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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 411**

**SOCIAL SECURITY**

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

*Made - - - - 14th December 2015*

*Coming into operation in accordance with Article 1*

The Department for Social Development makes the following Order in exercise of the powers conferred by sections 50 and 51(6) of Pensions Act (Northern Ireland) 2015<sup>(1)</sup>.

**Citation and commencement**

**1.** This Order may be cited as the Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2015 and shall come into operation—

- (a) for the purposes of this Article and paragraphs (6) and (7) of Article 9 and paragraphs (1) and (2) of that Article in so far as they relate to those paragraphs, on 4th January 2016; and
- (b) for all other purposes, on 6th April 2016 immediately after the coming into operation of the State Pension Regulations (Northern Ireland) 2016<sup>(2)</sup>.

**Amendment of the Social Security (Credits) Regulations**

**2.** In regulation 2(1) (interpretation) of the Social Security (Credits) Regulations (Northern Ireland) 1975<sup>(3)</sup> for the definition of “benefit” substitute—

““benefit”—

- (a) includes—
  - (i) a contribution-based jobseeker’s allowance;
  - (ii) a contributory employment and support allowance;
- (b) does not include—
  - (i) an income-based jobseeker’s allowance;
  - (ii) an income-related employment and support allowance;

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(1) 2015 (c. 5 (N.I.))

(2) S.R. 2015 No. 315

(3) S.R. 1975 No. 113; the definition of “benefit” was inserted by regulation 2(2)(b) of S.R. 1996 No. 430 and amended by regulation 7(2)(b) of S.R. 2008 No. 286

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

### **Amendment of the Social Security Benefit (Persons Abroad) Regulations**

**3.** In regulation 1(2) (citation, commencement and interpretation) of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(4), in the definition of “shared additional pension” after “section 55A” insert “or 55AA”(5).

### **Amendment of the Social Security (Overlapping Benefits) Regulations**

**4.—(1)** The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(6) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “shared additional pension”(7) after “section 55A” insert “or 55AA”;
- (b) after the definition of “war pension death benefit” insert—  
 ““widowed mother’s allowance” means an allowance referred to in section 37 of the Contributions and Benefits Act (widowed mother’s allowance);”;
- (c) after the definition of “widowed parent’s allowance”(8) insert—  
 ““widow’s pension” means a pension referred to in section 38 of the Contributions and Benefits Act (widow’s pension).”.

(3) In regulation 4(9) (adjustment of certain personal benefits where certain other personal benefits are payable)—

- (a) in paragraph (1)(a) after “the Welfare Reform Act” insert “, Part 1 of the Pensions Act (Northern Ireland) 2015”;
- (b) in paragraph (2)(f)(10) for “paragraph (4)” substitute “paragraphs (4) and (4A)”;
- (c) in paragraph (4)(11) at the beginning insert “Except where paragraph (4A) applies,”; and
- (d) after paragraph (4) insert—  
 “(4A) Where the person is entitled to additional pension, a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 and either widow’s pension or widowed mother’s allowance, paragraph (1) shall require the adjustment of additional pension.”.

(4) In Schedule 1 (personal benefits which are required to be adjusted by certain benefits)—

- (a) in column (1)(12) (personal benefit), after paragraph 4 insert—  
 “4A. State pension under Part 1 of the Pensions Act (Northern Ireland) 2015”; and
- (b) in column (2) (other personal benefit by reference to which the benefit in column (1) is to be adjusted), after paragraph 4 insert—  
 “4A. Unemployability supplement and training allowance”.

(4) [S.R. 1978 No. 114](#); the definition of “shared additional pension” was inserted by regulation 3(2) of [S.R. 2005 No. 299](#)

(5) Section 55AA is inserted into the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) by paragraph 5 of Schedule 11 to the Pensions Act (Northern Ireland) 2015

(6) [S.R. 1979 No. 242](#); relevant amending instruments are [S.I. 1986 No. 1888 \(N.I. 18\)](#); [S.R. 1992 No. 557](#); [S.R. 1996 No. 289](#); [S.R. 2001 No. 108](#); [S.R. 2005 No. 299](#); [S.R. 2008 No. 286](#) and [S.I. 2013/3021](#)

(7) The definition of “shared additional pension” was inserted by regulation 4(b) of [S.R. 2005 No. 299](#)

(8) The definition of “widowed parent’s allowance” was inserted by regulation 7(2)(b) of [S.R. 2001 No. 108](#)

(9) Regulation 4(1) was substituted by regulation 3 of [S.R. 1992 No. 557](#), amended by regulation 11(3) of [S.R. 1996 No. 289](#) and sub-paragraph (a) was amended by regulation 9(3) of [S.R. 2008 No. 286](#)

(10) Paragraph (2)(f) was amended by Article 19(1)(b) of [S.I. 1986/1888 \(N.I. 18\)](#)

(11) Paragraph (4) was amended by Article 19(1)(b) of [S.I. 1986/1888 \(N.I. 18\)](#)

(12) Column 1 of Schedule 1 was amended by Article 13(5)(a) of [S.I. 2013/3021](#); paragraph 4 of column 1 has amendments not relevant to these Regulations

### **Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations**

5.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(13) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (citation, commencement and interpretation) in the definition of “shared additional pension”(14) after “section 55A” insert “or 55AA”.

(3) After regulation 8(3)(15) (substitution of former spouse's or former civil partner's contribution record to give entitlement to a Category A retirement pension) insert—

“(3A) The beneficiary shall be treated as satisfying the first contribution condition specified in paragraph 5 of Schedule 3 to the Contributions and Benefits Act (contribution conditions for entitlement to benefit) if his former spouse or former civil partner would have satisfied that condition had Part 1 of the Pensions Act (Northern Ireland) 2015 not been applicable, as respects any year of his working life up to the year ending on 5th April 2016 (inclusive).”.

(4) For regulation 8A(1)(e)(16) substitute—

“(e) whose former spouse or former civil partner—

- (i) satisfied the contribution condition specified in paragraph 5A(2) of Schedule 3 to the Contributions and Benefits Act; or
- (ii) would have satisfied the contribution condition specified in paragraph 5A(2) of Schedule 3 to the Contributions and Benefits Act in respect of contributions paid before 6th April 2016 had Part 1 of the Pensions Act (Northern Ireland) 2015 not been applicable.”.

(5) In regulation 11(3) (Category C retirement pension for widows of men over pensionable age on 5th July 1948)(17) for “higher rate specified in relation to a Category C retirement pension in Part III of Schedule 4 to the Act” substitute “weekly rate of £69.50”.

(6) In paragraph 1(a)(18) of Schedule 1 (method of treating former spouse's or former civil partner's contributions as those of the beneficiary so as to entitle him to a Category A retirement pension) at the end insert “but where Part 1 of the Pensions Act (Northern Ireland) 2015 applies to the former spouse or former civil partner, A is the number of his qualifying years up to the year ending 5th April 2016 (inclusive)”.

### **Amendment of the Social Security (Earnings Factor) Regulations**

6. In Schedule 1 to the Social Security (Earnings Factor) Regulations (Northern Ireland) 1979(19) (rules for the ascertainment of earnings factors)—

- (a) in paragraph 1(2) after “section 13(2) of the Act” insert “or section 2(4) of the Pensions Act (Northern Ireland) 2015”;
- (b) in paragraph 4 after “section 13(2)(a) of the Act” insert “or section 2(4) of the Pensions Act (Northern Ireland) 2015”.

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(13) [S.R. 1979 No. 243](#); relevant amending Rules are [S.R. 1987 No. 404](#); [S.R. 1989 No. 373](#); [S.R. 2005 Nos. 299 and 536](#) and [S.R. 2010 No. 56](#)

(14) The definition of “shared additional pension” was inserted by regulation 5(2) of [S.R. 2005 No. 299](#)

(15) Regulation 8(3) was substituted by regulation 3(10)(c) of [S.R. 2010 No. 56](#)

(16) Regulation 8A was inserted by regulation 3(12) of [S.R. 2010 No. 56](#)

(17) Regulation 11(3) was amended by regulation 2(4)(b) of [S.R. 1987 No. 404](#) and regulation 8(7) of [S.R. 1989 No. 373](#)

(18) Sub-paragraph (a) was amended by paragraph 10(5)(b) of Schedule 3 to [S.R. 2005 No. 536](#)

(19) [S.R. 1979 No. 193](#); relevant amending provision is the Schedule to [S.R. 1991 No. 202](#)

**Amendment of the Social Security (General Benefit) Regulations**

7. In regulation 1(2) of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(20) (citation, commencement and interpretation) in the definition of “shared additional pension” after “section 55A” insert “or 55AA”.

**Amendment of the Income Support (General) Regulations**

8.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(21) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts”(22) for “ and Part 1 of the Welfare Reform Act” substitute “, Part 1 of the Welfare Reform Act and Part 1 of the Pensions Act (Northern Ireland) 2015;”.

(3) In paragraph 12(1)(c)(23) (additional condition for the Higher Pensioner and Disability Premiums) of Schedule 2 (applicable amounts) after “that Act” insert “or a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;”.

**Amendment of the Social Security (Claims and Payments) Regulations**

9.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(24) are amended in accordance with paragraphs (2) to (21).

(2) In regulation 2 (interpretation) in paragraph (1)—

(a) before the definition of “advance period” insert the following definition—

““the 2015 Act” means the Pensions Act (Northern Ireland) 2015;”;

(b) in the definition of “benefit”(25) after “(2A) of the Order” insert “, state pension under Part 1 of the 2015 Act;”;

(c) in the definition of “shared additional pension”(26), after “section 55A” insert “or 55AA”.

(3) In regulation 3(1)(27) (claims not required for entitlement to benefit in certain cases)—

(a) in sub-paragraph (cb) in each of heads (i), (ii) and (iii) after “Category A retirement pension” insert “or a state pension under section 4 of the 2015 Act”;

(b) in sub-paragraph (d)(28) after “retirement pension” insert “or a state pension under Part 1 of the 2015 Act”;

(c) in sub-paragraph (da) after “retirement pension” insert “or a state pension under Part 1 of the 2015 Act”;

(d) after sub-paragraph (j)(29) insert—

(20) S.R. 1984 No. 92; the definition of “shared additional pension” was inserted by regulation 6(2) of S.R. 2005 No. 299

(21) S.R. 1987 No. 459; relevant amending Rules are S.R. 2003 No. 191 and S.R. 2008 No. 286

(22) The definition of “the benefit Acts” was inserted by regulation 12(2)(a) of S.R. 2008 No. 286

(23) Paragraph 12(1)(c) of Schedule 2 was substituted by regulation 24(5)(e) of S.R. 2003 No. 191

(24) S.R. 1987 No. 465; relevant amending instruments are S.R. 1988 No. 141; S.I. 1988/594 (N.I. 2); S.R. 1989 No. 373; S.R. 1990 No. 398; S.R. 1992 Nos. 7 and 271; S.R. 1994 No. 345 and 456; S.R. 1996 Nos. 354 and 622; S.R. 1998 No. 369; S.R. 2001 No. 108; S.R. 2003 Nos. 191 and 317; S.R. 2005 Nos. 14, 122, 299 and 541; S.R. 2006 Nos. 104, 168 and 203; S.R. 2007 Nos. 206, 330, 392 and 467; S.R. 2008 Nos. 69; 286; 413 and 417; S.R. 2009 Nos. 107; 240 and 409; S.R. 2010 Nos. 81; 337 and 345; S.R. 2011 Nos. 135; 298, and 431; and S.R. 2015 No. 185

(25) The definition of “benefit” was amended by paragraph 1 of Schedule 3 to S.I. 1988/594 (N.I. 2) and regulation 3(2)(a) of S.R. 1998 No. 369

(26) The definition of “shared additional pension” was inserted by regulation 2(2)(c) of S. R. 2005 No. 299

(27) Regulation 3(1) was renumbered by regulation 4 of S.R. 2015 No. 185; sub-paragraph (cb) was substituted by regulation 2(2) of S.R. 2008 No. 69 and amended by regulation 2(3) of S.R. 2009 No. 240

(28) Sub-paragraph (d) was amended by regulation 10(3)(b) of S.R. 2001 No. 108; sub-paragraph (da) was inserted by regulation 2(2) of S.R. 2008 No. 417

(29) Sub-paragraph (j) was substituted by regulation 4(a) of S.R. 2015 No. 185

- “(ja) in the case of a state pension under any section of Part 1 of the 2015 Act where the beneficiary is entitled to—
- (i) a state pension under a different section of Part 1 of that Act, or
  - (ii) another state pension under the same section of Part 1 of that Act.”.
- (4) In regulation 4 (making a claim for benefit)—
- (a) in paragraph (6A)(a)(ii)(30) after “retirement pension of any category” insert “, a state pension under Part 1 of the 2015 Act”;
  - (b) in paragraph (6A)(b)(31) after “retirement pension” insert “, a state pension under Part 1 of the 2015 Act”; and
  - (c) in paragraph (11)(32) after “retirement pension,” insert “a state pension under Part 1 of the 2015 Act”.
- (5) In regulation 4ZC(2)(33) (electronic claims for benefit) after “retirement pension” insert “, state pension under Part 1 of the 2015 Act”.
- (6) In regulation 13(3)(34) (advance claims and awards) after “retirement pension or an increase of retirement pension” insert “state pension under Part 1 of the 2015 Act”.
- (7) In regulation 15 (advance notice of retirement and claim for and award of pension)—
- (a) in paragraph (1)(35) after “in any such pension,” insert “or a state pension under Part 1 of the 2015 Act”; and
  - (b) in paragraph (7)(36)—
    - (i) after “retirement pension” the first two times it occurs, insert “or a state pension under Part 1 of the 2015 Act”;
    - (ii) for “retirement pension” the third time it occurs, substitute “pension”; and
    - (iii) after “the Act” insert “or the 2015 Act”.
- (8) In regulation 15B(37) (advance claim for pension following deferment)—
- (a) the existing wording is numbered paragraph (1);
  - (b) after paragraph (1) insert—

“(2) Where a person’s entitlement to a state pension under Part 1 of the 2015 Act is deferred in accordance with sections 16 and 17 of that Act (option to defer and effect of deferring a state pension), a claim for such a state pension may be made at any time not more than 4 months before the date on which the period during which the person’s entitlement to a state pension was deferred ends.”.
- (9) In regulation 16 (date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate)—
- (a) after paragraph (1D)(38) insert—

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(30) Paragraph (6A) was inserted by regulation 2(2)(b) of [S.R. 2003 No. 317](#) and amended by regulation 6(2)(a) of [S.R. 2007 No. 467](#); sub-paragraph (a)(ii) was amended by regulation 2(4)(a)(i) of [S.R. 2005 No. 299](#)

(31) Paragraph (6A)(b) was inserted by regulation 2(2)(b) of [S.R. 2003 No. 317](#) and amended by regulation 2(4)(a)(ii) of [S.R. 2005 No. 299](#) and regulation 2(3)(a) of [S.R. 2006 No. 168](#)

(32) Paragraph (11) was added by regulation 2(2)(b) of [S.R. 2005 No. 14](#) and amended by regulation 2(4)(b) of [S.R. 2005 No. 299](#) and regulation 2(4)(b) of [S.R. 2010 No. 337](#)

(33) Regulation 4ZC was inserted by Article 2(3) of [S.R. 2006 No. 203](#) and amended by Article 2(2) of [S.R. 2011 No. 298](#)

(34) Regulation 13(3) was amended by regulation 6 of [S.R. 1992 No. 7](#), regulation 2(3)(a) of [S.R. 1994 No. 345](#); regulation 6(1) of [S.R. 2003 No. 191](#) and regulation 2(5) of [S.R. 2005 No. 299](#)

(35) Regulation 15(1) was amended by regulation 2(6) of [S.R. 2005 No. 299](#)

(36) Paragraph (7) was amended by regulation 12(1)(c) (with savings provisions in regulation 12(2)(b)) of [S.R. 1989 No. 373](#)

(37) Regulation 15B was substituted by regulation 2(7) of [S.R. 2005 No. 299](#)

(38) Regulation 16(1D) was inserted by regulation 2(3)(a) of [S.R. 2009 No. 409](#)

“(1E) Except in a case where regulation 22DA applies, for the purpose only of determining the day from which state pension under Part 1 of the 2015 Act payable in arrears under regulation 22CA is to become payable, where entitlement would otherwise begin on a day which is not the first day of the benefit week, entitlement shall begin on the first day of the benefit week next following.”;

(b) after paragraph (2F)(39) insert—

“(2G) Except in a case where paragraph (2H) applies, where—

(a) a state pension under Part 1 of the 2015 Act is paid in arrears under regulation 22CA; and

(b) there is a change in the rate of that benefit,

the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect from the start of the benefit week in which the change occurs.

(2H) Where—

(a) a state pension under Part 1 of the 2015 Act is paid in arrears under regulation 22CA; and

(b) a change in the rate of that benefit takes effect under an order made under section 132, 132A or 132B of the Administration Act (annual up-rating of benefits; basic pension etc, standard minimum guarantee);

the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect on the first day of the benefit week next following.”;

(c) in paragraph (3)(c)(ii)(40) for “or 22C” substitute “, 22C or 22CA”; and

(d) in paragraph (4)(41) after “retirement pension payable in arrears under regulation 22C” insert “, state pension under Part 1 of the 2015 Act payable in arrears under regulation 22CA”.

(10) In regulation 21A(42) (delayed payment of lump sum)—

(a) in paragraph (1)(a) after head (iii) insert—

“(iv) section 8 of the 2015 Act (choice of lump sum or survivor’s pension in certain cases); or

(v) regulations made under section 10 of the 2015 Act (inheritance of graduated retirement benefit) which make provision corresponding or similar to section 8 of that Act;”;

(b) in paragraph (3), after sub-paragraph (c) insert—

“(d) section 8 of the 2015 Act;

(e) regulations made under section 10 of the 2015 Act which make provision corresponding or similar to section 8 of that Act,”.

(11) After regulation 22C(43) (retirement pension), insert—

(39) Regulation 16(2F) was inserted by regulation 3(3)(c) of [S.R. 2010 No. 81](#)

(40) Paragraph (3) was substituted by regulation 3(b) of [S.R. 1988 No. 141](#); sub-paragraph (c) was substituted by regulation 2(2)(c) of [S.R. 2009 No. 107](#); head (ii) was amended by regulation 2(3)(c) of [S.R. 2009 No. 409](#)

(41) Paragraph (4) was amended by regulation 3(c) of [S.R. 1988 No. 141](#); regulation 2(7) of [S.R. 1994 No. 456](#); regulation 2(9) of [S.R. 1996 No. 354](#); regulation 7(1) of [S.R. 2003 No. 191](#); regulation 13(11) of [S.R. 2008 No. 286](#); regulation 2(2)(d) of [S.R. 2009 No. 107](#) and regulation 2(3)(d) of [S.R. 2009 No. 409](#)

(42) Regulation 21A was inserted by regulation 8 of [S.R. 2006 No. 104](#)

(43) Regulations 22C and 22D were inserted by regulation 2(5) of [S.R. 2009 No. 409](#)

**“State pension under Part 1 of the 2015 Act**

**22CA.**—(1) This regulation applies in relation to payment of a state pension under Part 1 of the 2015 Act.

- (2) State pension is to be paid in arrears.
- (3) The Department may arrange to pay state pension at intervals of—
- (a) one week;
  - (b) two weeks, if, immediately before becoming entitled to the state pension, the beneficiary was in receipt of a working age benefit which was paid fortnightly;
  - (c) four weeks;
  - (d) 13 weeks, if the beneficiary agrees; or
  - (e) such length not exceeding 12 months as the Department may choose, if—
    - (i) the Department makes a direction specifying that length; and
    - (ii) the amount of the state pension payable is less than £5.00 per week.
- (4) State pension is to be paid—
- (a) on the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person’s national insurance number; or
  - (b) in any particular case or class of case, on any other day of the week that the Department may choose.

<i>Column 1</i>	<i>Column 2</i>
<i>Last 2 digits national insurance number</i>	<i>Day to be paid state pension</i>
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday”

(12) After regulation 22D (payment of retirement pension at a daily rate), insert—

**“Payment of state pension under Part 1 of the 2015 Act at a daily rate**

**22DA.**—(1) State pension under Part 1 of the 2015 Act is to be paid at a daily rate where—

- (a) the day on which a person’s first benefit week begins is after—
    - (i) the day on which the person reaches pensionable age; or
    - (ii) where the person has deferred their state pension under sections 16 and 17 of the 2015 Act, the first day in respect of which the person makes a claim for their state pension; or
  - (b) the day on which a person’s last benefit week begins is before the day on which the person dies.
- (2) The period for which a daily rate is to be paid is—
- (a) where paragraph (1)(a) applies, the period—
    - (i) beginning on the day on which the person reaches pensionable age or the first day in respect of which the person makes a claim for their state pension; and



- (ii) ending on the day before the day on which the person's first benefit week begins; or
- (b) where paragraph (1)(b) applies, the period beginning on the day on which the person's last benefit week begins and ending on the day on which the person dies.
- (3) The daily rate at which state pension is payable under this regulation is 1/7th of the weekly rate which would have had effect on the day if a weekly rate had been payable.
- (4) In this regulation, "benefit week" means the period of 7 days ending on the day on which the person's state pension is payable in accordance with regulation 22CA(4)."
- (13) In regulation 26B(2)(44) (payment of state pension credit) for sub-paragraph (a) substitute—
  - “(a) on the same day as any—
    - (i) state pension under Part 1 of the 2015 Act; or
    - (ii) retirement pension,
 is payable to the claimant; or”.
- (14) In regulation 30 (payments on death)—
  - (a) in paragraph (4B)(b)(45) after “retirement pension of any category” insert “, a state pension under Part 1 of the 2015 Act”;
  - (b) in paragraph (5)(46) for “(5G)” substitute “(5H)”;
  - (c) in paragraph (5C)(47) after “shared additional pension” insert “or a state pension under Part 1 of the 2015 Act”;
  - (d) in paragraph (5F)—
    - (i) for “Paragraph (5G) applies” substitute “Paragraphs (5G) and (5H) apply”; and
    - (ii) in sub-paragraph (c) after “statutory election” insert “, or choice under section 8(2) of the 2015 Act or regulations made under section 10 of that Act which make provision corresponding or similar to section 8(2),”;
  - (e) in paragraph (5G) for “(“W”)” substitute “(referred to as W in paragraph (5F))”; and
  - (f) after paragraph (5G) insert—
    - “(5H) Where a person makes a claim under paragraph (5) for a state pension under Part 1 of the 2015 Act, the deceased (referred to as W in paragraph (5F)) shall be treated as having made a choice to be paid a state pension under—
      - (a) section 9 of the 2015 Act (survivor's pension based on inheritance of deferred old state pension) in accordance with section 8(2)(b) of that Act; or
      - (b) regulations made under section 10 of the 2015 Act which make provision corresponding or similar to section 9 of that Act in accordance with regulations made under section 10 which make provision corresponding or similar to section 8(2)(b) of that Act.”.
- (15) In regulation 32ZA(2)(48) (information given electronically) after sub-paragraph (h) insert—
  - “(i) state pension under Part 1 of the 2015 Act.”.

(44) Regulation 26(B) was inserted by regulation 9 of S.R. 2003 No. 191 and amended by regulation 2(13) of S.R. 2006 No. 168 and regulation 2(6)(a) of S.R. 2009 No. 409

(45) Paragraph (4B) was inserted by regulation 2(5)(b) of S.R. 2007 No. 392

(46) Paragraph (5) was amended by regulation 3(6) of S.R. 1988 No. 369; regulation 7(5)(a) of S.R. 1990 No. 398; regulation 15 of S.R. 1992 No. 7; regulation 2(15) of S.R. 1996 No. 354 and regulation 10 of S.R. 2003 No. 191

(47) Paragraphs (5A) to (5G) were substituted by regulation 3(b) of S.R. 2005 No. 541

(48) Regulation 32ZA was inserted by Article 2(3) of S.R. 2011 No. 298; paragraph (2) was amended by Article 2(2) of S.R. 2011 No. 431



(16) In regulation 32A(3)(49) (information relating to awards of benefit) after sub-paragraph (l) insert—

“(m) state pension under Part 1 of the 2015 Act.”.

(17) In Part 1 of Schedule 1(50) (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative) at the end of the table insert the following entries—

“A state pension under any section of Part 1 of the 2015 Act	A state pension under any other section of Part 1 of the 2015 Act or bereavement benefit
Bereavement benefit	A state pension under Part 1 of the 2015 Act”

(18) In Schedule 4 (prescribed times for claiming benefit) in column (1) (description of benefit) in entry 13(51) after “any category” insert “or state pension under Part 1 of the 2015 Act”.

(19) In paragraph (b) of the definition of “specified benefit” in paragraph 1(1) of Schedule 8A(52) (deductions from benefits and direct payment to third parties) after “retirement pension” insert “, state pension under Part 1 of the 2015 Act”;

(20) In paragraph (a) of the definition of “relevant benefits” in paragraph 1 of Schedule 8B(53), (deductions of mortgage interest from benefit and payment to qualifying lenders) after “retirement pension” insert “, state pension under Part 1 of the 2015 Act”.

(21) In paragraph 2(1) of Schedule 8D(54) (electronic communication) after “retirement pension” insert “, state pension under Part 1 of the 2015 Act”.

### **Amendment of the Social Fund (Recovery by Deductions from Benefits) Regulations**

**10.** In regulation 2 of the Social Fund (Recovery by Deductions from Benefits) Regulations (Northern Ireland) 1988(55) (benefits from which an award may be recovered) after sub-paragraph (j) insert—

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

### **Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations**

**11.**—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(56) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of “benefit” after “the Act” insert “, a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015”.

(3) In regulation 5 (offsetting prior payment against subsequent award)—

(49) Regulation 32A(3) was inserted by regulation 6(5) of S.R. 2007 No. 467 and amended by regulation 2(7) of S.R. 2009 No. 240

(50) The heading to Schedule 1 was substituted by regulation 2(11) of S.R. 1994 No. 456

(51) Entry 13 was inserted by regulation 2(5) of S.R. 2005 No. 122

(52) Schedule 8A was inserted by regulation 2(3) of S.R. 1988 No. 67, paragraph 1 was amended by regulation 7 of S.R. 2008 No. 413; the definition of “specified benefit” was substituted by regulation 2(a)(iii) of S.R. 2007 No. 206; amended by regulation 2(a)(ii) of S.R. 2007 No. 330; regulation 13(18)(a)(iv) of S.R. 2008 No. 286 and regulation 4(2) of S.R. 2011 No. 135; sub-paragraph (b) was substituted by regulation 7(a)(i) of S.R. 2008 No. 413

(53) Schedule 8B was inserted by regulation 5 of S.R. 1992 No. 271; the definition of “relevant benefits” was substituted by regulation 2(27)(a)(ii) of S.R. 1996 No. 354 and amended by regulation 16(2)(b) of S.R. 1996 No. 622, regulation 14(2)(b) of S.R. 2003 No. 191, regulation 13(19)(a) of S.R. 2008 No. 286, regulation 3 of S.R. 2010 No. 345 and regulation 4(3) of S.R. 2011 No. 135

(54) Schedule 8D was inserted by Article 2(4) of S.R. 2006 No. 203 and paragraph 2(1) was amended by Article 2(4) of S.R. 2011 No. 298 and Article 2(3) of S.R. 2011 No. 431

(55) S.R. 1988 No. 21

(56) S.R. 1988 No. 142; relevant amending Regulations are S.R. 2005 No. 299

- (a) in paragraph (2)(57) in Case 1 after “section 55A” insert “or 55AA”;
- (b) in paragraph (6)(58) after sub-paragraph (b) insert—
  - “(c) section 8 or 9 of the Pensions Act (Northern Ireland) 2015; or
  - (d) regulations made under section 10 of that Act which make provision corresponding or similar to section 8 or 9 of that Act.”.
- (4) In regulation 8(1) (duplication and prescribed payments) before sub-paragraph (a) insert—
  - “(za) a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;”.
- (5) After regulation 15(2)(a) (recovery by deduction from prescribed benefits) insert—
  - “(aa) a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;”.

### **Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations**

**12.**—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(59) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 7(1)(b)(60) (net income: calculation or estimation of N) for “or the Welfare Reform Act” substitute “, the Welfare Reform Act or Part 1 of the Pensions Act (Northern Ireland) 2015”.

(3) In paragraph 6(2)(61) of Schedule 1 (calculation of N and M) for “or the Welfare Reform Act” substitute “, the Welfare Reform Act or Part 1 of the Pensions Act (Northern Ireland) 2015”.

### **Amendment of the Jobseeker’s Allowance Regulations**

**13.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(62) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation) in the definition of “the benefit Acts”(63) for “and Part 1 of the Welfare Reform Act (Northern Ireland) 2007” substitute “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007 and the Pensions Act (Northern Ireland) 2015;”.

(3) After paragraph 1A(64) of Schedule 5 (sums to be disregarded in the calculation of earnings) insert—

“**1B.** If the claimant’s partner has been engaged in remunerative work as an employed earner or, had the employment been in Northern Ireland, would have been so engaged, any earnings paid or due to be paid on termination of that employment by way of retirement but only if—

- (a) on retirement the partner is entitled to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015, or
- (b) the only reason the partner is not entitled to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 is because the partner does not have the minimum number of qualifying years.”.

(57) Regulation 5(2) was amended by regulation 7 of S.R. 2005 No. 299

(58) Paragraph (6) was inserted by S.R. 2006 No. 113

(59) S.R. 1992 No. 341 is revoked by S.R. 2012 No. 438 but the revocation is not yet fully in operation

(60) Regulation 7(1)(b) was amended by regulation 21(7)(a) of S.R. 1996 No. 289 and regulation 18(3) of S.R. 2008 No. 286

(61) Paragraph 6(2) of Schedule 1 was amended by regulation 21(7)(b) of S.R. 1996 No. 289 and regulation 18(5) of 2008 No. 286

(62) S.R. 1996 No.198; relevant amending Regulations are S.R. 2007 No. 396 and S.R. 2008 No. 498

(63) The definition of the “benefit Acts” was inserted by regulation 3(2)(a) of S.R. 2008 No. 498

(64) Paragraph 1 of Schedule 5 was substituted, and paragraph 1A was inserted by, regulation 7(13) of S.R. 2007 No. 396

### **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<sup>(65)</sup> 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”<sup>(66)</sup> 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)<sup>(67)</sup> (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<sup>(68)</sup> 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.

(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

<sup>(65)</sup> 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

<sup>(66)</sup> The definition of “state pension credit” was inserted by regulation 16(c) of S.R. 2003 No. 191

<sup>(67)</sup> Regulation 3(7D) was inserted by regulation 9(3) of S.R. 2006 No. 104

<sup>(68)</sup> S.R. 2015 No. 315; regulation 6(2)(h) is amended by Article [6] of this Order with effect from 6 April 2016

- (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)(69) 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)(70) 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(71) (retirement pension after period of deferment), insert—

**“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.

(69) Paragraph (7EB) was inserted by regulation 2(2) of S.R. 2012 No. 140

(70) Sub-paragraph (n) was added by regulation 9(4) of S.R. 2006 No. 104

(71) Regulation 13A was inserted by regulation 9(6) of S.R. 2006 No. 104

- (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.”.

#### **Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001**

**15.** In regulation 4(1) (flat rate) of the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**72**)—

- (a) at the end of sub-paragraph (g) omit “and”;
- (b) after sub-paragraph (h) add—
  - “; and
  - (i) a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015.”

#### **Amendment of the Housing Benefit (Decisions and Appeals) Regulations**

**16.**—(1) The Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(**73**) are amended in accordance with paragraphs (2) to (4).

(2) After regulation 4(6D)(**74**) (revision of decisions) insert—

“(6DA) Where—

- (a) a person chooses to be paid a state pension under section 9 of the Pensions Act (Northern Ireland) 2015 in accordance with section 8(2) of that Act;
- (b) the relevant authority decides that the person or his partner is entitled to housing benefit and takes into account the state pension under section 9 of that Act in making or superseding that decision; and
- (c) the person alters the person’s choice under section 8(2) of that Act in accordance with regulations made under section 8(7) of that Act,

the relevant authority may revise the housing benefit decision.

(6DB) Where—

- (a) a person, 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, chooses to be paid a survivor’s pension based on inheritance of deferred graduated retirement benefit;
- (b) the relevant authority decides that the person or his partner is entitled to housing benefit and takes into account the survivor’s pension mentioned in sub-paragraph (a) in making or superseding that decision; and
- (c) the person alters the person’s choice to be paid the survivor’s pension mentioned in sub-paragraph (a) in accordance with Regulations made under section 10 of the

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(72) S.R. 2001 No. 18; revoked with savings by S.R. 2012 No. 438; sub-paragraph (h) was added by regulation 26(3)(a)(ii) of S.R. 2008 No. 286

(73) S.R. 2001 No. 213; relevant amending Regulations are S.R. 2006 No. 104

(74) Regulation 4(6D) was inserted by reg. 10(2) of S.R. 2006 No. 104

Pensions Act (Northern Ireland) 2015 which include provision corresponding or similar to regulations made under section 8(7) of that Act,

the relevant authority may revise the housing benefit decision.”.

(3) In regulation 7(2) (decisions superseding earlier decisions) after sub-paragraph (i)(75) insert—

“(ia) where—

- (i) the claimant or his partner chooses to be paid a lump sum under section 8(2) of the Pensions Act (Northern Ireland) 2015, or fails to choose, and is entitled to a lump sum under section 8(4) of that Act; or
- (ii) such a lump sum is repaid in consequence of a decision to alter that choice, being a decision made in accordance with regulations made under section 8(7) of that Act;

(ib) where—

- (i) the claimant or his partner chooses to be paid 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(2) of that Act, or fails to choose, and is entitled to a lump sum under regulations made under section 10 of that Act which include provision corresponding or similar to section 8(4) of that Act; or
- (ii) such a lump sum is repaid in consequence of a decision to alter that choice, being a decision made in accordance with regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 which include provision corresponding or similar to regulations made under section 8(7) of that Act;”.

(4) In regulation 8 (date from which a decision superseding an earlier decision takes effect), in paragraph (10A)(76) after “(2)(i),” insert “ (ia) or (ib),”.

#### **Amendment of the Social Security (Inherited SERPS) Regulations**

**17.** In regulation 2(3) (modification of Part II of the Contributions and Benefits Act) of the Social Security (Inherited SERPS) Regulations (Northern Ireland) 2001(77)—

- (a) omit sub-paragraph (b);
- (b) in sub-paragraph(e)(78) for the words in parentheses, substitute “Category B retirement pension for widows, widowers and surviving civil partners who attained pensionable age before 6th April 2010”.

#### **Amendment of the Social Security (Notification of Change of Circumstances) Regulations**

**18.** After regulation 5(1B)(f) (change affecting other benefit, payment or advantage) of the Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001(79) insert—

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

(75) Sub-paragraph (i) was added by regulation 10(3) of [S.R. 2006 No. 104](#)

(76) Paragraph (10A) was inserted by regulation 10(4) of [S.R. 2006 No. 104](#)

(77) [S.R. 2001 No. 441](#)

(78) Paragraph 56 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 (c. 5) substituted section 51 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

(79) [S.R. 2001 No. 420](#); regulation 5(1B) was inserted by Article 6(3)(b) of [S.R. 2011 No. 298](#); sub-paragraph (f) was added by Article 3(b) of [S.R. 2011 No. 431](#)



### **Amendment of the State Pension Credit Regulations**

**19.**—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**80**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 18(**81**) (notional income)—

(a) in paragraph (1)(a) for “(a)” substitute “(za)”;

(b) after paragraph (7)(**82**) insert—

“(7ZA) Paragraph (6) 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 under section 8(2) of the Pensions Act (Northern Ireland) 2015, alters that choice in favour of a lump sum, in accordance with regulations made under section 8(7) of that Act.

(7ZB) Paragraph (6) 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.”;

(c) After paragraph (8) insert—

“(8A) In paragraph (7ZA), “lump sum” means a lump sum under section 8 of the Pensions Act (Northern Ireland) 2015.

(8B) In paragraph (7ZB), “lump sum” means a lump sum under regulations made under section 10 of the Pensions Act (Northern Ireland) 2015.”.

(3) After paragraph 23ZA(**83**) of Schedule 5 (income from capital) insert—

“**23ZB.** 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.”.

### **Amendment of the Housing Renewal Grants (Reduction of Grant) Regulations**

**20.**—(1) The Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(**84**) are amended in accordance with paragraphs (2) and (3).

(2) In paragraph 12(1)(a)(ii) (additional condition for the higher pensioner and disability premiums) of Schedule 1 (applicable amounts) after “under that Act” insert “or a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015”.

(3) After paragraph 1(a) of Schedule 2 (sums to be disregarded in the determination of earnings) insert—

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(80) [S.R. 2003 No. 28](#); relevant amending Regulations are S.R. 2006 Nos. [104](#) and [359](#)

(81) Paragraph (1) of regulation 18 was substituted by regulation 14(4)(a) of [S.R. 2006 No. 359](#)

(82) Paragraphs (7) and (8) of regulation 18 were added by regulation 12(3)(b) of [S.R. 2006 No. 104](#)

(83) Paragraph 23ZA of Schedule 5 was inserted by regulation 12(4) of [S.R. 2006 No. 104](#)

(84) [S.R. 2004 No. 8](#)



- “(aa) where—
- (i) the employment has been terminated because of retirement, and
  - (ii) on retirement he is entitled to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015, or is not so entitled solely because he does not have the minimum number of qualifying years,
- any earnings in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;”.

### **Amendment of the Social Security (Deferral of Retirement Pensions) Regulations**

**21.** In regulation 1(2) (citation, commencement and interpretation) of the Social Security (Deferral of Retirement Pensions) Regulations (Northern Ireland) 2005<sup>(85)</sup> in the definition of “shared additional pension”<sup>(86)</sup> after “section 55A” insert “or 55AA”.

### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations**

**22.** In regulation 10(1A) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005<sup>(87)</sup> (deductions from an award of a funeral payment) after subparagraph (t) insert—

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

### **Amendment of the Housing Benefit Regulations**

**23.—(1)** The Housing Benefit Regulations (Northern Ireland) 2006<sup>(88)</sup> are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts”<sup>(89)</sup> after “the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011” insert “, the Pensions Act (Northern Ireland) 2015”.

(3) In regulation 31(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 paragraph 13(1)(a)(ii)<sup>(90)</sup> (additional condition for the disability premium) of Schedule 4 (applicable amounts) after “that Act” insert “or a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015”.

(5) After paragraph 1(a)<sup>(91)</sup> of Schedule 5 (sums to be disregarded in the calculation of earnings) insert—

- “(aa) where—
- (i) the employment has been terminated because of retirement; and
  - (ii) on retirement he is entitled to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015, or is not so entitled solely because he does not have the minimum number of qualifying years,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date the employment was terminated;”.

<sup>(85)</sup> S.R. 2005 No. 120; relevant amending Regulations are S.R. 2005 No. 299

<sup>(86)</sup> The definition of “shared additional pension” was inserted by regulation 8(2) of S.R. 2005 No. 299

<sup>(87)</sup> S.R. 2005 No. 506; regulation 10(1A) was inserted by regulation 2(3)(b) of S.R. 2013 No. 58

<sup>(88)</sup> S.R. 2006 No. 405; relevant amending instruments are S.R. 2007 No. 396; S.R. 2008 Nos. 179 and 378 and S.I. 2013/3021

<sup>(89)</sup> The definition of the “benefit Acts” was amended by regulation 3(2)(a)(iii) of S.R. 2008 No. 378 and Article 26(2)(b) of S.I. 2013/3021

<sup>(90)</sup> Paragraph 13(1) of Schedule 4 was amended by regulation 3(8)(d)(i) and (ii) of S.R. 2008 No. 179

<sup>(91)</sup> Paragraph 1(a) of Schedule 5 was amended by regulation 9(11)(a)(i) of S.R. 2007 No. 396.

## **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>(92)</sup> are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts”<sup>(93)</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>(94)</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.

(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—

<sup>(92)</sup> S.R. 2006 No. 406; relevant amending instruments are S.R. 2008 No. 378; S.R. 2009 No. 338 and S.I. 2013/3021

<sup>(93)</sup> 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

<sup>(94)</sup> Regulation 39(8) was amended by regulation 7(4)(a) of S.R. 2009 No. 338.

- (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.”.

### **Amendment of the Employment and Support Allowance Regulations**

**25.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**95**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts” for “and Part 1 of the Act” substitute “, Part 1 of the Act and the Pensions Act (Northern Ireland) 2015”.

(3) After paragraph 3 of Schedule 7 (sums to be disregarded in the calculation of earnings) insert—

“**3A.** If the claimant’s partner has been engaged in remunerative work as an employed earner or, had the employment been in Northern Ireland, would have been so engaged, any earnings paid or due to be paid on termination of that employment by way of retirement but only if—

- (a) on retirement the partner is entitled to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015; or
- (b) the only reason the partner is not entitled to a state pension under Part 1 of that Act is because the partner does not have the minimum number of qualifying years.”.

### **Amendment of the Social Security (Maximum Additional Pension) Regulations**

**26.**—(1) The Social Security (Maximum Additional Pension) Regulations (Northern Ireland) 2010(**96**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2), after the definition of “applicable limit” insert—

““relevant day” means the day on which the survivor would, but for section 43 (persons entitled to more than one retirement pension), have become entitled to both—

- (a) a Category A retirement pension; and
- (b) a Category B retirement pension by virtue of the contributions of a spouse or civil partner who has died,

or would have become so entitled if the survivor’s entitlement to a Category A or Category B retirement pension had not been deferred;”.

(3) In regulation 2 (prescribed maximum additional pension)—

(a) before paragraph (1), insert—

“(A1) This regulation applies to a survivor whose relevant day is before 6th April 2016.”;

(b) in paragraph 1(a) for “the day specified in paragraph (2)” substitute “the survivor’s relevant day”; and

(c) omit paragraph (2).

(4) After regulation 2, insert—

(95) S.R. 2008 No. 280

(96) S.R. 2010 No. 62

**“Prescribed maximum additional pension for survivors who become entitled on or after 6th April 2016**

**2A.**—(1) This regulation applies to a survivor whose relevant day is on or after 6th April 2016.

(2) For the purposes of section 52(3), the maximum additional pension shall be £165.60.”.

**Amendment of the Child Support Maintenance Calculation Regulations**

**27.** In regulation 43(1) (flat rate) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(**97**)—

(a) at the end of sub-paragraph (g) omit “and”;

(b) after sub-paragraph (h) insert—

“; and

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

**Amendment of the State Pension Regulations**

**28.** In regulation 6(2)(h) of the State Pension Regulations (Northern Ireland) 2015(**98**) (changing a choice of lump sum or survivor’s pension), after “regulation 30(5G)” insert “or (5H)”.

Sealed with the Official Seal of the Department for Social Development on 14th December 2015

(L.S.)

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A senior officer of the Department for Social  
Development

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(97) S.R. 2012 No. 427

(98) S.R. 2015 No. 315

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes consequential, supplementary and incidental amendments in relation to the provisions of Part 1 of the Pensions Act (Northern Ireland) 2015 (“the 2015 Act”), which creates a new state pension for people reaching pensionable age on or after 6th April 2016.

The amendments in this Order are to secondary legislation. The majority of these amendments add a reference to the new state pension to the existing secondary legislation. Some of the amendments do so by reference to a particular part of the new state pension and some do so by reference to particular provisions of the 2015 Act. In the vast majority of cases, the amendments are to provisions in the existing legislation which refer to the old state pension so that those provisions also apply to the new state pension.

The amendments come into operation on 6th April 2016, which is the first day a person can be entitled to the new state pension. The exception is the provisions in Article 9(6) and (7), which come into operation on 4th January 2016. These provisions relate to advance awards, which are provisional awards made in advance of the date on which the person becomes entitled. Advance awards help prevent gaps occurring between a person becoming entitled (usually on reaching pensionable age) and receiving their first payment. The amendments apply the advance award provisions to the new state pension.

This Order amends 27 different pieces of secondary legislation, including a number about the administration of benefits. This includes legislation about how a person should claim benefit, when it is paid, how decisions should be made, what happens when a person would be entitled to more than one benefit etc. That legislation is amended to apply to the new state pension.

In particular, the following amendments are made.

Amendments are made to insert references to section 55AA of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c.7) where there are references to section 55A (shared additional pension because of an old state scheme pension credit). Section 55AA concerns a shared additional pension because of a new state scheme pension credit.

Article 4 amends the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 so that a person cannot receive both the new state pension and certain benefits such as carer’s allowance at the same time.

Article 5 amends the Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979 by inserting references to the new state pension where there are references to the old state pension in provisions that allow a person to substitute their former spouse or civil partner’s National Insurance contributions for their own if it enables the person to have entitlement to a Category A old state pension. But a former spouse or civil partner’s contributions for the years after 2015-2016 cannot be substituted in this way. Article 5(5) inserts the rate of a Category C retirement pension in consequence of that rate being omitted from the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) by paragraph 68(a) of Schedule 12 to the 2015 Act.

Article 9 amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 so that a person can be paid the new state pension from the first day in respect of which they become entitled to the last day in respect of which they are entitled. It also amends those Regulations to set out where a claim for the new state pension can be treated as a claim for another benefit and vice versa.

Article 26 amends the Social Security (Maximum Additional Pension) Regulations (Northern Ireland) 2010 to specify the maximum amount of additional old state pension a person can be entitled to in particular circumstances.