
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 66

The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2017

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

7.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979⁽¹⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation) in the definition of "bereavement allowance"⁽²⁾ after "Benefits Act" insert "(as in operation immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act (Northern Ireland) 2015⁽³⁾".

(3) In regulation 6(1) (rate of benefit where the second contribution condition in paragraph 5 of Schedule 3 to the Contributions and Benefits Act is not satisfied) omit sub-paragraph (ab)⁽⁴⁾.

(4) After regulation 7A⁽⁵⁾ (Category B retirement pension for surviving spouses and surviving civil partners by virtue of deceased spouse's or deceased civil partner's contributions) insert—

"Notional entitlement to Category B retirement pension for new State Pension purposes

7B.—(1) This regulation applies for the purposes of determining whether, in accordance with paragraph 3(1)(d) of Schedule 3 to the Pensions Act (Northern Ireland) 2015 (survivor's pension under section 7: inherited amount: dead spouse or civil partner in old state pension scheme etc.)⁽⁶⁾, a person ("the pensioner") would have been entitled to a Category B retirement pension.

(2) The pensioner shall be treated as being entitled to bereavement support payment if the pensioner would have been so entitled but for one or both of the circumstances specified in paragraph (3).

(3) The circumstances referred to in paragraph (2) are—

- (a) the pensioner's failure to make, or the pensioner's delay in making, a claim for that bereavement support payment;
- (b) the operation of section 31 of the Pensions Act (Northern Ireland) 2015 (bereavement support payment: prisoners) or any regulations made under that section."

(1) [S.R. 1979 No. 243](#); relevant amending Regulations are [S.R. 1990 No. 452](#); [S.R. 2001 No. 108](#); [S.R. 2005 No. 536](#); [S.R. 2010 No. 56](#) and [S.R. 2001 No. 108](#)

(2) The definition of "bereavement allowance" was inserted by regulation 8(2)(b) of [S.R. 2001 No. 108](#)

(3) [2015 \(c. 5 \(N.I.\)\)](#)

(4) Regulation 6(1) was substituted by regulation 2(2) of [S.R. 1990 No. 452](#) and amended by regulation 3(7)(a) of [S.R. 2010 No. 56](#); sub-paragraph (ab) was inserted by regulation 8(3)(a) of [S.R. 2001 No. 108](#)

(5) Regulation 7A was inserted by regulation 8(4) of [S.R. 2001 No. 108](#) and amended by paragraph 10(2) of [S.R. 2005 No. 536](#)

(6) See [S.R. 2016 No. 195](#) for transitional provisions relating to paragraph 3 of Schedule 3