



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART II

#### CONTRIBUTORY BENEFITS

##### *Retirement pensions (Categories A and B)*

#### **44 Category A retirement pension.**

- (1) A person shall be entitled to a Category A retirement pension if—
  - (a) he is over pensionable age; and
  - (b) he satisfies the contribution conditions for a Category A retirement pension specified in Schedule 3, Part I, paragraph 5;and, subject to the provisions of this Act, he shall become so entitled on the day on which he attains pensionable age and his entitlement shall continue throughout his life.
- (2) A Category A retirement pension shall not be payable in respect of any period falling before the day on which the pensioner's entitlement is to be regarded as commencing for that purpose by virtue of section 5(1)(l) of the Administration Act.
- (3) A Category A retirement pension shall consist of—
  - (a) a basic pension payable at a weekly rate; and
  - (b) an additional pension payable where there are one or more surpluses in the pensioner's earnings factors for the relevant years.
- (4) The weekly rate of the basic pension shall be [<sup>F1</sup>£58.85] except that, so far as the sum is relevant for the purpose of calculating [<sup>F2</sup>the rate of short-term incapacity benefit under section 30B(3) above], it shall be [<sup>F1</sup>£56.45].

[<sup>F3</sup>(5A) For the purpose of this section and section 45 below—

*Status: Point in time view as at 16/12/1995. This version of this provision has been superseded.*

*Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 44 is up to date with all changes known to be in force on or before 28 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)*

- (a) there is a surplus in the pensioner’s earnings factor for a relevant year if that factor exceeds the qualifying earnings factor for that year, and
  - (b) the amount of the surplus is the amount of that excess, as increased by the last order under section 130 of the Administration Act to come into operation before the end of the final relevant year.]
- (6) [<sup>F4</sup>Subject to subsection (7A) below] any reference in this section or section 45 below to the pensioner’s earnings factor for any relevant year is a reference—
- (a) where the relevant year is 1987-88 or any subsequent tax year, to the aggregate of—
    - (i) his earnings factors derived from earnings upon which primary Class 1 contributions were paid or treated as paid in respect of that year, and
    - [<sup>F5</sup>(ii) his earnings factors derived from Class 2 and Class 3 contributions actually paid in respect of that year, or, if less, the qualifying earnings factor for that year; and
  - (b) where the relevant year is an earlier tax year, to the aggregate of—
    - (i) his earnings factors derived from Class 1 contributions actually paid by him in respect of that year; and
    - (ii) his earnings factors derived from Class 2 and Class 3 contributions actually paid by him in respect of that year, or, if less, the qualifying earnings factor for that year.]
- (7) In this section—
- (a) “relevant year” means 1978-79 or any subsequent tax year in the period between—
    - (i) (inclusive) the tax year in which the pensioner attained the age of 16, and
    - (ii) (exclusive) the tax year in which he attained pensionable age;
  - (b) “final relevant year” means the last tax year which is a relevant year in relation to the pensioner.
- [<sup>F6</sup>(7A) The Department may prescribe circumstances in which pensioners’ earnings factors for any relevant year may be calculated in such manner as may be prescribed.]
- (8) For the purposes of this section any order under Article 23 of the Pensions Order (which made provision corresponding to section 130 of the Administration Act) shall be treated as an order under section 130 (but without prejudice to sections 16 and 17 of the <sup>M1</sup>Interpretation Act 1978).

#### Textual Amendments

- F1** Sums in s. 44(4) substituted (10.4.1995) by S.R. 1995/71, **arts. 1(d), 4(1)(3), 6**
- F2** Words in s. 44(4) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), **art. 13(1), Sch. 1 Pt. I para. 11**; S.R. 1994/450, **art. 2(d), Sch. Pt. IV**
- F3** S. 44(5A) substituted for s. 44(5) (16.12.1995 subject to Sch. 2 of the amending S.I.) by S.I. 1995/3213 (N.I. 22), **arts. 1(3), 125(1)(4)-(6)**
- F4** Words in s. 44(6) inserted (*temp.*) (1.7.1992) by Social Security (Consequential Provisions)(Northern Ireland) Act 1992 (c. 9), s. 6, Sch. 4 Pt. I paras. 1, 2.
- F5** S. 44(6)(a)(ii)(b) substituted (16.12.1995 subject to Sch. 2 of the amending S.I.) by S.I. 1995/3213 (N.I. 22), **arts. 1(3), 125(2)(4)-(6)**
- F6** S. 44(7A) inserted (*temp.*) (1.7.1992) by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), ss. 6, 7(2), Sch. 4 Pt. I paras. 1, 3.

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**Marginal Citations**

**M1** 1978 c. 30.

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