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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 411**

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

**Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations**

**24.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006<sup>(1)</sup> are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts”<sup>(2)</sup> after “the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011” insert “, the Pensions Act (Northern Ireland) 2015”.

(3) In regulation 32(d) (disregard of changes in tax, contributions etc.) after “the Act” insert “or a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015”.

(4) In regulation 39 (notional income)—

(a) in paragraph (2)(b) after “section 55A” insert “or 55AA”;

(b) at the end of paragraph (2)(b) omit “and”;

(c) after paragraph (2)(c) insert—

“; and

(d) a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015.”;

(d) after paragraph (3)(c) insert—

“(d) in the case of a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015, in the circumstances specified in section 17(7) and (8) of that Act.”;

(e) in paragraph (8)<sup>(3)</sup> for “paragraph (9)” substitute “, paragraphs (9), (10ZA), (10ZB)”;

(f) after paragraph (10) insert—

“(10ZA) Paragraph (8) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase in pension under section 8(2) of the Pensions Act (Northern Ireland) 2015, alters that choice that in accordance with regulations made under section 8(7) of that Act in favour of a lump sum.

(10ZB) Paragraph (8) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with regulations made under section 10 of that Act which include provision corresponding or similar to regulations made under section 8(7) of that Act.

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(1) S.R. 2006 No. 406; relevant amending instruments are S.R. 2008 No. 378; S.R. 2009 No. 338 and S.I. 2013/3021

(2) The definition of the “benefit Acts” was amended by regulation 3(2)(a)(iii) of S.R. 2008 No. 378 and Article 27(2)(b) of S.I. 2013/3021

(3) Regulation 39(8) was amended by regulation 7(4)(a) of S.R. 2009 No. 338.

(10ZC) In paragraph (10ZA), “lump sum” means a lump sum under section 8 of the Pensions Act (Northern Ireland) 2015.

(10ZD) In paragraph (10ZB), “lump sum” means a lump sum under regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 which include provision corresponding or similar to section 8 of that Act.”.

(5) After paragraph 28 of Schedule 7 (capital to be disregarded) insert—

“**28ZA.** Where a person chooses a lump sum under section 8(2) of the Pensions Act (Northern Ireland) 2015 or in accordance with regulations made under section 10 of that Act which include provision corresponding or similar to section 8(2) of that Act, or fails to make a choice, and a lump sum payment has been made, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
- (b) the amount of that lump sum,

but only for so long as that person does not alter that choice in favour of an increase of pension.”.