (use of computers), in paragraph (2) at...
29. In Article 9 (decisions by the Department)—
30. In Article 12 (regulations with respect to decisions), in paragraph...
31. In Article 27 (restrictions on entitlement to benefit in certain...
32. In Article 28 (correction of errors in decisions etc.), in...
33. In Schedule 3 (decisions against which an appeal lies), before...

*The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)*

34. (1) Section 38 of the Child Support, Pensions and Social...

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*The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)*

35. The Social Security Fraud Act (Northern Ireland) 2001 is amended...
36. In section 5A (definitions), in the definition of “disqualifying benefit”,...
37. In section 9 (power to supplement and mitigate loss of...

*The State Pension Credit Act (Northern Ireland) 2002 (c. 14)*

38. The State Pension Credit Act (Northern Ireland) 2002 is amended...
39. In section 7 (fixing of claimant's retirement provision for assessed...
40. In section 16 (meaning of “retirement pension income”), in subsection...

*The Gender Recognition Act 2004 (c. 7)*

41. The Gender Recognition Act 2004 is amended as follows.
42. In section 23(3) and (4) of that Act (power to...
43. (1) Schedule 5 (benefits and pensions) is amended as follows....

*The Welfare Reform Act (Northern Ireland) 2015*

44. ....  
PART 2 — AMENDMENTS TO DO WITH OLD STATE PENSION SYSTEM

*Graduated retirement benefit*

45. (1) Section 35 of the National Insurance Act (Northern Ireland)...

*Category A retirement pensions*

46. The Contributions and Benefits Act is amended as follows.
47. In section 44(1) (Category A retirement pension), for paragraph (a)...
48. (1) Section 48 (use of former spouse's contributions) is amended...

*Category B retirement pensions*

49. The Contributions and Benefits Act is amended as follows.
50. In section 23A (contributions credits for relevant parents and carers)...

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51. In section 46 (modification of section 45 for calculating additional...
52. For section 48A substitute— Category B retirement pension for married...
53. (1) Section 48B (Category B retirement pension for widows and...
54. (1) Section 48BB (Category B retirement pension: entitlement by reference...
55. (1) Section 48C (Category B retirement pension: general) is amended...
56. For section 51 substitute— Category B retirement pension for widowers...
57. In section 52(3) (special provision for surviving spouses) for “prescribed...
58. (1) Schedule 3 (contribution conditions for entitlement to benefit) is...
59. In Part 1 of Schedule 4 (rates of certain benefits),...
60. In Schedule 4A (additional pension: accrual rates for purposes of...
61. In section 42 of the Pension Schemes Act (effect of...
62. In Article 125 of the 1995 Order (additional pension: calculation...
63. In Schedule 2 to the 1995 Order (equalisation of, and...
64. In Schedule 24 to the Civil Partnership Act 2004, omit...

*Category C retirement pensions: repeal of spent provisions*

65. The Contributions and Benefits Act is amended as follows.
66. In section 63(f)(i) (descriptions of non-contributory benefits), for the words...
67. (1) Section 78 (Category C retirement pensions etc.) is amended...
68. In Part 3 of Schedule 4— (a) omit paragraph 6...

*Category D retirement pensions*

69. In section 78(3) of the Contributions and Benefits Act (entitlement...

*Age addition*

70. In sections 63(g) and 79(1) of the Contributions and Benefits...

*Christmas bonus*

71. In section 146(2) of the Contributions and Benefits Act (Christmas...

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### PART 3 — AMENDMENTS TO DO WITH STATE PENSION CREDIT

72. The State Pension Credit Act (Northern Ireland) 2002 is amended...
73. In section 3 (savings credit), for subsection (1) substitute—
74. After that section insert— Power to limit savings credit for...
75. In Schedule 1 to the Pensions Act (Northern Ireland) 2008,...

### PART 4 — OTHER AMENDMENTS TO DO WITH PART 1

#### *The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

76. The Contributions and Benefits Act is amended as follows.
77. (1) Section 39C (rate of widowed parent's allowance and bereavement...
78. (1) Schedule 5 (pension increase or lump sum where entitlement...

#### *The Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

79. Section 42A of the Pension Schemes Act (retirement in tax...

#### *The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)*

80. In Article 17 of the Deregulation and Contracting Out (Northern...

#### *The Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13)*

81. In the Pensions (No2) Act, the following are repealed—

#### *The Pensions Act (Northern Ireland) 2012 (c. 3)*

82. In the Pensions Act (Northern Ireland) 2012, the following are...

### SCHEDULE 13 — ABOLOTION OF CONTRACTING-OUT FOR SALARY RELATED SCHEMES

#### PART 1 — PENSION SCHEMES (NORTHERN IRELAND) ACT 1993: AMENDMENTS

1. The Pension Schemes Act is amended as follows.
2. For “the abolition date” (in each place) substitute “ the...
3. In the heading for Part 3 of the Act—
4. For the heading to Chapter 1 of Part 3 substitute...
5. Section 3 (issue of contracting-out certificates) is repealed (and accordingly,...
6. After section 3 insert— Meaning of the first abolition date”...
7. (1) Section 4 (meaning of “contracted-out employment”, “guaranteed minimum pension”...

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8. The italic heading above section 5 is repealed.
9. Sections 5 and 7 (requirements for certification of schemes: general)...
10. The italic heading above section 8A is repealed.
11. Sections 8A to 8D (requirements for certification applying to employment...
12. For the italic heading above section 9 substitute “ Guaranteed...
13. (1) Before section 9 insert— Former salary related contracted-out schemes...
14. In section 9 (minimum pensions for earners), in subsection (2) —...
15. (1) Section 10 (earner's guaranteed minimum) is amended as follows....
16. In section 12 (revaluation of earnings factors for the purposes...
17. (1) Section 13 (minimum pensions for widows, widowers and surviving...
18. In section 16 (transfer of accrued rights), in subsection (1)(a) —...
19. In section 19 (securing of benefits), in subsection (2), omit...
20. In section 20A— (a) the existing text becomes subsection (1),...
21. In section 21 (power for HMRC to impose conditions as...
22. Sections 30 to 32 (cancellation, variation, surrender and refusal of...
23. In the italic heading above section 33, for “scheme rules...
24. In section 33 (alteration of rules of contracted-out schemes) for...
25. After section 33 insert— Transfer of liabilities etc.: schemes contracted-out...
26. For the heading to Chapter 2 of Part 3 substitute...
27. In section 36 (scope of Chapter 2)—
28. The italic heading above section 37 is repealed.
29. Section 37 (reduced rates of Class 1 contributions) is repealed....
30. Section 38 (review and alteration of reduced rates of Class...
31. In section 44A (additional pension and other benefits), in subsection...
32. Section 45 (women, married women and widows) is repealed.
33. Section 46 (powers of HMRC to approve arrangements for scheme...
34. In section 47 (calculation of guaranteed minimum pensions under approved...
35. For section 48 substitute— Supervision of former salary related contracted-out...

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36. In section 49 (supervision: former contracted-out schemes), omit subsection (3)....
37. Sections 51 to 64 (state scheme premiums) are repealed.
38. In section 83 (general protection principle), in subsection (1) (a), for...
39. In section 92 (further provisions concerning exercise of option to...
40. In section 166 (questions arising in proceedings), in subsection (1),...
41. In section 173 (trustees and managers of schemes), in paragraph...
42. (1) Section 176(1) (general interpretation) is amended as follows.
43. Section 176A (interpretation of references to money purchase contracted-out schemes...
44. In section 180 (consultation about other regulations), omit subsection (2)....
45. (1) Schedule 1 (certification regulations) is amended as follows.
46. (1) Schedule 3 (priority in bankruptcy) is amended as follows....

#### PART 2 — OTHER STATUTORY PROVISIONS: AMENDMENTS

##### *The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

47. The Contributions and Benefits Act is amended as follows.
48. In section 1 (outline of contributory system), in subsection (3),...
49. In section 4C (power to make provision in consequence of...
50. In section 8 (calculation of primary Class 1 contributions), in...
51. In section 9 (calculation of secondary Class 1 contributions), in...
52. In section 20 (descriptions of contributory benefits), in subsection (3),...
53. In Schedule 1 (supplementary provisions relating to national insurance contributions),...

##### *The Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

54. The Administration Act is amended as follows.
55. In section 132 (annual up-rating of benefits), in subsection (3A),...
56. In section 167 (interpretation - general)— (a) in the definition...

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*The Pensions (Northern Ireland) Order 1995 (NI 22)*

57. The 1995 Order is amended as follows.
58. (1) Article 51 (annual increase in rate of pension) is...
59. In Article 54 (Articles 51 to 53: supplementary), in paragraph...
60. For Article 69 substitute— Grounds for applying for modifications: winding...
61. In Article 70 (Article 69: supplementary), omit paragraph (3).
62. In Article 71 (effect of orders under Article 69), in...
63. In Article 72 (modification of public service pension schemes), in...
64. Articles 133(1), (3) and (5), 134(3) and (4) and 145...

*The Employment Rights (Northern Ireland) Order 1996 (NI 16)*

65. The Employment Rights (Northern Ireland) Order 1996 is amended as...
66. In Article 35 (note to be included in statement of...
67. In Article 43 (references to industrial tribunals), in paragraph (3),...

*The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)*

68. The Child Support, Pensions and Social Security Act (Northern Ireland)...
69. (1) Section 38 (disclosure of state pension information) is amended...
70. Part 2 of Schedule 5 (alternative to anti-franking rules) is...

*The Pensions (Northern Ireland) Order 2005 (NI 1)*

71. In Article 235 of the 2005 Order (pension protection on...

*The Companies Act 2006 (c. 46)*

72. The Companies Act 2006 is amended as follows.
73. In section 140 (interests to be disregarded: employer's rights of...
74. In section 673 (interests to be disregarded in determining whether...

*The Pensions Act (Northern Ireland) 2008 (c. 1)*

75. The Pensions Act (Northern Ireland) 2008 is amended as follows...
76. (1) Section 13 (abolition of contracting-out for defined contribution pension...



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77. In section 19 (consequential provision, repeals and revocations), in subsection...
78. (1) Schedule 4 (abolition of contracting-out for defined contribution pension...

*The Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13)*

79. The Pensions (No2) Act is amended as follows.
80. For section 21 substitute— Quality requirement: UK defined benefits schemes...
81. In section 22 (test scheme standard), for subsection (2) substitute—...

SCHEDULE 14 — POWER TO AMEND SCHEMES TO REFLECT  
ABOLITION OF CONTRACTING-OUT

*Introduction*

1. This Schedule is about the power under section 24(2) to...

*What can the power be used to do?*

2. (1) The power may be used— (a) to increase the...
3. (1) The power may not be used in a way...
4. Regulations may impose further restrictions on the use of the...

*Creation of exceptions*

5. The power may not be used to amend a scheme...

*Requirement for actuary's certificates*

6. (1) The power may be used only if an actuary...

*When can the power be used?*

7. The power may be used before or after the repeal...
8. An amendment made before the repeal of section 37 of...

*Can the power be used more than once?*

9. (1) The power may be used to amend a scheme...

*Modifications for multi-employer or sectionalised schemes*

10. (1) Regulations may modify section 24(2) to (7) or this...

*The power overrides other legislation*

11. An amendment under section 24 and this Schedule may be...

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*Procedural requirements and supplementary matters*

12. Regulations may impose procedural requirements about the use of the...
13. Regulations under this Schedule may confer a discretion on a...

*Information*

14. (1) Regulations may require the trustees or managers of an...

*Definitions*

15. In this Schedule— “employee contributions” means, in relation to a...

SCHEDULE 15 — OPTION TO BOOST OLD RETIREMENT PENSIONS

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 4)*

1. The Contributions and Benefits Act is amended as follows.
2. In section 43 (persons entitled to more than one retirement...
3. In section 44 (Category A retirement pension), in subsection (3)—...
4. (1) Section 45 (rate of additional pension in a Category...
5. In section 52 (special provision for surviving spouses), after subsection...
6. After section 61 insert— Shortfall in contributions: people with units...

*The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)*

7. In Article 44 of the Welfare Reform and Pensions (Northern...

SCHEDULE 16 — BEREAVEMENT SUPPORT PAYMENT:  
AMENDMENTS

*The Forfeiture (Northern Ireland) Order 1982 (NI 14)*

1. In Article 6 of the Forfeiture (Northern Ireland) Order 1982...

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

2. The Contributions and Benefits Act is amended as follows.
3. (1) Section 20 (descriptions of contributory benefits) is amended as...
4. (1) Section 21 (contribution conditions) is amended as follows.
5. In section 22 (earnings factors), in subsection (2), after paragraph...

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6. (1) Section 23A (contributions credits for relevant parents and carers)...
7. For the italic heading above section 36 substitute “  
Bereavement...
8. Section 36 (bereavement payment) is repealed.
9. Section 36A (cases in which sections 37 to 41 apply)...
10. (1) Section 37 (widowed mother's allowance) is amended as follows....
11. (1) Section 38 (widow's pension) is amended as follows.
12. In section 39A (widowed parent's allowance), for subsection (1) substitute—...
13. Section 39B (bereavement allowance where no dependent children) is repealed....
14. (1) Section 39C (rate of widowed parent's allowance and bereavement...)
15. In section 48B (Category B retirement pension for widows and...)
16. In section 48BB (Category B retirement pension: entitlement by reference...)
17. (1) Section 60 (complete or partial failure to satisfy contribution...)
18. (1) Schedule 3 (contribution conditions for entitlement to benefit) is...
19. In Schedule 4 (rates of benefits etc.) omit Part 2....

*The Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

20. The Administration Act is amended as follows.
21. (1) Section 1 (entitlement to benefit dependent on claim) is...
22. In section 2A (claim or full entitlement to certain benefits...)
23. (1) Section 3 (late claims for bereavement benefit where death...)
24. In section 5 (regulations about claims for and payments of...)
25. In section 69 (overpayments - general), in subsection (11), before...
26. In section 115CA (interpretation of Part 6), in subsection (1),...
27. In section 116B (supply of other government information for fraud...)
28. In section 118 (regulations as to notification of deaths), in...
29. (1) Section 143 (general financial arrangements) is amended as follows....
30. In section 149 (Social Security Advisory Committee), in subsection (5)...
31. (1) Section 155 (reciprocal agreements) is amended as follows.

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32. In section 163 (inalienability), in subsection (1), before paragraph (b)...
33. In section 167(1) (interpretation), in the definition of “benefit”, at...

*The Social Security (Northern Ireland) Order 1993 (NI 2)*

34. In Article 4 of the Social Security (Northern Ireland) Order...

*The Social Security (Northern Ireland) Order 1998 (NI 10)*

35. The Social Security (Northern Ireland) Order 1998 is amended as...
36. In Article 4 (use of computers), in paragraph (2), after...
37. (1) Article 9 (decisions by Department) is amended as follows....
38. In Article 12 (regulations with respect to decisions), in paragraph...
39. In Article 27 (restrictions on entitlement in cases of error),...
40. In Article 28 (correction of errors in decisions etc.), in...

*The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)*

41. The Social Security Fraud Act (Northern Ireland) 2001 is amended...
42. In section 5A (definitions), in the definition of “disqualifying benefit”,...
43. In section 5A (definitions), in the definition of “sanctionable benefit”—...
44. In section 9 (power to supplement and mitigate loss of...

*The Income Tax (Earnings and Pensions) Act 2003 (c. 1)*

45. The Income Tax (Earnings and Pensions) Act 2003 is amended...
46. In section 660 (taxable benefits: UK benefits - Table A),...
47. In section 677 (UK social security benefits wholly exempt from...

SCHEDULE 17 — AUTOMATIC TRANSFER OF PENSION BENEFITS  
ETC.

PART 1 — AUTOMATIC TRANSFER OF PENSION BENEFITS

*Regulations providing for transfer of cash equivalent of transferable benefits*

1. (1) The Department must make regulations with a view to...

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*Automatic transfer scheme to find out  
whether members have transferable benefits*

2. (1) The regulations must require the trustees or managers of...

*Automatic transfer scheme to request transfer of cash equivalent*

3. (1) The regulations must require the trustees or managers of...

*Right to opt out of automatic transfer*

4. (1) If the regulations do not include the condition mentioned...

*Information to be given to qualifying members of automatic transfer schemes*

5. (1) The regulations must require a prescribed person to give...

*Transferable benefits scheme to comply with request*

6. (1) The regulations must require the trustees or managers of...

*Automatic transfer scheme to use cash  
equivalent to provide rights under the scheme*

7. (1) The regulations must require the trustees or managers of...

*Cash equivalents: calculation and verification*

8. (1) The regulations may provide for the manner in which...

*Disclosure of information and establishment of database*

9. (1) The regulations must make provision about disclosure of information....

*Compliance*

10. (1) The regulations may make provision with a view to...

*Record keeping*

11. (1) The regulations may require any person—

*Further provision about the regulations*

12. The regulations may— (a) impose or confer other functions on...

**PART 2 — MERGER OF PENSION ACCOUNTS**

13. (1) The Department may by regulations make provision for the...

**PART 3 — INTERPRETATION ETC.**

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*Interpretation etc.*

14. (1) In this Schedule— “active member”— in relation to an...

*Crown application*

15. (1) This Schedule applies to a pension scheme managed by...

*Overriding provision*

16. (1) Regulations under this Schedule may provide that specified provisions...

*Other provision relating to regulations under this Schedule*

17. (1) Regulations under this Schedule may amend or otherwise modify...  
18. Before making any regulations under this Schedule, the Department must...

*Amendments*

19. (1) The Pension Schemes Act is amended as follows.  
20. In Article 233 of the 2005 Order (no indemnification for...

SCHEDULE 18 — POWER TO RESTRICT CHARGES OR IMPOSE REQUIREMENTS IN RELATION TO SCHEMES

*Power to restrict charges*

1. (1) The Department may by regulations make provision—

*Power to impose requirements relating to administration or governance*

2. (1) The Department may by regulations impose requirements relating to...

*Compliance*

3. (1) The Department may by regulations make provision with a...

*Interpretation*

4. (1) Expressions used in this Schedule and in Schedule 17...

*Crown application*

5. (1) This Schedule applies to a pension scheme managed by...

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### *Overriding provision*

6. (1) The Department may by regulations provide that specified provisions...

### *Other provision relating to regulations under this Schedule*

7. The Department may by regulations amend or otherwise modify any...
8. Before making any regulations under this Schedule, the Department must...

### *Amendments*

9. (1) The Pension Schemes Act is amended as follows.
10. In Article 233 of the 2005 Order (no indemnification for...
11. (1) Section 16 of the Pensions (No. 2) Act (automatic...
12. In consequence of the amendments made by paragraph 11, section...

## SCHEDULE 19 — PROHIBITION ORDERS: CONSEQUENTIAL AMENDMENTS

### *The Pensions (Northern Ireland) Order 1995 (NI 22)*

1. The 1995 Order is amended as follows.
2. In Article 6 (removal or suspension of trustees: consequences)  
—
3. In Article 7 (appointment of trustees), in paragraph (1), after...
4. In Article 9 (removal and appointment of trustees: property), after...

### *The Pensions (Northern Ireland) Order 2005 (NI 1)*

5. The 2005 Order is amended as follows.
6. In Article 7 (functions exercisable by the Determinations Panel), in...
7. In Article 61 (register of prohibited trustees), in paragraph (1),...
8. In Article 91 (Pensions Regulator's regulatory functions: standard procedure), in...
9. In Article 92 (Pensions Regulator's regulatory functions: special procedure), in...
10. (1) Schedule 2 (Pensions Regulator's reserved regulatory functions) is amended...

## SCHEDULE 20 — PENSION PROTECTION FUND: INCREASED COMPENSATION CAP FOR LONG SERVICE

**Status:** Point in time view as at 06/04/2021.

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#### PART 1 — THE NEW COMPENSATION CAP

1. Schedule 6 to the 2005 Order (pension compensation provisions) is...
2. In paragraph 26 (the compensation cap), for the definition of...
3. After paragraph 26 insert— (1) This paragraph gives the meaning of “the compensation cap”...
4. In paragraph 24(2), at the end insert “ of the...
5. In paragraph 26(9), after “this paragraph” insert “ and paragraph...
6. In paragraph 27 (increasing the compensation cap in line with...
7. In paragraph 18(2) of Schedule 4 to the Pensions (No...

#### PART 2 — EFFECT OF CHANGE IN TRANSITIONAL CASES

##### *Recalculation of periodic compensation going forwards*

8. (1) This paragraph applies in relation to a person if—...

##### *New cap does not generally affect old payments*

9. (1) Nothing in this Schedule affects— (a) periodic compensation for...

##### *Survivors' compensation*

10. When working out the annual rate of a person's periodic...

##### *Cases involving early payment or postponement of compensation*

11. Nothing in this Schedule affects the amount of—

##### *Recalculation of terminal illness lump sums given in the past year*

12. (1) This paragraph applies in relation to a person who...

##### *Meaning of “the pension compensation provisions” in Part 3 of the 2005 Order*

13. Article 146(2) of the 2005 Order is to be treated...

#### PART 3 — SCHEMES UNDERGOING ASSESSMENT OR WINDING UP ON THE COMMENCEMENT DATE

##### *Schemes undergoing assessment on the commencement date*

14. (1) This paragraph applies in relation to an eligible scheme...

##### *Continue to use the old cap as the basis of assessment*

2. For the purposes of the following, ignore any effect that...



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*Going forwards, pay pensions on the basis of the new cap*

3. For the purposes of Article 122(2) of the 2005 Order...

*Schemes that begin winding up before the commencement date*

15. (1) This paragraph applies in relation to an eligible scheme...

*Use the old cap when working out the preferential liabilities (generally)*

2. For the purposes of Articles 73 and 73A of the...

*Going forwards, pay pensions on the basis of the new cap during assessment*

3. If for any period the scheme is being wound up...
4. For the purposes of Article 73A of the 1995 Order,...

*Meaning of “undergoing assessment”*

16. For the purposes of this Part of this Schedule an...

*Meaning of “eligible scheme”*

17. Article 110(4) of the 2005 Order (list of provisions in...  
PART 4 — INTERPRETATION AND POWER TO MAKE  
FURTHER TRANSITIONAL PROVISION

*Interpretation*

18. In this Schedule “the commencement date” means the date on...
19. Other expressions used in this Schedule have the same meaning...

*Further transitional provision*

20. The inclusion of Parts 2 and 3 does not prevent...
21. (1) In relation to a case involving multiple benefits, transitional...
22. (1) Transitional provision made by order under section 53(5) may,...

**Status:**

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**Changes to legislation:**

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