STATUTORY RULES OF NORTHERN IRELAND

2015 No. 411

SOCIAL SECURITY

The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2015

Made - - - - 14th December 2015

Coming into operation in accordance with Article 1

The Department for Social Development makes the following Order in exercise of the powers conferred by sections 50 and 51(6) of Pensions Act (Northern Ireland) 2015(**1**).

Citation and commencement

1. This Order may be cited as the Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2015 and shall come into operation—

(a) for the purposes of this Article and paragraphs (6) and (7) of Article 9 and paragraphs (1) and (2) of that Article in so far as they relate to those paragraphs, on 4th January 2016; and

(b) for all other purposes, on 6th April 2016 immediately after the coming into operation of the State Pension Regulations (Northern Ireland) 2016(**2**).

Amendment of the Social Security (Credits) Regulations

2. In regulation 2(1) (interpretation) of the Social Security (Credits) Regulations (Northern Ireland) 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;

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

(**1**) 2015 (c. 5 (N.I.))
(**2**) S.R. 2015 No. 315
(**3**) S.R. 1975 No. 113; the definition of "benefit" was inserted by regulation 2(2)(b) of S.R. 1996 No. 430 and amended by regulation 7(2)(b) of S.R. 2008 No. 286

(iii) a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;".

Amendment of the Social Security Benefit (Persons Abroad) Regulations

3. In regulation 1(2) (citation, commencement and interpretation) of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**4**), in the definition of "shared additional pension" after "section 55A" insert "or 55AA"(**5**).

Amendment of the Social Security (Overlapping Benefits) Regulations

4.—(1) The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**6**) are amended in accordance with paragraphs (2) to (4).

(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 "war pension death benefit" 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"(**8**) 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(**9**) (adjustment of certain personal benefits where certain other personal benefits are payable)—

(a) in paragraph (1)(a) after "the Welfare Reform Act" insert ", Part 1 of the Pensions Act (Northern Ireland) 2015";

(b) in paragraph (2)(f)(**10**) for "paragraph (4)" substitute "paragraphs (4) and (4A)";

(c) in paragraph (4)(**11**) at the beginning insert "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 (Northern Ireland) 2015 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)(**12**) (personal benefit), after paragraph 4 insert—

"**4A.** State pension under Part 1 of the Pensions Act (Northern Ireland) 2015"; 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.R. 1978 No. 114; the definition of "shared additional pension" was inserted by regulation 3(2) of S.R. 2005 No. 299
(**5**) Section 55AA is inserted into the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) by paragraph 5 of Schedule 11 to the Pensions Act (Northern Ireland) 2015
(**6**) S.R. 1979 No. 242; relevant amending instruments are S.I. 1986 No. 1888 (N.I. 18); S.R. 1992 No. 557; S.R. 1996 No. 289; S.R. 2001 No. 108; S.R. 2005 No. 299; S.R. 2008 No. 286 and S.I. 2013/3021
(**7**) The definition of "shared additional pension" was inserted by regulation 4(b) of S.R. 2005 No. 299
(**8**) The definition of "widowed parent's allowance" was inserted by regulation 7(2)(b) of S.R. 2001 No. 108
(**9**) Regulation 4(1) was substituted by regulation 3 of S.R. 1992 No. 557, amended by regulation 11(3) of S.R 1996 No. 289 and sub-paragraph (a) was amended by regulation 9(3) of S.R. 2008 No. 286
(**10**) Paragraph (2)(f) was amended by Article 19(1)(b) of S.I. 1986/1888 (N.I. 18))
(**11**) Paragraph (4) was amended by Article 19(1)(b) of S.I. 1986/1888 (N.I. 18))
(**12**) Column 1 of Schedule 1 was amended by Article 13(5)(a) of S.I. 2013/3021; paragraph 4 of column 1 has amendments not relevant to these Regulations

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

5.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**13**) are amended in accordance with paragraphs (2) to (6).

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

"(3A) The beneficiary shall be treated as satisfying the first contribution condition specified in paragraph 5 of Schedule 3 to the Contributions and Benefits Act (contribution conditions for entitlement to benefit) if his former spouse or former civil partner would have satisfied that condition had Part 1 of the Pensions Act (Northern Ireland) 2015 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)(**16**) substitute—

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

(i) satisfied the contribution condition specified in paragraph 5A(2) of Schedule 3 to the Contributions and Benefits Act; or

(ii) would have satisfied the contribution condition specified in paragraph 5A(2) of Schedule 3 to the Contributions and Benefits Act in respect of contributions paid before 6th April 2016 had Part 1 of the Pensions Act (Northern Ireland) 2015 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(a)(**18**) 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) at the end insert "but where Part 1 of the Pensions Act (Northern Ireland) 2015 applies to the former spouse or former civil partner, A is the number of his qualifying years up to the year ending 5th April 2016 (inclusive)".

Amendment of the Social Security (Earnings Factor) Regulations

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

(a) in paragraph 1(2) after "section 13(2) of the Act" insert "or section 2(4) of the Pensions Act (Northern Ireland) 2015";

(b) in paragraph 4 after "section 13(2)(a) of the Act" insert "or section 2(4) of the Pensions Act (Northern Ireland) 2015".

(**13**) S.R. 1979 No. 243; relevant amending Rules are S.R. 1987 No. 404; S.R. 1989 No. 373; S.R. 2005 Nos. 299 and 536 and S.R. 2010 No. 56
(**14**) The definition of "shared additional pension" was inserted by regulation 5(2) of S.R. 2005 No. 299
(**15**) Regulation 8(3) was substituted by regulation 3(10)(c) of S.R. 2010 No. 56
(**16**) Regulation 8A was inserted by regulation 3(12) of S.R. 2010 No. 56
(**17**) Regulation 11(3) was amended by regulation 2(4)(b) of S.R. 1987 No. 404 and regulation 8(7) of S.R. 1989 No. 373
(**18**) Sub-paragraph (a) was amended by paragraph 10(5)(b) of Schedule 3 to S.R. 2005 No. 536
(**19**) S.R. 1979 No. 193; relevant amending provision is the Schedule to S.R. 1991 No. 202

Amendment of the Social Security (General Benefit) Regulations

7. In regulation 1(2) of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(**20**) (citation, commencement and interpretation) in the definition of "shared additional pension" after "section 55A" insert "or 55AA".

Amendment of the Income Support (General) Regulations

8.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**21**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) in the definition of "the benefit Acts"(**22**) for " and Part 1 of the Welfare Reform Act" substitute ", Part 1 of the Welfare Reform Act and Part 1 of the Pensions Act (Northern Ireland) 2015;".

(3) In paragraph 12(1)(c)(**23**) (additional condition for the Higher Pensioner and Disability Premiums) of Schedule 2 (applicable amounts) after "that Act" insert "or a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;".

Amendment of the Social Security (Claims and Payments) Regulations

9.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**24**) are amended in accordance with paragraphs (2) to (21).

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

(a) before the definition of "advance period" insert the following definition—

""the 2015 Act" means the Pensions Act (Northern Ireland) 2015;";

(b) in the definition of "benefit"(**25**) after "(2A) of the Order" insert ", state pension under Part 1 of the 2015 Act;"; and

(c) in the definition of "shared additional pension"(**26**), after "section 55A" insert "or 55AA".

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

(a) in sub-paragraph (cb) in each of heads (i), (ii) and (iii) after "Category A retirement pension" insert "or a state pension under section 4 of the 2015 Act";

(b) in sub-paragraph (d)(**28**) after "retirement pension" insert "or a state pension under Part 1 of the 2015 Act";

(c) in sub-paragraph (da) after "retirement pension" insert "or a state pension under Part 1 of the 2015 Act"; and

(d) after sub-paragraph (j)(**29**) insert—

(**20**) S.R. 1984 No. 92; the definition of "shared additional pension" was inserted by regulation 6(2) of S.R. 2005 No. 299
(**21**) S.R. 1987 No. 459; relevant amending Rules are S.R. 2003 No. 191 and S.R 2008 No. 286
(**22**) The definition of "the benefit Acts" was inserted by regulation 12(2)(a) of S.R. 2008 No. 286
(**23**) Paragraph 12(1)(c) of Schedule 2 was substituted by regulation 24(5)(e) of S.R. 2003 No. 191
(**24**) S.R. 1987 No. 465; relevant amending instruments are S.R. 1988 No. 141; S.I. 1988/594 (N.I. 2); S.R. 1989 No. 373; S.R. 1990 No. 398; S.R. 1992 Nos. 7 and 271; S.R. 1994 No. 345 and 456; S.R. 1996 Nos. 354 and 622; S.R. 1998 No. 369; S.R. 2001 No.108; S.R. 2003 Nos. 191 and 317; S.R. 2005 Nos. 14, 122, 299 and 541; S.R. 2006 Nos. 104, 168 and 203; S.R. 2007 Nos. 206, 330, 392 and 467; S.R. 2008 Nos. 69; 286; 413 and 417; S.R. 2009 Nos. 107; 240 and 409; S.R. 2010 Nos. 81; 337 and 345; S.R. 2011 Nos. 135; 298, and 431; and S.R. 2015 No. 185
(**25**) The definition of "benefit" was amended by paragraph 1 of Schedule 3 to S.I. 1988/594 (N.I. 2) and regulation 3(2)(a) of S.R. 1998 No. 369
(**26**) The definition of "shared additional pension" was inserted by regulation 2(2)(c) of S. R. 2005 No. 299
(**27**) Regulation 3(1) was renumbered by regulation 4 of S.R. 2015 No. 185; sub-paragraph (cb) was substituted by regulation 2(2) of S.R. 2008 No. 69 and amended by regulation 2(3) of S.R. 2009 No. 240
(**28**) Sub-paragraph (d) was amended by regulation 10(3)(b) of S.R. 2001 No. 108; sub-paragraph (da) was inserted by regulation 2(2) of S.R. 2008 No. 417
(**29**) Sub-paragraph (j) was substituted by regulation 4(a) of S.R. 2015 No. 185

"(ja) in the case of a state pension under any section of Part 1 of the 2015 Act 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)—

(a) in paragraph (6A)(a)(ii)(**30**) after "retirement pension of any category" insert ", a state pension under Part 1 of the 2015 Act";

(b) in paragraph (6A)(b)(**31**) after "retirement pension" insert ", a state pension under Part 1 of the 2015 Act"; and

(c) in paragraph (11)(**32**) after "retirement pension," insert "a state pension under Part 1 of the 2015 Act".

(5) In regulation 4ZC(2)(**33**) (electronic claims for benefit) after "retirement pension" insert ", state pension under Part 1 of the 2015 Act".

(6) In regulation 13(3)(**34**) (advance claims and awards) after "retirement pension or an increase of retirement pension" insert "state pension under Part 1 of the 2015 Act,".

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

(a) in paragraph (1)(**35**) after "in any such pension," insert "or a state pension under Part 1 of the 2015 Act"; and

(b) in paragraph (7)(**36**)—

(i) after "retirement pension" the first two times it occurs, insert "or a state pension under Part 1 of the 2015 Act";

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

(iii) after "the Act" insert "or the 2015 Act".

(8) In regulation 15B(**37**) (advance claim for pension following deferment)—

(a) the existing wording is numbered paragraph (1);

(b) after paragraph (1) insert—

"(2) Where a person's entitlement to a state pension under Part 1 of the 2015 Act 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)—

(a) after paragraph (1D)(**38**) insert—

(**30**) Paragraph (6A) was inserted by regulation 2(2)(b) of S.R. 2003 No. 317 and amended by regulation 6(2)(a) of S.R. 2007 No. 467; sub-paragraph (a)(ii) was amended by regulation 2(4)(a)(i) of S.R. 2005 No. 299

(**31**) Paragraph (6A)(b) was inserted by regulation 2(2)(b) of S.R. 2003 No. 317 and amended by regulation 2(4)(a)(ii) of S.R. 2005 No. 299 and regulation 2(3)(a) of S.R. 2006 No. 168

(**32**) Paragraph (11) was added by regulation 2(2)(b) of S.R. 2005 No. 14 and amended by regulation 2(4)(b) of S.R. 2005 No. 299 and regulation 2(4)(b) of S.R. 2010 No. 337

(**33**) Regulation 4ZC was inserted by Article 2(3) of S.R. 2006 No. 203 and amended by Article 2(2) of S.R. 2011 No. 298

(**34**) Regulation 13(3) was amended by regulation 6 of S.R. 1992 No. 7, regulation 2(3)(a) of S.R. 1994 No. 345; regulation 6(1) of S.R. 2003 No. 191 and regulation 2(5) of S.R. 2005 No. 299

(**35**) Regulation 15(1) was amended by regulation 2(6) of S.R 2005 No. 299

(**36**) Paragraph (7) was amended by regulation 12(1)(c) (with savings provisions in regulation 12(2)(b)) of S.R. 1989 No. 373

(**37**) Regulation 15B was substituted by regulation 2(7) of S.R. 2005 No. 299

(**38**) Regulation 16(1D) was inserted by regulation 2(3)(a) of S.R. 2009 No. 409