
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 315

The State Pension Regulations (Northern Ireland) 2015

[^{F1}PART 6

Graduated Retirement Benefit

[^{F1}Choice of lump sum or state pension based on inheritance of deferred graduated retirement benefit

- 18.**—(1) Subject to paragraph (8), a person (“P”) is entitled to a choice under this regulation if—
- (a) P has reached pensionable age;
 - (b) P’s spouse died while they were married or P’s civil partner died while they were civil partners of each other;
 - (c) the spouse’s or civil partner’s entitlement to graduated retirement benefit was deferred at the time of death and throughout the period of 12 months ending with the day before the death; and
 - (d) either—
 - (i) P was under pensionable age when the spouse or civil partner died and did not marry or form a civil partnership between the date of death and the date P reached pensionable age; or
 - (ii) P was over pensionable age when the spouse or civil partner died.
- (2) P may choose to be paid—
- (a) a lump sum under regulation 19; or
 - (b) a state pension under regulation 20.
- (3) The manner in which that choice is to be made is the manner set out in regulation 5(2) and (3).
- (4) The period within which that choice is to be made is the period set out in regulation 4(2) and (3) and P may make a late choice after that period where—
- (a) the Department considers it is reasonable in any particular case; and
 - (b) any amount paid by way of (or on account of) a lump sum under regulation 19 has been repaid to the Department—
 - (i) in full; and
 - (ii) in the currency in which that amount was originally paid.
- (5) Where P fails to make a choice within the period set out in regulation 4(2) and (3), P is to be paid a lump sum under regulation 19.
- (6) The amount of any lump sum to be paid to a person under regulation 19 is reduced to nil where that person makes a late choice under paragraph (4) to be paid a state pension under regulation 20.
- (7) A choice under this regulation may be altered in the circumstances specified in regulation 6(2), and for that purpose—

- (a) regulation 6(3) applies where the circumstance in regulation 6(2)(f) applies;
 - (b) any references in regulation 6(2) and (3) to “section 8 of the Act” are to be read as references to regulation 19; and
 - (c) any references in regulation 6(2) and (3) to “section 9 of the Act” are to be read as references to regulation 20.
- (8) P is not entitled to a choice under this regulation if P is entitled to a choice under section 8(2) of the Act.
- (9) Where paragraph (1) applies to P and P makes a choice under—
- (a) section 8(2)(a) of the Act, P is to be paid a lump sum under regulation 19 (subject to paragraph (10));
 - (b) section 8(2)(b) of the Act, P is to be paid a state pension under regulation 20 (subject to paragraph (10)).
- (10) Where paragraph (1) applies to P and P alters a choice under regulation 6—
- (a) P is to be paid a lump sum under regulation 19 where P’s new choice is to be paid a lump sum under section 8 of the Act;
 - (b) P is to be paid a state pension under regulation 20 where P’s new choice is to be paid a state pension under section 9 of the Act.
- (11) Where paragraph (1) applies to P and P fails to make a choice under section 8(2) of the Act, P is to be paid a lump sum under regulation 19.]

Textual Amendments

F1 Pts. 6, 7 added (6.4.2016) by [The State Pension \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/80\)](#), regs. 1, **2(4)**

Changes to legislation:

There are currently no known outstanding effects for the The State Pension Regulations (Northern Ireland) 2015, Section 18.