Changes to legislation: *Social Security Pensions (Northern Ireland) Order 1975 is up to date with all changes known to be in force on or before 27 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1975 No.1503 (N.I. 15)

Social Security Pensions (Northern Ireland) Order 1975

[17th September
- - - - - - 1975]

PART I

INTRODUCTORY

Title, citation and commencement

1.—(1) This Order may be cited as the Social Security Pensions (Northern Ireland) Order 1975.

(2) The Social Security (Northern Ireland) Act 1975 and this Order may be cited together as the Social Security (Northern Ireland) Acts 1975.

Paras.(3)#(5)—Commencement

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

Definition rep. by 1985 NI 16

[[F1]"the Administration Act" means the Social Security Administration (Northern Ireland) Act 1992;**]**

Definition rep. by 1993 c. 49

[[F2]"average salary benefits" means benefits the rate or amount of which is calculated by reference to a member's average salary over the period of service on which the benefits are based;**]**

Definitions rep. by 1993 c. 49

"long#term benefit" means a Category A or Category B retirement pension, a widowed mother's allowance, a widow's pension or an invalidity pension;

Definitions rep. by 1993 c. 49

"the principal Act" means the Social Security (Northern Ireland) Act 1975;

Definitions rep. by 1993 c. 49

Definition rep. by 1986 NI 18

Definitions rep. by 1993 c. 49

[[F3]"transfer credits" means rights allowed to an earner under the rules of an occupational pension scheme by reference to a transfer to that scheme of his accrued rights from another scheme.**]**

Paras. (3)#(5) rep. by 1993 c. 49

Para. (6) rep. by 1985 NI 16

Para. (7) rep. by 1993 c. 49

F1 1992 c. 9
F2 1986 NI 18
F3 1984 NI 8

Arts.3#12 rep. by 1992 c. 9

Art.13 rep. by 1989 NI 13

Arts.14#18A rep. by 1992 c. 9

Art.19 rep. by 1979 NI 5

Arts.20#23 rep. by 1992 c. 9

Art.24 rep. by 1991 NI 17

Art.25 rep. by 1986 NI 18

Arts.26#27 rep. by 1992 c. 9

Arts.28#38 rep. by 1993 c. 49

Art.39 rep. by 1986 NI 18

Arts.39A#53D rep. by 1993 c. 49

PART V

OCCUPATIONAL PENSIONS

Art.54 rep. by 1989 NI 13

Arts.55#58A rep. by 1993 c. 49

Arts.58B#58D rep. by 1990 NI 15

Art.58E rep. by 1993 c. 49

Arts.58F#58J rep. by 1990 NI 15

Art.58K rep. by 1993 c. 49

Art.58L rep. by 1990 NI 15

Arts.58M#65 rep. by 1993 c. 49

Art.66 rep. by 1988 NI 7

Arts.67#68B rep. by 1993 c. 49

Other provisions

Increase of official pensions

69.—(1) Where by virtue of**[**F4 section 132 of the Administration Act**]** a direction is given that the sums which are the additional components in the rates of long-term benefits are to be increased by a specified percentage, the Department of Finance**F5** shall by order provide that the annual rate of an official pension may, if a qualifying condition is satisfied or the pension is a**[**F6 derivative or substituted pension or a relevant injury pension**]**, be increased in respect of any period beginning on or after the date on which the direction takes effect—

(a) if the pension began before the beginning of the base period for that direction, by the same percentage as that specified in the direction;

(b) if the pension began during the base period, by that percentage multiplied by A/B where A is the number of complete months in the period between the beginning of the pension and the end of the base period and B is the number of complete months in the base period.

(2) Where an order is made under this Article in consequence of any such direction as aforesaid the order shall, in addition to the provision required by paragraph (1), authorise the payment of an increase in respect of any lump sum that becomes payable during the base period for that direction, being an increase equal to the percentage specified in the direction multiplied by 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, the date from which it was last authorised to be increased by an order under this Article) and the date on which it becomes payable; and

(b) B is the number of complete months in that base period.

(3) In the case of the first order made under this Article in consequence of any such direction as aforesaid, paragraph (1) shall have effect as if the increase required to be authorised in the case of any pension (whether beginning before or during the base period) were an increase equal to the percentage specified in the direction multiplied by A/B where—

(a) A is the number of complete months in the period between the beginning of the pension (or, if later, the date from which it was last authorised to be increased by an order under section 2 of the Pensions (Increase) Act (Northern Ireland) 1971 ("the Act of 1971")) and the end of the base period for that direction; and

(b) B is the number of complete months in that base period.

(4) In the case of the first order so made under this Article, paragraph (2) shall have effect as if—

(a) for the reference to any lump sum that becomes payable during the base period there were substituted a reference to any lump sum that becomes or has become payable before the end of the base period but after the date from which official pensions were last increased by an order under section 2 of the Act of 1971; and

(b) the reference in sub-paragraph (*a*) of the paragraph to the date from which the lump sum was last authorised to be increased were a reference to the date specified in sub-paragraph (*a*) of this paragraph.

(5) The increases in the rate of a pension that may be provided for by an order under this Article are to be calculated by reference to the basic rate of the pension as authorised to be increased by section 1 of the Act of 1971 or by any order under section 2 of that Act or this Article; but where—

F7(a) a person is entitled to a guaranteed minimum pension**[**F8 (as defined in section 176(1) of the Pension Schemes (Northern Ireland) Act 1993)**]** when an order under this Article comes into force; 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[F9]. . .) entitlement to the official pension also arises;

the amount by reference] to which any increase authorised by that or any subsequent order is to be calculated shall be reduced by an amount equal to the rate of the guaranteed minimum pension.

[[F6](5ZA) In the application of paragraph (5) in relation to a widow's **[**[F10], widower's or surviving civil partner's**]** pension in a case where the pensioner becomes entitled on the death of the deceased spouse **[**[F11]or civil partner**]** to such a guaranteed minimum pension as is there mentioned—

(a) the pensioner shall be treated as having been entitled to that guaranteed minimum pension at all times during the period beginning with the date on which the deceased spouse **[**[F12]or civil partner**]** became entitled to a guaranteed minimum pension and ending with the date of the death;

(b) the rate of the guaranteed minimum pension to which the pensioner is treated as so entitled at any time during that period **[**[F13]("the relevant time")**]** shall be taken to be **[**[F14]the rate provided for in paragraph (5ZB);**]** and

(c) the amount by reference to which any increase in the widow's **[**[F15], widower's or surviving civil partner's**]** pension is to be calculated shall, subject to any directions under Article 69A (whether made before or after the coming into operation of this paragraph), be accordingly reduced under that paragraph by an amount equal to the rate, as determined under sub# paragraph (*b*), of the guaranteed minimum pension to which the pensioner is treated as entitled;

[F16]…**]**

[[F17](5ZB) The rate referred to in paragraph (5ZA)(b) is—

[[F18](a) in the case of a pension payable to a woman in respect of the services—

(i) of her deceased male spouse,

(ii) of her deceased female spouse in a relevant gender change case,

(iii) of her deceased male civil partner, or

(iv) of her deceased female civil partner in a relevant gender change case,

one half of the rate of the deceased spouse's, or deceased civil partner's, guaranteed minimum pension at the relevant time;**]**

(b) in the case of **[**[F19]any other surviving spouse's pension,**]** one half of so much of the rate of the deceased **[**[F20]spouse's**]** guaranteed minimum pension at the relevant time as is attributable to earnings factors for the tax year 1988–89 and subsequent tax years;

(c) in the **[**[F21]case of any other**]** surviving civil partner's pension, one half of so much of the rate of the deceased civil partner's guaranteed minimum pension at the relevant time as is attributable to earnings factors for the tax year 1988–89 and subsequent tax years.

(5ZC) Paragraph (5ZA)—

[[F22](a) does not apply to a pension payable to the survivor of a couple in respect of any service of the deceased member of the couple if—

(i) the deceased member's pension in respect of that service became payable before 24th September 1990,

(ii) a marriage between the couple is solemnised at a time (whether or not before the deceased member's pension in respect of that service became payable) when one of them is a man and the other is a woman and they are not civil partners, and

(iii) at the deceased member's death (and whether or not the couple are still not of the same sex), the couple are parties to that marriage or to the civil partnership resulting from conversion of that marriage;**]**

(b) applies to a surviving civil partner's pension only in respect of amounts payable after the coming into operation of this paragraph **[**F23, but this is subject to sub-paragraph (c)**]**.

[F24(c) applies to a widow's or widower's or surviving civil partner's pension, where the pension is one to which entitlement relies on the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, only in respect of amounts payable on or after 13th January 2020;**]]**

[F25(5A) Nothing in**[**F8 section 106(2) or (3) of, or paragraph 10 of Schedule 5 to, the Pension Schemes (Northern Ireland) Act 1993**]** authorises any deduction from an increase in the rate of an offical pension under this Article.**]**

(6) Any order under this Article shall be laid before the Assembly after being made.

(7) In this Article—

F7"base period", in relation to any such direction as is mentioned in paragraph (1), means the period ending with the coming into force of that direction and beginning with the coming into force of the last previous such direction or, if there was none, with [13th November 1978 (date of the relevant order under section 120 of the principal Act, increasing rates of benefit)];

"beginning date", in relation to a lump sum, shall be construed in accordance with sections 8(2) and 9(2)(*a*) of the Act of 1971;

[F26"conversion", in relation to a marriage, means—

(a) the conversion of that marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or

(b) the conversion of that marriage into a civil partnership under Part 4 or 5 of those Regulations;**]**

[F8"employment" has the same meaning as in section 176(1) of the Pension Schemes (Northern Ireland) Act 1993**]**

"lump sum" includes an instalment of a lump sum;

[F27"relevant gender change case" means a case where—

(a) the deceased spouse, or deceased civil partner, was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and

(b) the marriage of the deceased spouse and the surviving spouse (that ends with the deceased spouse's death), or the civil partnership of the deceased civil partner and the surviving civil partner (that ends with the deceased civil partner's death), subsisted before the time when the certificate was issued;**]**

[F6"widower's pension" means a pension payable in respect of the services of the pensioner's deceased wife;**]**

F28F28and this Article [and Article 69A] and the Act of 1971 shall have effect as if this Article [and Article 69A] were contained in Part I of that Act.

F29(8) Where, for the purposes of this Article, 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.]

F4 1992 c. 9
F5 Now D/CS, SR 1976/281