STATUTORY RULES OF NORTHERN IRELAND

2008 No. 123

PENSIONS

Pensions Increase (Review) Order (Northern Ireland) 2008

Made - - - -	*14th March 2008*
Coming into operation	*7th April 2008*

By virtue of section 132 of the Social Security Administration (Northern Ireland) Act 1992(**1**) the Department for Social Development(**2**) has given a direction(**3**) that the sums which are the additional pensions in long-term benefits are to be increased by a specified percentage.

The Department of Finance and Personnel now makes the following Order in exercise of the powers conferred by Article 69(1), (2), (5) and (5ZA) of the Social Security Pensions (Northern Ireland) Order 1975(**4**) and now vested in it(**5**).

Citation and commencement

1.—(1) This Order may be cited as the Pensions Increase (Review) Order (Northern Ireland) 2008 and shall come into operation on 7th April 2008.

(2) This Order and the existing Orders may be cited together as the Pensions Increase (Review) Orders (Northern Ireland) 1972 to 2008.

Interpretation

2.—(1) In this Order—

"the Act of 1971" means the Pensions (Increase) Act (Northern Ireland) 1971(**6**);

(**1**) 1992 c. 8
(**2**) *See*S.R. 1999 No. 481Art. 8(b) and Schedule 6 Part II
(**3**) Contained in S.R. 2008 No. 92. This direction corresponds to the direction given by the Secretary of State for Work and Pensions under section 150 of the Social Security Administration Act 1992 (c. 5)
(**4**) S.I.1975/1503 (N.I. 15); Art. 69 was amended by S.I. 1979/396 (N.I. 5) Arts. 10(2), 16 and Sch. 3, S.I. 1985/1209 (N.I. 16) Art. 25(2) and Sch. 6, S.I. 1986/1888 (N.I. 18) Arts. 11(8), 19(1)(b), 83(1) and Sch. 9, para. 58, S.I. 1990/1509 (N.I. 13) Arts. 3(7) and 7, by section 4 and paragraph 14(19) of Schedule 2 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (1992 c. 9) and by section 184 of and paragraph 15(1) of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (1993 c. 49). Article 69 is modified by Article 69A, which was inserted by Article 10(3) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)), and amended by S.I. 1986/1888 (N.I. 18) Art. 11(9) and by section 184 of and paragraph 15(2) of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993
(**5**) By S.R. 1976 No. 281 Art. 3 and Sch. 1 and S.I. 1982/338 (N.I. 6) Art. 4
(**6**) 1971 c. 35 (N.I.)

"basic rate" and "derivative pension" have the meanings given by section 15(1) of the Act of 1971(**7**);

"existing Orders" means the Orders referred to in the Schedule;

"official pension" has the meaning given by section 5(1) of the Act of 1971;

"the Order of 1975" means the Social Security Pensions (Northern Ireland) Order 1975;

"pension authority" has the meaning given by section 7(1) of the Act of 1971;

"qualifying condition" means one of the conditions laid down in section 3 of the Act of 1971(**8**);

"relevant injury pension", "substituted pension" and "widow's pension" have the meanings given by section 15(1) of the Act of 1971.

(2) For the purpose of this Order the time when a pension "begins" is that stated in section 8(2) of the Act of 1971(**9**), and the "beginning date" shall be construed accordingly.

(3) Where, for the purposes of this Order, it is necessary to calculate the number of complete months in any period an incomplete month shall be treated as a complete month if it consists of at least 16 days.

Increases in certain pensions

3.—(1) The pension authority may, if any of the conditions in paragraph (2) are fulfilled, increase the annual rate of an official pension in respect of any period on or after 7th April 2008 as follows—

(a) a pension beginning before 9th April 2007 may be increased by 3.9 per cent of the basic rate (as increased by the amount of any increase under section 1 of the Act of 1971 or the existing Orders);

(b) a pension beginning on or after 9th April 2007 and before 7th April 2008 may be increased by 3.9 per cent multiplied by—

$$\frac{A}{B}$$

where

(i) A is the number of complete months in the period between the beginning date of the pension and 7th April 2008; and

(ii) B is 12.

(2) Those conditions are—

(a) a qualifying condition is satisfied;

(b) the official pension is—

(i) a derivative pension;

(ii) a substituted pension; or

(iii) a relevant injury pension.

(**7**) As amended by S.I. 1974/1267 (N.I. 2) Arts. 3(3) and 5(3)(b), S.I. 1990/1509 (N.I. 13) Art. 3(6) and S.I. 1999/3147 (N.I. 11) Art. 36(1) and (4)

(**8**) As amended by S.R. & O. (N.I.) 1972 No. 264, S.I. 1974/1267 (N.I. 2) Art. 5(2) and (3), S.I. 1987/2203 (N.I. 22) Art. 72(3) and Sch. 5 Part I, S.I. 1990/1509 (N.I. 13) Art. 3, S.I. 1995/3213 (N.I. 22) Arts. 163, 168 and Sch. 5 Part IV and S.I. 1999/3147 (N.I. 11) Art. 36(1) and (2)

(**9**) As amended by S.I. 1990/1509 (N.I. 13) Art. 3(5) and S.I. 1999/3147 (N.I. 11) Art.36 (1) and (3)

Increase in certain lump sums

4.—(1) This article applies to any lump sum or instalment of a lump sum which became payable on or after 9th April 2007 but before 7th April 2008.

(2) The pension authority may increase a lump sum or instalment of a lump sum to which this article applies by 3.9 per cent of the amount of the lump sum or instalment (as increased by the amount of any increase under section 1 of the Act of 1971 or under the existing Orders) multiplied by—

$$\frac{A}{B}$$

where

a A is the number of complete months in the period between the beginning date for the lump sum or, if later, 9th April 2007 and the date on which it became payable; and

b B is 12.

Reduction in respect of guaranteed minimum pensions

5. Where—

(a) a person is entitled to a guaranteed minimum pension on 7th April 2008; and

(b) entitlement to that guaranteed minimum arises from an employment from which (either directly or by virtue of the payment of a transfer credit) entitlement to the official pension also arises, the amount by reference to which any increase in the rate of an official pension provided for by this Order is to be calculated shall be reduced by an amount equal to the rate of the guaranteed minimum pension unless the Department of Finance and Personnel(**10**) in accordance with the provisions of Article 69A(**11**) of the Order of 1975, otherwise directs.

6. The amount by reference to which any increase in the rate of a widow's or widower's pension provided for by this Order is to be calculated shall, where the pensioner becomes entitled on the death of the deceased spouse to a guaranteed minimum pension, be reduced in accordance with Article 69(5ZA)(**12**) of the Order of 1975.

Sealed with the Official Seal of the Department of Finance and Personnel on 14th March 2008.

L.S.

Grace Nesbitt
A senior officer of the
Department of Finance and Personnel

(**10**) *See* S.I. 1982/338 (N.I. 6) Art. 4
(**11**) Inserted by S.I. 1979/396 (N.I.5) Art.10 and amended by S.I. 1986/1888 (N.I. 18) Art. 11(9) and 1993 c. 49 section 184 and paragraph 15(2) of sch.7
(**12**) Inserted by S.I. 1990/1509 (N.I.13) Art. 7(1)