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## SCHEDULES **N.I.**

### *Schedule 1—Amendments*

## SCHEDULE 2 **N.I.**

Article 123.

### [<sup>F1</sup>EQUALISATION OF AND INCREASE IN PENSIONABLE AGE FOR MEN AND WOMEN]

**F1** Sch. 2 heading substituted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 11(1), Sch. 3 para. 3

## PART 1 **N.I.**

### PENSIONABLE AGES FOR MEN AND WOMEN

#### *Rules for determining pensionable age*

1. The following rules apply for the purposes of the enactments relating to social security, that is, the following Acts and the instruments (as defined in section 1 of the Interpretation Act (Northern Ireland) 1954<sup>F2</sup>) made, or having effect as if made, under them: the Contributions and Benefits Act, the Administration Act<sup>F3</sup>, the Pension Schemes Act<sup>F4</sup>, the State Pension Credit Act (Northern Ireland) 2002 and Part 1 of the Welfare Reform Act (Northern Ireland) 2007]].

#### *Rules*

(1) A man [<sup>F5</sup>born before 6th April 1959] attains pensionable age when he attains the age of 65 years.

(2) A woman born before 6th April 1950 attains pensionable age when she attains the age of 60.

(3) A woman born on any day in a period mentioned in column 1 of [<sup>F6</sup>table 1] attains pensionable age at the commencement of the day shown against that period in column 2.

[<sup>F7</sup>(4) A woman born after 5th April 1955 but before 6th April 1959 attains pensionable age when she attains the age of 65.]

[<sup>F8</sup>(5) In tables 1 to 4, any reference to a period in column 1 of that table includes a reference to the first day of that period.]

#### [<sup>F9</sup>TABLE 1]

<b>(1) Period within which woman's birthday falls</b>	<b>(2) Day pensionable age attained</b>
6th April 1950 to 5th May 1950	6th May 2010
6th May 1950 to 5th June 1950	6th July 2010
6th June 1950 to 5th July 1950	6th September 2010
6th July 1950 to 5th August 1950	6th November 2010

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6th August 1950 to 5th September 1950	6th January 2011
6th September 1950 to 5th October 1950	6th March 2011
6th October 1950 to 5th November 1950	6th May 2011
6th November 1950 to 5th December 1950	6th July 2011
6th December 1950 to 5th January 1951	6th September 2011
6th January 1951 to 5th February 1951	6th November 2011
6th February 1951 to 5th March 1951	6th January 2012
6th March 1951 to 5th April 1951	6th March 2012
6th April 1951 to 5th May 1951	6th May 2012
6th May 1951 to 5th June 1951	6th July 2012
6th June 1951 to 5th July 1951	6th September 2012
6th July 1951 to 5th August 1951	6th November 2012
6th August 1951 to 5th September 1951	6th January 2013
6th September 1951 to 5th October 1951	6th March 2013
6th October 1951 to 5th November 1951	6th May 2013
6th November 1951 to 5th December 1951	6th July 2013
6th December 1951 to 5th January 1952	6th September 2013
6th January 1952 to 5th February 1952	6th November 2013
6th February 1952 to 5th March 1952	6th January 2014
6th March 1952 to 5th April 1952	6th March 2014
6th April 1952 to 5th May 1952	6th May 2014
6th May 1952 to 5th June 1952	6th July 2014
6th June 1952 to 5th July 1952	6th September 2014
6th July 1952 to 5th August 1952	6th November 2014
6th August 1952 to 5th September 1952	6th January 2015
6th September 1952 to 5th October 1952	6th March 2015
6th October 1952 to 5th November 1952	6th May 2015
6th November 1952 to 5th December 1952	6th July 2015
6th December 1952 to 5th January 1953	6th September 2015
6th January 1953 to 5th February 1953	6th November 2015
6th February 1953 to 5th March 1953	6th January 2016
6th March 1953 to 5th April 1953	6th March 2016
6th April 1953 to 5th May 1953	6th May 2016
6th May 1953 to 5th June 1953	6th July 2016
6th June 1953 to 5th July 1953	6th September 2016

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6th July 1953 to 5th August 1953	6th November 2016
6th August 1953 to 5th September 1953	6th January 2017
6th September 1953 to 5th October 1953	6th March 2017
6th October 1953 to 5th November 1953	6th May 2017
6th November 1953 to 5th December 1953	6th July 2017
6th December 1953 to 5th January 1954	6th September 2017
6th January 1954 to 5th February 1954	6th November 2017
6th February 1954 to 5th March 1954	6th January 2018
6th March 1954 to 5th April 1954	6th March 2018
6th April 1954 to 5th May 1954	6th May 2018
6th May 1954 to 5th June 1954	6th July 2018
6th June 1954 to 5th July 1954	6th September 2018
6th July 1954 to 5th August 1954	6th November 2018
6th August 1954 to 5th September 1954	6th January 2019
6th September 1954 to 5th October 1954	6th March 2019
6th October 1954 to 5th November 1954	6th May 2019
6th November 1954 to 5th December 1954	6th July 2019
6th December 1954 to 5th January 1955	6th September 2019
6th January 1955 to 5th February 1955	6th November 2019
6th February 1955 to 5th March 1955	6th January 2020
6th March 1955 to 5th April 1955	6th March 2020

[<sup>F10</sup>(6) A person born on any day in a period mentioned in column 1 of table 2 attains pensionable age at the commencement of the day shown against that period in column 2.

**TABLE 2**

<b>(1)</b> <b><i>Period within which birthday falls</i></b>	<b>(2)</b> <b><i>Day pensionable age attained</i></b>
6th April 1959 to 5th May 1959	6th May 2024
6th May 1959 to 5th June 1959	6th July 2024
6th June 1959 to 5th July 1959	6th September 2024
6th July 1959 to 5th August 1959	6th November 2024
6th August 1959 to 5th September 1959	6th January 2025
6th September 1959 to 5th October 1959	6th March 2025
6th October 1959 to 5th November 1959	6th May 2025
6th November 1959 to 5th December 1959	6th July 2025

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6th December 1959 to 5th January 1960	6th September 2025
6th January 1960 to 5th February 1960	6th November 2025
6th February 1960 to 5th March 1960	6th January 2026
6th March 1960 to 5th April 1960	6th March 2026

(7) A person born after 5th April 1960 but before 6th April 1968 attains pensionable age when the person attains the age of 66.

(8) A person born on any day in a period mentioned in column 1 of table 3 attains pensionable age at the commencement of the day shown against that period in column 2.

**TABLE 3**

<b>(1)</b> <i>Period within which birthday falls</i>	<b>(2)</b> <i>Day pensionable age attained</i>
6th April 1968 to 5th May 1968	6th May 2034
6th May 1968 to 5th June 1968	6th July 2034
6th June 1968 to 5th July 1968	6th September 2034
6th July 1968 to 5th August 1968	6th November 2034
6th August 1968 to 5th September 1968	6th January 2035
6th September 1968 to 5th October 1968	6th March 2035
6th October 1968 to 5th November 1968	6th May 2035
6th November 1968 to 5th December 1968	6th July 2035
6th December 1968 to 5th January 1969	6th September 2035
6th January 1969 to 5th February 1969	6th November 2035
6th February 1969 to 5th March 1969	6th January 2036
6th March 1969 to 5th April 1969	6th March 2036

(9) A person born after 5th April 1969 but before 6th April 1977 attains pensionable age when the person attains the age of 67.

(10) A person born on any day in a period mentioned in column 1 of table 4 attains pensionable age at the commencement of the day shown against that period in column 2.

**TABLE 4**

<b>(1)</b> <i>Period within which birthday falls</i>	<b>(2)</b> <i>Day pensionable age attained</i>
6th April 1977 to 5th May 1977	6th May 2044
6th May 1977 to 5th June 1977	6th July 2044
6th June 1977 to 5th July 1977	6th September 2044
6th July 1977 to 5th August 1977	6th November 2044
6th August 1977 to 5th September 1977	6th January 2045

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6th September 1977 to 5th October 1977	6th March 2045
6th October 1977 to 5th November 1977	6th May 2045
6th November 1977 to 5th December 1977	6th July 2045
6th December 1977 to 5th January 1978	6th September 2045
6th January 1978 to 5th February 1978	6th November 2045
6th February 1978 to 5th March 1978	6th January 2046
6th March 1978 to 5th April 1978	6th March 2046

(11) A person born after 5th April 1978 attains pensionable age when the person attains the age of 68.]

- F2** 1954 c. 33 (NI)
- F3** 2002 c. 14 (NI)
- F4** Words in Sch. 2 para. 1 substituted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 28(1), 60(1), **Sch. 3 para. 8**; S.R. 2008/276, **art. 2(2)(d)**, Sch. Pt. 2
- F5** Words in Sch. 2 para. 1(1) inserted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 11(1), **Sch. 3 para. 4(2)**
- F6** Words in Sch. 2 para. 1(3) substituted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 11(1), **Sch. 3 para. 4(3)**
- F7** Sch. 2 para. 1(4) substituted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 11(1), **Sch. 3 para. 4(4)**
- F8** Sch. 2 para. 1(5) substituted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 11(1), **Sch. 3 para. 4(5)**
- F9** Table heading in Sch. 2 para. 1(5) substituted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 11(1), **Sch. 3 para. 4(6)**
- F10** Sch. 2 para. 1(6)-(11) inserted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 11(1), **Sch. 3 para. 4(7)**

## PART II N.I.

### ENTITLEMENT TO CERTAIN PENSION AND OTHER BENEFITS

#### *Pension increases for dependent spouses*

2. <sup>F11</sup> .....

- F11** Sch. 2 para. 2 repealed (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), ss. 4(2), 19(2)(3) (a), **Sch. 6 Pt. 2** (with s. 4(5)-(8))

#### *Category B retirement pensions*

3.—(1) For sections 49 and 50 of the Contributions and Benefits Act substitute—

“**Category B retirement pension for married person.**

**48A.**—(1) A person who—

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(a) has attained pensionable age, and  
(b) on attaining that age was a married person or marries after attaining that age,  
shall be entitled to a Category B retirement pension by virtue of the contributions of the other party to the marriage (“the spouse”) if the following requirement is met.

(2) The requirement is that the spouse—

- (a) has attained pensionable age and become entitled to a Category A retirement pension, and
- (b) satisfies the conditions specified in Schedule 3, Part I, paragraph 5.

(3) During any period when the spouse is alive, a Category B retirement pension payable by virtue of this section shall be payable at the weekly rate specified in Schedule 4, Part I, paragraph 5.

(4) During any period after the spouse is dead, a Category B retirement pension payable by virtue of this section shall be payable at the weekly rate corresponding to—

- (a) the weekly rate of the basic pension, plus
- (b) half of the weekly rate of the additional pension,

determined in accordance with the provisions of sections 44 to 45A above as they apply in relation to a Category A retirement pension but subject to section 46(2) above and the modification in section 48C(4) below.

(5) A person's Category B retirement pension payable by virtue of this section shall not be payable for any period falling before the day on which the spouse's entitlement is to be regarded as beginning for that purpose by virtue of section 5(1)(1) of the Administration Act.

### **Category B retirement pension for widows and widowers.**

**48B.—**(1) A person (“the pensioner” whose spouse died—

- (a) while they were married, and
- (b) after the pensioner attained pensionable age,

shall be entitled to a Category B retirement pension by virtue of the contributions of the spouse if the spouse satisfied the conditions specified in Schedule 3, Part I, paragraph 5.

(2) A Category B retirement pension payable by virtue of subsection (1) above shall be payable at a weekly rate corresponding to—

- (a) the weekly rate of the basic pension, plus
- (b) half of the weekly rate of the additional pension,

determined in accordance with the provision of sections 44 to 45A above as they apply in relation to a Category A retirement pension, but subject to section 46(2) above and the modifications in subsection (3) below and section 48C(4) below.

(3) Where the spouse died under pensionable age, references in the provisions of section 44 to 45A above as applied by subsection (2) above to the tax year in which the pensioner attained pensionable age shall be taken as references to the tax year in which the spouse died.

(4) A person who has attained pensionable age (“he pensioner”) whose spouse died before the pensioner attained that age shall be entitled to a Category B retirement pension by virtue of the contributions of the spouse if—

- (a) where the pensioner is a woman, the following condition is satisfied, and
- (b) where the pensioner is a man, the following condition would have been satisfied on the assumption mentioned in subsection (7) below.

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- (5) The condition is that the pensioner—
- (a) is entitled (or is treated by regulations as entitled) to a widow's pension by virtue of section 38 above, and
  - (b) became entitled to that pension in consequence of the spouse's death.
- (6) A Category B retirement pension payable by virtue of subsection (4) above shall be payable—
- (a) where the pensioner is a woman, at the same weekly rate as her widow's pension and
  - (b) where the pensioner is a man, at the same weekly rate as that of the pension to which he would have been entitled by virtue of section 38 above on the assumption mentioned in subsection (7) below.
- (7) The assumption referred to in subsections (4) and (6) above is that a man is entitled to a pension by virtue of section 38 above on the same terms and conditions, and at the same rate, as a woman.

**Category B retirement pension: general.**

**48C.—**(1) Subject to the provisions of this Act, a person's entitlement to a Category B retirement pension shall begin on the day on which the conditions of entitlement become satisfied and shall continue for life.

(2) In any case where—

- (a) a person would, apart from section 43(1) above, be entitled both to a Category A and to a Category B retirement pension, and
- (b) section 47(1) above would apply for the increase of the Category A retirement pension,

section 47(1) above shall be taken as applying also for the increase of the Category B retirement pension, subject to reduction or extinguishment of the increase by the application of section 47(2) above or section 42(5) of the Pensions Act.

(3) In the case of a pensioner whose spouse died on or before 5th April 2000, sections 48A(4)(b) and 48B(2)(b) above shall have effect with the omission of the words “half of”.

(4) In the application of the provisions of section 44 to 45A above by virtue of sections 48A(4) or 48B(2) above, references in those provisions to the pensioner shall be taken as references to the spouse.”.

(2) Section 48A of that Act (as inserted by this paragraph) does not confer a right to a Category B retirement pension on a man by reason of his marriage to a woman who was born before 6 April 1950.

(3) Section 48B of that Act (as inserted by this paragraph) does not confer a right to a Category B retirement pension on a man who attains pensionable age before 6th April 2010; and section 51 of that Act does not confer a right to a Category B retirement pension on a man who attains pensionable age on or after that date.

*Home responsibilities protection*

**4.—**(1) In paragraph 5 of Schedule 3 to the Contributions and Benefits Act (contribution conditions for entitlement to retirement pension), in sub-paragraph (7)(a) (condition that contributor must have paid or been credited with contributions of the relevant class for not less than the requisite number of years modified in the case of those precluded from regular employment by responsibilities at home), omit “(or at least 20 of them, if that is less than half)”.

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(2) This paragraph has effect in relation to any person attaining pensionable age on or after 6th April 2010.

#### *Additional pension*

5. In section 46(2) of the Contributions and Benefits Act (benefits calculated by reference to Category A retirement pension), for the words following “45(4)(b) above—” substitute—

“N =

- (a) the number of tax years which begin after 5th April 1978 and end before the date when the entitlement to the additional pension commences, or
- (b) the number of tax years in the period—
  - (i) beginning with the tax year in which the deceased spouse ( “S”) attained the age of 16 or if later 1978- 79, and
  - (ii) ending immediately before the tax year in which S would have attained pensionable age if S had not died earlier.

whichever is the smaller number.” .

#### *Increments*

6.—(1) In section 54(1) of the Contributions and Benefits Act (election to defer right to pension), in paragraph (a), omit from “but” to “70”

(2) In Schedule 5 to that Act—

- (a) in paragraph 2(2), omit the definition of “the period of enhancement” (and the preceding “and”), and
- (b) for “period of enhancement” (in every other place in paragraph 2 and 3 where it appears) substitute “period of deferment”.

(3) In paragraph 2(3) of that Schedule, for “1/7th per cent.” substitute “1/5th per cent.”.

(4) In paragraph 8 of that schedule, omit sub-paragraphs (1) and (2).

<sup>F12</sup>(5) Sub-paragraph (1) comes into operation on 6th April 2010; and sub-paragraphs (2) to (4) have effect in relation to incremental periods beginning on or after that date.

<b>F12</b> prosp. subst. by <a href="#">2005 NI 1</a>
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#### *Graduated retirement benefit*

7. In section 62(1) of the Contributions and Benefits Act (graduated retirement benefit continued in force by regulations)—

- (a) in paragraph (a), for “replacing section 35(4) of the National Insurance Act (Northern Ireland) 1966” substitute “amending section 35(2) of the National Insurance Act (Northern Ireland) 1966 (value of unit of graduated contributions) so that the value is the same for women as it is for men for replacing section 35(4) of that Act”, and
- (b) at the end of paragraph (b) add “ and for that section (except subsection (5) so to apply as it applies to women and their late husbands ”.



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### *Christmas bonus for pensioners*

**8.** In section 145(4) of that Act (Christmas bonus: supplementary), for “70 in the case of a man or 65 in the case of a woman” substitute “65”.

### *Part III—Amendments*

N.I.

### *Schedules 3, 4—Amendments*

N.I.

### *Schedule 5—Repeals*

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