STATUTORY RULES OF NORTHERN IRELAND

2017 No. 44 (C. 5)

PENSIONS

The Pensions (2015 Act) (Commencement No. 5) Order (Northern Ireland) 2017

Made - - - - 9th March 2017

The Department for Communities(**1**) makes the following Order in exercise of the powers conferred by section 53(1) of the Pensions Act (Northern Ireland) 2015(**2**).

Citation and interpretation

1.—(1) This Order may be cited as the Pensions (2015 Act) (Commencement No. 5) Order (Northern Ireland) 2017.

(2) In this Order any reference to a numbered Part, section or Schedule is to the Part, section of, or Schedule to, the Pensions Act (Northern Ireland) 2015 bearing that number.

Commencement for bereavement support payment

2.—(1) Subject to paragraph (2), Part 5, in so far as not already in operation, comes into operation —

(a) for the purpose only of authorising the making of regulations, on 10th March 2017; and

(b) for all other purposes on 6th April 2017.

(2) Subject to Articles 3 and 4, section 30(5) (bereavement support payment: contribution condition and amendments) and Schedule 16, in so far as not already in operation, come into operation on 6th April 2017.

Later commencement for abolition of bereavement payment and bereavement allowance

3.—(1) Section 30(5) and Schedule 16 do not come into operation in accordance with Article 2(2) for a person to whom this Article applies.

(2) This Article applies to a person who, on 5th April 2017—

(a) was entitled to—

(**1**) *See* section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(**2**) 2015 c. 5 (N.I.)

(i) a bereavement payment under section 36 of the Contributions and Benefits Act (bereavement payment)(**3**); or

(ii) a bereavement allowance under section 39B of that Act (bereavement allowance where no dependent children)(**4**), or

(b) would have been entitled to such a benefit if the person made a claim for it.

(3) This Article ceases to apply to a person if—

(a) the person was entitled to a benefit in accordance with paragraph (2)(a) and the person is no longer entitled to that benefit; or

(b) the person would have been entitled to a benefit in accordance with paragraph (2)(b) and the person would no longer be entitled to that benefit if the person made a claim for it.

(4) On the date this Article ceases to apply to a person, section 30(5) and Schedule 16 come into operation for that person to the extent that they are not already in operation.

Commencement for entitlement to bereavement payment and bereavement support payment

4.—(1) Section 30(5) and Schedule 16 do not come into operation in accordance with Article 2(2) for a person to whom this Article applies.

(2) This Article applies to a person—

(a) whose spouse or civil partner died in the 12 months before 6th April 2017;

(b) who would have been entitled to a bereavement payment under section 36 of the Contributions and Benefits Act (bereavement payment) if the person had made a claim for it;

(c) who has formed a new marriage or civil partnership; and

(d) whose new spouse or civil partner died—

(i) on or after 6th April 2017; and

(ii) within 12 months of the death referred to in sub-paragraph (a).

(3) Section 30(5) and Schedule 16 come in to operation, to the extent that they are not already in operation, for a person to whom this Article applies—

(a) at the end of a period of 12 months starting on the day on which the death referred to in paragraph (2)(a) occurred, for the purposes of entitlement to a bereavement payment under section 36 of the Contributions and Benefits Act for the death referred to in paragraph (2)(a); and

(b) on 6th April 2017, for the purposes of entitlement to bereavement support payment under section 29 (bereavement support payment) for the death referred to in paragraph (2)(d).

Commencement relating to the Pension Protection Fund

5. The day appointed for the coming into operation of section 48 and Schedule 20 (Pension Protection Fund: increased compensation cap for long service)—

(a) in so far as they relate to paragraphs 5 (and paragraph 1 in so far as it relates to it) and 22 of that Schedule, is 10th March 2017, and

(b) for all other purposes, is 6th April 2017.

(**3**) 1992 c. 7; section 36 was substituted by Article 51(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by paragraph 70 of Schedule 24 to the Civil Partnership Act 2004 (c. 33); *see* also Article 2 of S.R. 2016 No. 195

(**4**) Section 39B was inserted by Article 52(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by paragraph 75 of Schedule 24 to the Civil Partnership Act 2004

Sealed with the Official Seal of the Department for Communities on 9th March 2017

Anne McCleary
A senior officer of the Department for Communities