STATUTORY RULES OF NORTHERN IRELAND

2005 No. 123

SOCIAL SECURITY

The Social Security (Retirement Pensions etc.) (Transitional Provisions) Regulations (Northern Ireland) 2005

Made - - - -	*16th March 2005*
Coming into operation	*6th April 2005*

The Department for Social Development, in exercise of the powers conferred by paragraph 22 of Schedule 9 to the Pensions (Northern Ireland) Order 2005(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Retirement Pensions etc.) (Transitional Provisions) Regulations (Northern Ireland) 2005 and shall come into operation on 6th April 2005.

(2) In these Regulations –

"period of deferment" shall be construed in accordance with section 55(3) or, as the case may be, section 55C(3) of the Contributions and Benefits Act(**3**);

"transitional case" means a case where a person's entitlement to retirement pension or shared additional pension is deferred and the period of deferment begins before 6th April 2005 and continues on or after that day.

Modification of Schedule 5 to the Act

2.—(1) Schedule 5 to the Contributions and Benefits Act(**4**) (pension increase or lump sum where entitlement to retirement pension is deferred) shall be modified in relation to transitional cases in accordance with paragraphs (2) to (6).

(2) In paragraph A1(1) (choice between increase of pension and lump sum where pensioner's entitlement is deferred) –

(**1**) S.I. 2005/255 (N.I. 1)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) 1992 c. 7; sections 55 and 55C are substituted by Article 273(1) and (2) of the Pensions (Northern Ireland) Order 2005 respectively
(**4**) The provisions of Schedule 5 being modified are inserted by Schedule 9 to the Pensions (Northern Ireland) Order 2005

(a) after "12 months" there shall be inserted "and at least 12 months of that period fall after 5th April 2005";

(b) for paragraph (b) there shall be substituted the following paragraph –

"(b) that paragraph 1 is to apply in relation to so much of the period of deferment as falls before the first day of the first accrual period (as defined by paragraph 3B(2)) beginning on or after 6th April 2005 and that paragraph 3A (lump sum where pensioner's entitlement is deferred) is to apply in relation to the remainder of the period of deferment.".

(3) In paragraph 1(2) (increase of pension where pensioner's entitlement is deferred) for the words from "that amount" to the end there shall be substituted –

"–

(a) there are at least 7 incremental periods in the period of deferment;

(b) there are at least 5 incremental periods in the period of deferment and the amount of the increment for at least one of those periods is calculated in accordance with paragraph 2(3) as in force in relation to incremental periods beginning on or after 6th April 2005; or

(c) the person has made (or is treated as having made) an election under paragraph A1(1)(b) and there is at least one incremental period before the first day of the first accrual period (as defined by paragraph 3B(2)) beginning on or after 6th April 2005.".

(4) In paragraph 3B (calculation of lump sum) –

(a) at the end of sub-paragraph (1) there shall be added "or, if greater, the amount equal to the total amount of Category A or Category B retirement pension which would have been payable to the person during the period of 12 months ending with the last day of the period of deferment if his entitlement had not been deferred";

(b) in sub-paragraph (2) in the definition of "accrual period" for "a prescribed day of the week" there shall be substituted "the day of the week on which the person's retirement pension would have been payable had his entitlement not been deferred";

(5) In paragraph 3C (choice between increase of pension and lump sum where pensioner's deceased spouse has deferred entitlement) –

(a) at the end of sub-paragraph (1)(d) there shall be added "and throughout the period of 12 months beginning with 6th April 2005";

(b) for sub-paragraph (2)(b) there shall be substituted the following sub-paragraph –

"(b) that paragraph 4 is to apply in relation to so much of S's period of deferment as falls before the first day of the first accrual period (as defined by paragraph 7B(2)) beginning on or after 6th April 2005 and that paragraph 7A (entitlement to lump sum where pensioner's deceased spouse has deferred entitlement) is to apply in relation to the remainder of that period of deferment.".

(6) In paragraph 7B (calculation of widowed person's lump sum) –

(a) at the end of sub-paragraph (1) there shall be added "or, if greater, the amount equal to the total amount of Category A or Category B retirement pension which would have been payable to S during the period of 12 months ending with the day before his death if his entitlement had not been deferred";

(b) in sub-paragraph (2) in the definition of "accrual period" for "a prescribed day of the week" there shall be substituted "the day of the week on which S's retirement pension would have been payable had his entitlement not been deferred".