
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.

Status: *This is the original version (as it was originally made).*

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.