
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 411

The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2015

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

14.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999⁽¹⁾ are amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2) (citation, commencement and interpretation) before the definition of “state pension credit”⁽²⁾ insert—

““shared additional pension” means a shared additional pension under section 55A or 55AA of the Contributions and Benefits Act;”.

(3) After regulation 3(7D)⁽³⁾ (revisions of decisions) insert—

“(7DA) The Department may revise the state pension credit decision where—

(a) a person chooses under—

(i) section 8(2) of the Pensions Act (Northern Ireland) 2015 (choice of lump sum or survivor’s pension under section 9 in certain cases) to be paid a state pension under section 9 of that Act (survivor’s pension based on inheritance of deferred old state pension); or

(ii) regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 Act (inheritance of graduated retirement benefit) which make provision corresponding or similar to section 8(2) of the Act to be paid a state pension under regulations made under section 10 which make provision corresponding or similar to section 9 of that Act;

(b) the Department—

(i) decides that the person or the person’s partner is entitled to state pension credit; and

(ii) takes into account the state pension mentioned in sub-paragraph (a) in making or superseding that decision; and

(c) the person’s choice for a state pension mentioned in sub-paragraph (a) is subsequently altered in favour of a lump sum in accordance with—

(i) regulation 6⁽⁴⁾ of the State Pension Regulations (Northern Ireland) 2015 (changing a choice of lump sum or survivor’s pension); or—

(iii) regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 which make provision corresponding or similar to regulation 6 of the State Pension Regulations (Northern Ireland) 2015.

(1) S.R. 1999 No. 162; relevant amending Regulations are S.R.2003 No. 191, S.R. 2006 No. 104 and S.R. 2012 No. 140

(2) The definition of “state pension credit” was inserted by regulation 16(c) of S.R. 2003 No. 191

(3) Regulation 3(7D) was inserted by regulation 9(3) of S.R. 2006 No. 104

(4) S.R. 2015 No. 315; regulation 6(2)(h) is amended by Article [6] of this Order with effect from 6 April 2016

- (7DB) The Department may revise an award of a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 where—
- (a) the person makes a choice under—
 - (i) section 8(2) of that Act; or
 - (ii) regulations made under section 10 of that Act which make provision corresponding or similar to section 8(2) of that Act; and
 - (b) the person subsequently alters that choice in accordance with—
 - (i) regulation 6 of the State Pension Regulations (Northern Ireland) 2015; or
 - (ii) regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 which make provision corresponding or similar to regulation 6 of the State Pension Regulations (Northern Ireland) 2015.”.
- (4) In regulation 3(7EB)(5) after sub-paragraph (c) insert—
- “(d) a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015.”.
- (5) In regulation 6(2) (supersession of decisions) after sub-paragraph (n)(6) insert—
- “(na) is a decision that a person is entitled to state pension credit and—
- (i) the person—
 - (aa) chooses under section 8(2) of the Pensions Act (Northern Ireland) 2015, or under regulations made under section 10 of that Act which make provision corresponding or similar to section 8(2), to be paid a lump sum; or
 - (bb) is entitled to a lump sum under section 8(4) of the Pensions Act (Northern Ireland) 2015, or under regulations made under section 10 of that Act which make provision corresponding or similar to section 8(4), because the person has failed to choose within the period mentioned in section 8(3) of that Act; or
 - (ii) such a lump sum is repaid in consequence of an application—
 - (aa) to alter the choice mentioned in head (i)(aa) in accordance with regulation 6 of the State Pension Regulations (Northern Ireland) 2015 or regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 which make provision corresponding or similar to regulation 6 of the State Pension Regulations (Northern Ireland) 2015; or
 - (bb) to make a late choice in accordance with regulation 4(4) of the State Pension Regulations (Northern Ireland) 2015 (when a choice of lump sum or survivor’s pension may be made) or regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 which make provision corresponding or similar to regulation 4(4) of the State Pension Regulations (Northern Ireland) 2015;”.
- (6) In regulation 7(7A) (date from which a decision superseded under Article 11 takes effect), after “regulation 6(2)(n)” insert “or (na)”.
- (7) After regulation 13A(7) (retirement pension after period of deferment), insert—

(5) Paragraph (7EB) was inserted by regulation 2(2) of [S.R. 2012 No. 140](#)

(6) Sub-paragraph (n) was added by regulation 9(4) of [S.R. 2006 No. 104](#)

(7) Regulation 13A was inserted by regulation 9(6) of [S.R. 2006 No. 104](#)

“State pension under Part 1 of the Pensions Act (Northern Ireland) 2015 after period of deferment

- 13B.**—(1) This regulation applies where—
- (a) a person claims a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;
 - (b) the person may make a choice under—
 - (i) section 8(2) of the Pensions Act (Northern Ireland) Act 2015 ; or
 - (ii) regulations made under section 10 of that Act which make provision corresponding or similar to section 8(2) of that Act; and
 - (c) the person does not make such a choice when the claim is made.
- (2) The Department may decide the claim before paragraph (4) applies.
- (3) The Department may revise a decision under paragraph (2) where paragraph (4) applies.
- (4) This paragraph applies where the person—
- (a) makes a choice mentioned in paragraph (1)(b); or
 - (b) becomes entitled to a lump sum under section 8(4) of the Pensions Act (Northern Ireland) 2015, or under regulations made under section 10 of that Act which make provision corresponding or similar to section 8(4), because the person has failed to choose within the period mentioned in section 8(3) of that Act.”.

Commencement Information

II [Art. 14](#) in operation at 6.4.2016, see [art. 1\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2015, Section 14.