STATUTORY INSTRUMENTS

# 2015 No. 1985

# SOCIAL SECURITY

## The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015

*Made - - - - 7th December 2015*

*Laid before Parliament 11th December 2015*

*Coming into force in accordance with article 1(2)*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 53 and 54(5) of the Pensions Act 2014(**1**).

### Citation and commencement

**1.**—(1) This Order may be cited as the Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015.

(2) This Order comes into force—

(a) for the purposes of this article and article 9(1), (6) and (7), on 4th January 2016; and

(b) for all other purposes, on 6th April 2016 immediately after the State Pension Regulations 2015(**2**).

### Amendment of the Social Security (Credits) Regulations 1975

**2.** In regulation 2(1) (interpretation) of the Social Security (Credits) Regulations 1975(**3**) for the definition of "benefit" substitute—

""benefit"—

(a) includes—

(i) a contribution-based jobseeker's allowance;

(ii) a contributory employment and support allowance;

(b) does not include—

(i) an income-based jobseeker's allowance;

(**1**) 2014 c.19.
(**2**) S.I. 2015/173.
(**3**) S.I. 1975/556. Relevant amending instruments are S.I.s 1996/2367 and 2008/1554.

(ii) an income-related employment and support allowance;

(iii) a state pension under Part 1 of the Pensions Act 2014;".

### Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975

**3.** In regulation 1(2) (citation, commencement and interpretation) of the Social Security Benefit (Persons Abroad) Regulations 1975(**4**), in the definition of "shared additional pension" after "section 55A" insert "or 55AA"(**5**).

### Amendment of the Social Security (Overlapping Benefits) Regulations 1979

**4.**—(1) The Social Security (Overlapping Benefits) Regulations 1979(**6**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of "shared additional pension"(**7**) after "section 55A", insert "or 55AA";

(b) after the definition of "the Welfare Reform Act"(**8**), insert—

""widowed mother's allowance" means an allowance referred to in section 37 of the Contributions and Benefits Act (widowed mother's allowance);"; and

(c) after the definition of "widowed parent's allowance"(**9**), insert—

""widow's pension" means a pension referred to in section 38 of the Contributions and Benefits Act (widow's pension).".

(3) In regulation 4 (adjustment of certain personal benefits where certain other personal benefits are payable)(**10**)—

(a) in paragraph (1)(a), after "the Welfare Reform Act" insert ", Part 1 of the Pensions Act 2014";

(b) in paragraph (2)(f), after "paragraph (4)" insert "and (4A)";

(c) in paragraph (4), insert at the beginning "Except where paragraph (4A) applies,"; and

(d) after paragraph (4), insert—

"(4A) Where the person is entitled to additional pension, a state pension under Part 1 of the Pensions Act 2014 and either widow's pension or widowed mother's allowance, paragraph (1) shall require the adjustment of additional pension.".

(4) In Schedule 1 (personal benefits which are required to be adjusted by certain benefits)—

(a) in column (1) (personal benefit)(**11**), after paragraph 4(**12**) insert—

"**4A.** State pension under Part 1 of the Pensions Act 2014"; and

(b) in column (2) (other personal benefit by reference to which the benefit in column (1) is to be adjusted), after paragraph 4 insert—

"**4A.** Unemployability supplement and training allowance".

(**4**) S.I. 1975/563. The definition of "shared additional pension" was inserted by S.I. 2005/1551.
(**5**) Section 55AA is inserted into the Social Security Contributions and Benefits Act 1992 (c.4) by paragraph 6 of Schedule 11 to the Pensions Act 2014 (c.19).
(**6**) S.I. 1979/597.
(**7**) The definition of "shared additional pension" was inserted by S.I. 2005/1551.
(**8**) The definition of "the Welfare Reform Act" was inserted by S.I. 2008/1554.
(**9**) The definition of "widowed parent's allowance" was inserted by S.I. 2000/1483.
(**10**) Regulation 4(1) was substituted by S.I. 1992/3194 and sub-paragraph (a) was amended by S.I.s 1996/1345 and 2008/1554.
(**11**) The heading to column (1) was substituted by S.I. 2013/388.
(**12**) Paragraph 4 has been amended but those amendments are not relevant to this Order.

**Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979**

**5.**—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979(**13**) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of "shared additional pension"(**14**) after "section 55A" insert "or 55AA".

(3) After regulation 8(3) (substitution of former spouse's or former civil partner's contribution record to give entitlement to a Category A retirement pension)(**15**) insert—

"(3A) The beneficiary shall be treated as satisfying the first contribution condition specified in paragraph 5 of Schedule 3 to the 1992 Act if his former spouse or former civil partner would have satisfied that condition had Part 1 of the Pensions Act 2014 not been applicable, as respects any year of his working life up to the year ending on 5th April 2016 (inclusive).".

(4) For regulation 8A(1)(e) substitute(**16**)—

"(e) whose former spouse or former civil partner—

(i) satisfied the contribution condition specified in paragraph 5A(2) of Schedule 3 (contribution conditions for entitlement to benefit) to the Social Security Contributions and Benefits Act 1992 ("the 1992 Act"); or

(ii) would have satisfied the contribution condition specified in paragraph 5A(2) of Schedule 3 to the 1992 Act in respect of contributions paid before 6th April 2016 had Part 1 of the Pensions Act 2014 not been applicable.".

(5) In regulation 11(3) (Category C retirement pension for widows of men over pensionable age on 5th July 1948)(**17**), for "higher rate specified in relation to a Category C retirement pension in Part III of Schedule 4 to the Act" substitute "weekly rate of £69.50".

(6) In paragraph 1 of Schedule 1 (method of treating former spouse's or former civil partner's contributions as those of the beneficiary so as to entitle him to a Category A retirement pension)(**18**) at the end of sub-paragraph (a), insert "but where Part 1 of the Pensions Act 2014 applies to the former spouse or former civil partner, A is the number of his qualifying years up to the year ending on 5th April 2016 (inclusive)".

**Amendment of the Social Security (Earnings Factor) Regulations 1979**

**6.** In Schedule 1 (rules for the ascertainment of earnings factors) to the Social Security (Earnings Factor) Regulations 1979(**19**)—

(a) in paragraph 1(2) after "section 13(2) of the Act", insert "or section 2(4) of the Pensions Act 2014";

(b) in paragraph 4 after "section 13(2)(a) of the Act", insert "or section 2(4) of the Pensions Act 2014".

(**13**) S.I. 1979/642.
(**14**) The definition of "shared additional pension" was inserted by S.I. 2005/1551.
(**15**) Relevant amending instruments are S.I.s 2005/2877 and 2009/2206.
(**16**) Regulation 8A was inserted by S.I. 2009/2206.
(**17**) Regulation 11(3) was amended by S.I.s 1987/1854 and 1989/1642.
(**18**) Paragraph 1(a) of Schedule 1 was amended by S.I. 2005/2877.
(**19**) S.I. 1979/676. Part I of Schedule 1 was substituted by S.I. 1991/1165.

### Amendment of the Social Security (General Benefit) Regulations 1982

**7.** In regulation 1(2) (citation, commencement and interpretation) of the Social Security (General Benefit) Regulations 1982(**20**) in the definition of "shared additional pension" after "section 55A" insert "or 55AA".

### Amendment of the Income Support (General) Regulations 1987

**8.**—(1) The Income Support (General) Regulations 1987(**21**) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of "the benefit Acts", for "and Part 4 of the 2012 Act" substitute ", Part 4 of the 2012 Act and Part 1 of the Pensions Act 2014"(**22**).

(3) In paragraph 12(1)(c) (additional condition for the Higher Pensioner and Disability Premiums)(**23**) of Schedule 2 (applicable amounts) after "that Act" insert "or a state pension under Part 1 of the Pensions Act 2014".

### Amendment of the Social Security (Claims and Payments) Regulations 1987

**9.**—(1) The Social Security (Claims and Payments) Regulations 1987(**24**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) in the definition of "shared additional pension"(**25**), after "section 55A" insert "or 55AA"; and

(b) in paragraph (2)(b)(**26**), after "section 32(2A) of that Act" insert ", state pension under Part 1 of the Pensions Act 2014".

(3) In regulation 3(1) (claims not required for entitlement to benefit in certain cases)(**27**)—

(a) in sub-paragraph (cb) in each of paragraphs (i), (ii) and (iii), after "Category A retirement pension" insert "or a state pension under section 4 of the Pensions Act 2014";

(b) in sub-paragraph (d), after "retirement pension" insert "or a state pension under Part 1 of the Pensions Act 2014";

(c) in sub-paragraph (da), after "retirement pension" insert "or a state pension under Part 1 of the Pensions Act 2014"; and

(d) after sub-paragraph (j), insert—

"(ja) in the case of a state pension under any section of Part 1 of the Pensions Act 2014 where the beneficiary is entitled to—

(i) a state pension under a different section of Part 1 of that Act; or

(ii) another state pension under the same section of Part 1 of that Act.".

(4) In regulation 4 (making a claim for benefit)(**28**)—

(**20**) S.I. 1982/1408. The definition of "shared additional pension" was inserted by S.I. 2005/1551.
(**21**) S.I. 1987/1967.
(**22**) The definition of "the benefit Acts" was inserted by S.I. 1996/206. Other relevant amending instruments are S.I.s 2008/1554 and 2013/388.
(**23**) Paragraph 12(1)(c) of Schedule 2 was substituted by S.I. 2002/3019.
(**24**) S.I. 1987/1968.
(**25**) The definition of "shared additional pension" was inserted by S.I. 2005/1551.
(**26**) Paragraph (2)(b) was amended by S.I.s 1988/1725, 1996/1460, 1999/2572, 2002/3019, 2005/1551 and 2008/1554.
(**27**) Paragraph (1) of regulation 3 was renumbered by S.I. 2015/437. Sub-paragraph (cb) was inserted by S.I. 2007/2470, substituted by S.I. 2008/441 and amended by S.I. 2009/1490. Sub-paragraph (d) was amended by S.I. 2000/1483. Sub-paragraph (da) was inserted by S.I. 2007/2470 and substituted by S.I. 2008/2667. Sub-paragraph (j) was inserted by S.I. 2008/1554 and substituted by S.I. 2015/437.
(**28**) Paragraph (6A) of regulation 4 was inserted by S.I. 2003/1632 and amended by S.I.s 2005/1551, 2006/832, 2007/2911 and 2009/1490 and paragraph (11) was inserted by S.I. 2005/34 and amended by S.I.s 2005/1551, 2010/1676 and 2014/591.

(a) in paragraph (6A)(a)(ii), after "retirement pension of any category" insert ", a state pension under Part 1 of the Pensions Act 2014";

(b) in paragraph (6A)(b), after "retirement pension" insert ", a state pension under Part 1 of the Pensions Act 2014"; and

(c) in paragraph (11), after "retirement pension," insert "a state pension under Part 1 of the Pensions Act 2014,".

(5) In regulation 4ZC(2) (electronic claims for benefit)(**29**), after "retirement pension" insert ", state pension under Part 1 of the Pensions Act 2014".

(6) In regulation 13(3) (advance claims and awards)(**30**), after "retirement pension or increase," insert "state pension under Part 1 of the Pensions Act 2014,".

(7) In regulation 15 (advance notice of retirement and claim for and award of pension)(**31**)—

(a) in paragraph (1), after "in any such pension," insert "or a state pension under Part 1 of the Pensions Act 2014"; and

(b) in paragraph (7)—

(i) after "retirement pension" the first two times it appears, insert "or a state pension under Part 1 of the Pensions Act 2014";

(ii) for "retirement pension" the third time it appears, substitute "pension"; and

(iii) after "the Act", insert "or the Pensions Act 2014".

(8) In regulation 15B (advance claim for pension following deferment)(**32**)—

(a) the existing wording becomes paragraph (1); and

(b) after paragraph (1), insert—

"(2) Where a person's entitlement to a state pension under Part 1 of the Pensions Act 2014 is deferred in accordance with sections 16 and 17 of that Act (option to defer and effect of deferring a state pension), a claim for such a state pension may be made at any time not more than 4 months before the date on which the period during which the person's entitlement to a state pension was deferred ends.".

(9) In regulation 16 (date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate)(**33**)—

(a) after paragraph (1D), insert—

"(1E) Except in a case where regulation 22DA applies, for the purpose only of determining the day from which state pension under Part 1 of the Pensions Act 2014 payable in arrears under regulation 22CA is to become payable, where entitlement would otherwise begin on a day which is not the first day of the benefit week, entitlement shall begin on the first day of the benefit week next following.";

(b) after paragraph (2F), insert—

"(2G) Except in a case where paragraph (2H) applies, where—

(a) a state pension under Part 1 of the Pensions Act 2014 is paid in arrears under regulation 22CA; and

(b) there is a change in the rate of that benefit,

(**29**) Regulation 4ZC was inserted by S.I. 2003/2800 and amended by S.I.s 2005/3321 and 2011/1498.
(**30**) Regulation 13(3) was amended by S.I.s 1991/2741, 1994/2319, 2002/3019, 2005/1551 and 2007/1331.
(**31**) Paragraph (1) of regulation 15 was amended by S.I. 2005/1551 and paragraph (7) was amended by S.I. 1989/1642.
(**32**) Regulation 15B was inserted by S.I. 2005/455 and substituted by S.I. 2005/1551.
(**33**) Paragraph (1D) of regulation 16 was inserted by S.I. 2009/3229 and paragraph (2F) was inserted by S.I. 2010/510. Paragraph (3) was substituted by S.I. 1988/522, paragraph (3)(c) was substituted by S.I. 2009/604 and paragraph (3)(c)(ii) was amended by S.I. 2009/3229. Paragraph (4) was amended by S.I.s 1988/522, 1994/2943, 1996/1460, 2002/3019, 2008/1554, 2009/604 and 2009/3229.