STATUTORY RULES OF NORTHERN IRELAND

2004 No. 118

PENSIONS

Pensions Increase (Review) Order (Northern Ireland) 2004

Made - - - -	*16th March 2004*
Coming into operation	*12th April 2004*

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

Now, therefore, the Department of Finance and Personnel, 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**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Pensions Increase (Review) Order (Northern Ireland) 2004 and shall come into operation on 12th April 2004.

(2) This Order and the existing Orders may be cited together as the Pensions Increase (Review) Orders (Northern Ireland) 1972 to 2004.

Interpretation

2.—(1) In this Order –

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

(**1**) 1992 c. 8
(**2**) Contained in S.R. 2004 No. 82
(**3**) *See*S.R. 1999 No. 481Art. 8(b) and Schedule 6 Part II
(**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)(**7**) of the Act of 1971;

"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 annual rate of an official pension may, if a qualifying condition is satisfied or the pension is a derivative or substituted pension or a relevant injury pension, be increased as set out in paragraphs (2) and (3) by the pension authority in respect of any period beginning on or after 12th April 2004.

(2) A pension beginning before 7th April 2003 may be increased by 2.8 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.

(3) A pension beginning on or after 7th April 2003 and before 12th April 2004 may be increased by 2.8 per cent multiplied by –

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

where

A is the number of complete months in the period between the beginning date of the pension and 12th April 2004 and B is 12.

Increase in certain lump sums

4. In respect of any lump sum or instalment of a lump sum which became payable before 12th April 2004 but on or after 7th April 2003 there may be paid an increase of 2.8 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 –

(**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) Art. 163 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)

a A is the number of complete months in the period between the beginning date for the lump sum or, if later, 7th April 2003 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 12th April 2004; and

(b) entitlement to that guaranteed minimum pension 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 16th March 2004.

L.S.

Michael Daly
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
(**12**) Inserted by S.I. 1990/1509 (N.I. 13) Art. 7(1)