

Status: Point in time view as at 06/04/2018.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Choice between increase of pension and lump sum where pensioner's deceased spouse or civil partner has deferred entitlement is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

[^{F1}PENSION INCREASE OR LUMP SUM WHERE ENTITLEMENT TO RETIREMENT PENSION IS DEFERRED]

Textual Amendments

- F1** Sch. 5 heading substituted (17.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255), art. 1(4), **Sch. 9 para. 2**

Modifications etc. (not altering text)

- C1** Sch. 5 modified (temp. from 1.12.1999 until 5.10.2002) by The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), **arts. 1(4)(b), 49(7)(b)** (the temp. modification lapsing on the coming into operation of S.R. 2001/441)
- C1** Sch. 5: sums amended (24.3.2018) by The Social Security (2017 Benefits Up-rating) Order (Northern Ireland) 2018 (S.R. 2018/56), arts. 1, **4(3)(b)**
- C1** Sch. 5 modified (6.4.2005) by The Social Security (Retirement Pensions etc.) (Transitional Provisions) Regulations (Northern Ireland) 2005 (S.R. 2005/123), regs. 1(1), **2**

*[^{F1}Choice between increase of pension and lump sum where pensioner's
deceased spouse [^{F2}or civil partner] has deferred entitlement*

Textual Amendments

- F1** Sch. 5 para. 3C and cross-heading inserted (17.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255), art. 1(4), **Sch. 9 para. 8**
- F2** Words in Sch. 5 para. 3C heading inserted (10.11.2005 for specified purposes, 5.12.2005 in so far as not already in force) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(2)(b)(3), **Sch. para. 6(e)(i)**

- 3C. (1) Subject to paragraph 8, this paragraph applies where—
- a [^{F3}widow, widower or surviving civil partner] (“W”) is entitled to a Category A or Category B retirement pension,
 - W was married to [^{F4}or was the civil partner of] the other party to the marriage [^{F5}or civil partnership] (“S”) when S died,
 - S’s entitlement to a Category A or Category B retirement pension was deferred when S died, and
 - S’s entitlement had been deferred throughout the period of 12 months ending with the day before S’s death.
- (2) W shall within the prescribed period elect in the prescribed manner either—
- that paragraph 4 (entitlement to increase of pension) is to apply in relation to S’s period of deferment, or

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- (b) that paragraph 7A (entitlement to lump sum) is to apply in relation to S's period of deferment.
- (3) If no election under sub-paragraph (2) is made within the period prescribed under that sub-paragraph, W is to be treated as having made an election under sub-paragraph (2)(b).
- (4) Regulations—
 - (a) may enable a person who has made an election under sub-paragraph (2) (including one that the person is treated by sub-paragraph (3) as having made) to change the election within a prescribed period and in a prescribed manner, if prescribed conditions are satisfied, and
 - (b) if they enable a person to make an election under sub-paragraph (2)(b) in respect of a period of deferment after receiving any increase of pension under paragraph 4 by reference to that period, may for the purpose of avoiding duplication of payment—
 - (i) enable an amount determined in accordance with the regulations to be recovered from the person in a prescribed manner and within a prescribed period, or
 - (ii) provide for an amount determined in accordance with the regulations to be treated as having been paid on account of the amount to which the person is entitled under paragraph 7A.
- (5) The making of an election under sub-paragraph (2)(b) does not affect the application of [^{F6}paragraphs 5 to 6A] (which relate to an increase in pension where the pensioner's deceased spouse [^{F7}or civil partner] had deferred an entitlement to a guaranteed minimum pension).]

Textual Amendments

- F3** Words in Sch. 5 para. 3C(1)(a) substituted (10.11.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order \(Northern Ireland\) 2005 \(S.R. 2005/434\)](#), art. 1(2)(b)(3), **Sch. para. 6(e)(ii)**
- F4** Words in Sch. 5 para. 3C(1)(b) inserted (10.11.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order \(Northern Ireland\) 2005 \(S.R. 2005/434\)](#), art. 1(2)(b)(3), **Sch. paras. 6(e)(iii)(aa)**
- F5** Words in Sch. 5 para. 3C(1)(b) inserted (10.11.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order \(Northern Ireland\) 2005 \(S.R. 2005/434\)](#), art. 1(2)(b)(3), **Sch. paras. 6(e)(iii)(bb)**
- F6** Words in Sch. 5 para. 3C(5) substituted (10.11.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order \(Northern Ireland\) 2005 \(S.R. 2005/434\)](#), art. 1(2)(b)(3), **Sch. paras. 6(e)(iv)(aa)**
- F7** Words in Sch. 5 para. 3C(5) inserted (10.11.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [The Civil Partnership \(Pensions and Benefit Payments\) \(Consequential, etc. Provisions\) Order \(Northern Ireland\) 2005 \(S.R. 2005/434\)](#), art. 1(2)(b)(3), **Sch. paras. 6(e)(iv)(bb)**

Modifications etc. (not altering text)

- C1** [Sch. 5 para. 3C](#) restricted (17.2.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255\)](#), art. 1(4), **Sch. 9 para. 21**

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