



# Pension Schemes (Northern Ireland) Act 1993

## 1993 CHAPTER 49

### PART III

#### CERTIFICATION OF PENSION SCHEMES AND EFFECTS ON MEMBERS' STATE SCHEME RIGHTS AND DUTIES

#### CHAPTER I

#### CERTIFICATION

#### *Requirements for certification of occupational pension schemes providing guaranteed minimum pensions*

### **13 Minimum pensions for widows and widowers.**

- (1) Subject to the provisions of this Part, the scheme must provide that if the earner dies leaving a widow or widower (whether before or after attaining pensionable age), the widow or widower will be entitled to a guaranteed minimum pension under the scheme.
- (2) The scheme must contain a rule to the effect that—
  - (a) if the earner is a man who has a guaranteed minimum under section 10, the weekly rate of the widow's pension will be not less than the widow's guaranteed minimum;
  - (b) if the earner is a woman who has a guaranteed minimum under that section, the weekly rate of the widower's pension will be not less than the widower's guaranteed minimum.
- (3) The widow's guaranteed minimum shall be half that of the earner.

*Status: Point in time view as at 01/07/2005. This version of this provision has been superseded.*

*Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Section 13 is up to date with all changes known to be in force on or before 09 June 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)*

- (4) The widower’s guaranteed minimum shall be one-half of that part of the earner’s guaranteed minimum which is attributable to earnings factors for the tax year 1988-89 and subsequent tax years.
- [<sup>F1</sup>(4A) The scheme must provide for the widow or widower’s pension to be payable to the widow or widower—
- (a) for any period for which a Category B retirement pension is payable to the widow or widower by virtue of the earner’s contributions or would be so payable but for section 43(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (persons entitled to more than one retirement pension);
  - (b) for any period for which widowed parent’s allowance or bereavement allowance is payable to the widow or widower by virtue of the earner’s contributions; and
  - (c) in the case of a widow or widower whose entitlement by virtue of the earner’s contributions to a widowed parent’s allowance or bereavement allowance has come to an end at a time after the widow or widower attained the age of 45, for so much of the period beginning with the time when the entitlement came to an end as neither—
    - (i) comprises a period during which the widow or widower and a person of the opposite sex are living together as husband and wife; nor
    - (ii) falls after the time of any remarriage by the widow or widower.]
- (5) The scheme [<sup>F2</sup>must also make provision] for the widow’s pension to be payable to her for any period for which a <sup>F3</sup>. . . widowed mother’s allowance or widow’s pension is payable to her by virtue of the earner’s contributions <sup>F3</sup>. . .
- (6) The scheme [<sup>F4</sup>must also make provision] for the widower’s pension to be payable to him in the prescribed circumstances and for the prescribed period.
- (7) The trustees or managers of the scheme shall supply to the [<sup>F5</sup>Inland Revenue] any such information as [<sup>F6</sup>the Inland Revenue] may require relating to the payment of pensions under the scheme to widowers [<sup>F7</sup>or widows].
- [<sup>F8</sup>(8) Where—
- (a) a lump sum is paid to an earner under provisions included in a scheme by virtue of section 17(1), and
  - (b) those provisions are of a prescribed description,
- the earner shall be treated for the purposes of this section as having any guaranteed minimum under section 10 that he would have had but for that payment.]

#### Textual Amendments

- F1** S. 13(4A) inserted (1.1.2001) by 2000 c. 4 (N.I.), s. 52, **Sch. 5 para. 1(1)** (with s. 66(6)); S.R. 2000/374, art. 2(c), **Sch. Pt. II**
- F2** Words in s. 13(5) substituted (1.1.2001) by 2000 c. 4 (N.I.), s. 52, **Sch. 5 para. 1(2)(a)** (with s. 66(6)); S.R. 2000/374, art. 2(c)
- S. 13(2)(3)(4) applied (1.11.1995) by S.R. 1995/389, **art. 5(1)** c), **Sch. Pt. II**
- F3** Words in s. 13(5) repealed (1.1.2001) by 2000 c. 4 (N.I.), ss. 52, 67, Sch. 5 para. 1(2)(b), **Sch. 9 Pt. III(4)** (with s. 66(6)); S.R. 2000/374, art. 2(c), **Sch. Pt. II**

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- F4** Words in s. 13(6) substituted (1.1.2001) by 2000 c. 4 (N.I.), s. 52, **Sch. 5 para. 1(3)** (with s. 66(6)); S.R. 2000/374, art. 2(c), **Sch. Pt. II**
- F5** Words in s. 13(7) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 42**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F6** Words in s. 13(7) substituted (24.3.1999 for certain purposes and otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 42**; S.R. 1999/149, art. 2(c), **Sch. 2**
- F7** Words in s. 13(7) added (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 22**; S.R. 1997/192, **art. 2(b)**
- F8** S. 13(8) added (1.7.2005 for specified purposes, 6.4.2006 in so far as not already in force) by **The Pensions (Northern Ireland) Order 2005** (S.I. 2005/255 (N.I. 1), arts. 1(2), **261(2)** (with art. 285(5)); S.R. 2005/321, art. 2(15), Sch. Pt. 2

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**Modifications etc. (not altering text)**

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