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STATUTORY INSTRUMENTS

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**2015 No. 1985**

**SOCIAL SECURITY**

**The Pensions Act 2014 (Consequential, Supplementary  
and Incidental Amendments) Order 2015**

*Made - - - - 7th December 2015*  
*Laid before Parliament 11th December 2015*  
*Coming into force in accordance with article 1(2)*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 53 and 54(5) of the Pensions Act 2014<sup>(1)</sup>.

**Citation and commencement**

**1.**—(1) This Order may be cited as the Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015.

(2) This Order comes into force—

- (a) for the purposes of this article and article 9(1), (6) and (7), on 4th January 2016; and
- (b) for all other purposes, on 6th April 2016 immediately after the State Pension Regulations 2015<sup>(2)</sup>.

**Amendment of the Social Security (Credits) Regulations 1975**

**2.** In regulation 2(1) (interpretation) of the Social Security (Credits) Regulations 1975<sup>(3)</sup> 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;

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<sup>(1)</sup> 2014 c.19.

<sup>(2)</sup> S.I. 2015/173.

<sup>(3)</sup> S.I. 1975/556. Relevant amending instruments are S.I.s 1996/2367 and 2008/1554.

- (ii) an income-related employment and support allowance;
- (iii) a state pension under Part 1 of the Pensions Act 2014;”.

### **Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975**

**3.** In regulation 1(2) (citation, commencement and interpretation) of the Social Security Benefit (Persons Abroad) Regulations 1975(4), in the definition of “shared additional pension” after “section 55A” insert “or 55AA”(5).

### **Amendment of the Social Security (Overlapping Benefits) Regulations 1979**

- 4.—**(1) The Social Security (Overlapping Benefits) Regulations 1979(6) are amended as follows.
- (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 “the Welfare Reform Act”(8), 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”(9), 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 (adjustment of certain personal benefits where certain other personal benefits are payable)(10)—
- (a) in paragraph (1)(a), after “the Welfare Reform Act” insert “, Part 1 of the Pensions Act 2014”;
  - (b) in paragraph (2)(f), after “paragraph (4)” insert “and (4A)”;
  - (c) in paragraph (4), insert at the beginning “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 2014 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) (personal benefit)(11), after paragraph 4(12) insert—
    - “4A. State pension under Part 1 of the Pensions Act 2014”; 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”.

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(4) S.I. 1975/563. The definition of “shared additional pension” was inserted by S.I. 2005/1551.

(5) Section 55AA is inserted into the Social Security Contributions and Benefits Act 1992 (c.4) by paragraph 6 of Schedule 11 to the Pensions Act 2014 (c.19).

(6) S.I. 1979/597.

(7) The definition of “shared additional pension” was inserted by S.I. 2005/1551.

(8) The definition of “the Welfare Reform Act” was inserted by S.I. 2008/1554.

(9) The definition of “widowed parent’s allowance” was inserted by S.I. 2000/1483.

(10) Regulation 4(1) was substituted by S.I. 1992/3194 and sub-paragraph (a) was amended by S.I.s 1996/1345 and 2008/1554.

(11) The heading to column (1) was substituted by S.I. 2013/388.

(12) Paragraph 4 has been amended but those amendments are not relevant to this Order.

## **Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979**

5.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979(13) are amended as follows.

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

“(3A) The beneficiary shall be treated as satisfying the first contribution condition specified in paragraph 5 of Schedule 3 to the 1992 Act if his former spouse or former civil partner would have satisfied that condition had Part 1 of the Pensions Act 2014 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) substitute(16)—

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

(i) satisfied the contribution condition specified in paragraph 5A(2) of Schedule 3 (contribution conditions for entitlement to benefit) to the Social Security Contributions and Benefits Act 1992 (“the 1992 Act”); or

(ii) would have satisfied the contribution condition specified in paragraph 5A(2) of Schedule 3 to the 1992 Act in respect of contributions paid before 6th April 2016 had Part 1 of the Pensions Act 2014 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 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)(18) at the end of sub-paragraph (a), insert “but where Part 1 of the Pensions Act 2014 applies to the former spouse or former civil partner, A is the number of his qualifying years up to the year ending on 5th April 2016 (inclusive)”.

## **Amendment of the Social Security (Earnings Factor) Regulations 1979**

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

(a) in paragraph 1(2) after “section 13(2) of the Act”, insert “or section 2(4) of the Pensions Act 2014”;

(b) in paragraph 4 after “section 13(2)(a) of the Act”, insert “or section 2(4) of the Pensions Act 2014”.

(13) S.I. 1979/642.

(14) The definition of “shared additional pension” was inserted by S.I. 2005/1551.

(15) Relevant amending instruments are S.I.s 2005/2877 and 2009/2206.

(16) Regulation 8A was inserted by S.I. 2009/2206.

(17) Regulation 11(3) was amended by S.I.s 1987/1854 and 1989/1642.

(18) Paragraph 1(a) of Schedule 1 was amended by S.I. 2005/2877.

(19) S.I. 1979/676. Part I of Schedule 1 was substituted by S.I. 1991/1165.

## **Amendment of the Social Security (General Benefit) Regulations 1982**

7. In regulation 1(2) (citation, commencement and interpretation) of the Social Security (General Benefit) Regulations 1982(20) in the definition of “shared additional pension” after “section 55A” insert “or 55AA”.

## **Amendment of the Income Support (General) Regulations 1987**

8.—(1) The Income Support (General) Regulations 1987(21) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts”, for “and Part 4 of the 2012 Act” substitute “, Part 4 of the 2012 Act and Part 1 of the Pensions Act 2014”(22).

(3) In paragraph 12(1)(c) (additional condition for the Higher Pensioner and Disability Premiums)(23) of Schedule 2 (applicable amounts) after “that Act” insert “or a state pension under Part 1 of the Pensions Act 2014”.

## **Amendment of the Social Security (Claims and Payments) Regulations 1987**

9.—(1) The Social Security (Claims and Payments) Regulations 1987(24) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) in the definition of “shared additional pension”(25), after “section 55A” insert “or 55AA”; and

(b) in paragraph (2)(b)(26), after “section 32(2A) of that Act” insert “, state pension under Part 1 of the Pensions Act 2014”.

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

(a) in sub-paragraph (cb) in each of paragraphs (i), (ii) and (iii), after “Category A retirement pension” insert “or a state pension under section 4 of the Pensions Act 2014”;

(b) in sub-paragraph (d), after “retirement pension” insert “or a state pension under Part 1 of the Pensions Act 2014”;

(c) in sub-paragraph (da), after “retirement pension” insert “or a state pension under Part 1 of the Pensions Act 2014”; and

(d) after sub-paragraph (j), insert—

“(ja) in the case of a state pension under any section of Part 1 of the Pensions Act 2014 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)(28)—

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(20) S.I. 1982/1408. The definition of “shared additional pension” was inserted by S.I. 2005/1551.

(21) S.I. 1987/1967.

(22) The definition of “the benefit Acts” was inserted by S.I. 1996/206. Other relevant amending instruments are S.I.s 2008/1554 and 2013/388.

(23) Paragraph 12(1)(c) of Schedule 2 was substituted by S.I. 2002/3019.

(24) S.I. 1987/1968.

(25) The definition of “shared additional pension” was inserted by S.I. 2005/1551.

(26) Paragraph (2)(b) was amended by S.I.s 1988/1725, 1996/1460, 1999/2572, 2002/3019, 2005/1551 and 2008/1554.

(27) Paragraph (1) of regulation 3 was renumbered by S.I. 2015/437. Sub-paragraph (cb) was inserted by S.I. 2007/2470, substituted by S.I. 2008/441 and amended by S.I. 2009/1490. Sub-paragraph (d) was amended by S.I. 2000/1483. Sub-paragraph (da) was inserted by S.I. 2007/2470 and substituted by S.I. 2008/2667. Sub-paragraph (j) was inserted by S.I. 2008/1554 and substituted by S.I. 2015/437.

(28) Paragraph (6A) of regulation 4 was inserted by S.I. 2003/1632 and amended by S.I.s 2005/1551, 2006/832, 2007/2911 and 2009/1490 and paragraph (11) was inserted by S.I. 2005/34 and amended by S.I.s 2005/1551, 2010/1676 and 2014/591.

- (a) in paragraph (6A)(a)(ii), after “retirement pension of any category” insert “, a state pension under Part 1 of the Pensions Act 2014”;
  - (b) in paragraph (6A)(b), after “retirement pension” insert “, a state pension under Part 1 of the Pensions Act 2014”; and
  - (c) in paragraph (11), after “retirement pension,” insert “a state pension under Part 1 of the Pensions Act 2014,”.
- (5) In regulation 4ZC(2) (electronic claims for benefit)(**29**), after “retirement pension” insert “, state pension under Part 1 of the Pensions Act 2014”.
- (6) In regulation 13(3) (advance claims and awards)(**30**), after “retirement pension or increase,” insert “state pension under Part 1 of the Pensions Act 2014,”.
- (7) In regulation 15 (advance notice of retirement and claim for and award of pension)(**31**)—
- (a) in paragraph (1), after “in any such pension,” insert “or a state pension under Part 1 of the Pensions Act 2014”; and
  - (b) in paragraph (7)—
    - (i) after “retirement pension” the first two times it appears, insert “or a state pension under Part 1 of the Pensions Act 2014”;
    - (ii) for “retirement pension” the third time it appears, substitute “pension”; and
    - (iii) after “the Act”, insert “or the Pensions Act 2014”.
- (8) In regulation 15B (advance claim for pension following deferment)(**32**)—
- (a) the existing wording becomes paragraph (1); and
  - (b) after paragraph (1), insert—

“(2) Where a person’s entitlement to a state pension under Part 1 of the Pensions Act 2014 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)(**33**)—
- (a) after paragraph (1D), insert—

“(1E) Except in a case where regulation 22DA applies, for the purpose only of determining the day from which state pension under Part 1 of the Pensions Act 2014 payable in arrears under regulation 22CA is to become payable, where entitlement would otherwise begin on a day which is not the first day of the benefit week, entitlement shall begin on the first day of the benefit week next following.”;
  - (b) after paragraph (2F), insert—

“(2G) Except in a case where paragraph (2H) applies, where—

    - (a) a state pension under Part 1 of the Pensions Act 2014 is paid in arrears under regulation 22CA; and
    - (b) there is a change in the rate of that benefit,

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(29) Regulation 4ZC was inserted by S.I. 2003/2800 and amended by S.I.s 2005/3321 and 2011/1498.

(30) Regulation 13(3) was amended by S.I.s 1991/2741, 1994/2319, 2002/3019, 2005/1551 and 2007/1331.

(31) Paragraph (1) of regulation 15 was amended by S.I. 2005/1551 and paragraph (7) was amended by S.I. 1989/1642.

(32) Regulation 15B was inserted by S.I. 2005/455 and substituted by S.I. 2005/1551.

(33) Paragraph (1D) of regulation 16 was inserted by S.I. 2009/3229 and paragraph (2F) was inserted by S.I. 2010/510. Paragraph (3) was substituted by S.I. 1988/522, paragraph (3)(c) was substituted by S.I. 2009/604 and paragraph (3)(c)(ii) was amended by S.I. 2009/3229. Paragraph (4) was amended by S.I.s 1988/522, 1994/2943, 1996/1460, 2002/3019, 2008/1554, 2009/604 and 2009/3229.

the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect from the start of the benefit week in which the change occurs.

(2H) Where—

- (a) a state pension under Part 1 of the Pensions Act 2014 is paid in arrears under regulation 22CA; and
- (b) a change in the rate of that benefit takes effect under an Order made under section 150, 150A or 151A of the 1992 Act,

the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect on the first day of the benefit week next following.”;

- (c) in paragraph (3)(c)(ii), for “or 22C” substitute “, 22C or 22CA”; and
- (d) in paragraph (4), after “retirement pension payable in arrears under regulation 22C” insert “, state pension under Part 1 of the Pensions Act 2014 payable in arrears under regulation 22CA”.

(10) In regulation 21A (delayed payment of lump sum)(34)—

- (a) in paragraph (1)(a), after paragraph (iii) insert—
  - “(iv) section 8 of the Pensions Act 2014 (choice of lump sum or survivor’s pension in certain cases); or
  - (v) Regulations under section 10 of the Pensions Act 2014 (inheritance of graduated retirement benefit) which make provision corresponding or similar to section 8 of that Act;”;
- (b) in paragraph (3), after sub-paragraph (c) insert—
  - “(d) section 8 of the Pensions Act 2014;
  - (e) Regulations under section 10 of the Pensions Act 2014 which make provision corresponding or similar to section 8 of that Act,”.

(11) After regulation 22C (retirement pension)(35), insert—

**“State pension under Part 1 of the Pensions Act 2014**

**22CA.**—(1) This regulation applies in relation to payment of a state pension under Part 1 of the Pensions Act 2014.

- (2) State pension is to be paid in arrears.
- (3) The Secretary of State may arrange to pay state pension at intervals of—
  - (a) one week;
  - (b) two weeks, if the beneficiary was in receipt of a working age benefit immediately before becoming entitled to the state pension which was paid fortnightly;
  - (c) four weeks;
  - (d) 13 weeks, if the beneficiary agrees; or
  - (e) such length not exceeding 12 months as the Secretary of State may choose, if—
    - (i) the Secretary of State makes a direction specifying that length; and
    - (ii) the amount of the state pension payable is less than £5.00 per week.
- (4) State pension is to be paid—

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(34) Regulation 21A was inserted by [S.I. 2005/2677](#).

(35) Regulation 22C was inserted by [S.I. 2009/3229](#).

- (a) on the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person’s national insurance number; or
- (b) in any particular case or class of case, on any other day of the week that the Secretary of State may choose.

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<i>(1) Last 2 digits national insurance number</i>	<i>(2) Day to be paid state pension</i>
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday”

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(12) After regulation 22D (payment of retirement pension at a daily rate)(36), insert—

**“Payment of state pension under Part 1 of the Pensions Act 2014 at a daily rate**

**22DA.**—(1) State pension under Part 1 of the Pensions Act 2014 is to be paid at a daily rate where—

- (a) the day on which a person’s first benefit week begins is after—
  - (i) the day on which the person reaches pensionable age; or
  - (ii) where the person has deferred their state pension under sections 16 and 17 of the Pensions Act 2014, the first day in respect of which the person makes a claim for their state pension; or
- (b) the day on which a person’s last benefit week begins is before the day on which the person dies.

(2) The period for which a daily rate is to be paid is—

- (a) where paragraph (1)(a) applies, the period—
  - (i) beginning on the day on which the person reaches pensionable age or the first day in respect of which the person makes a claim for their state pension; and
  - (ii) ending on the day before the day on which the person’s first benefit week begins; or
- (b) where paragraph (1)(b) applies, the period beginning on the day on which the person’s last benefit week begins and ending on the day on which the person dies.

(3) The daily rate at which state pension is payable under this regulation is 1/7th of the weekly rate which would have had effect on the day if a weekly rate had been payable.

(4) In this regulation, “benefit week” means the period of 7 days ending on the day on which the person’s state pension is payable in accordance with regulation 22CA(4).”.

(13) In regulation 26B(2) (payment of state pension credit)(37), for sub-paragraph (a) substitute—

- “(a) on the same day as any—
- (i) state pension under Part 1 of the Pensions Act 2014; or
  - (ii) retirement pension,
- is payable to the claimant; or”.

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(36) Regulation 22D was inserted by S.I. 2009/3229 and amended by S.I. 2010/510.

(37) Regulation 26B was inserted by S.I. 2002/3019.

- (14) In regulation 30 (payments on death)(**38**)—
- (a) in paragraph (4B)(b), after “retirement pension of any category” insert “, a state pension under Part 1 of the Pensions Act 2014”;
  - (b) in paragraph (5), for “(5G)” substitute “(5H)”;
  - (c) in paragraph (5C), after “shared additional pension” insert “or a state pension under Part 1 of the Pensions Act 2014”;
  - (d) in paragraph (5F)—
    - (i) for “Paragraph (5G) applies”, substitute “Paragraphs (5G) and (5H) apply”; and
    - (ii) in sub-paragraph (c), after “statutory election” insert “, or choice under section 8(2) of the Pensions Act 2014 or Regulations under section 10 of that Act which make provision corresponding or similar to section 8(2),”;
  - (e) in paragraph (5G), for “(“W”)” substitute “(referred to as W in paragraph (5F))”; and
  - (f) after paragraph (5G) insert—
 

“(5H) Where a person makes a claim under paragraph (5) for a state pension under Part 1 of the Pensions Act 2014, the deceased (referred to as W in paragraph (5F)) shall be treated as having made a choice to be paid a state pension under—

    - (a) section 9 of the Pensions Act 2014 (survivor’s pension based on inheritance of deferred old state pension) in accordance with section 8(2)(b) of that Act; or
    - (b) Regulations under section 10 of the Pensions Act 2014 which make provision corresponding or similar to section 9 of that Act in accordance with Regulations under section 10 which make provision corresponding or similar to section 8(2)(b).”.
- (15) In regulation 32ZA(2) (information given electronically)(**39**), after sub-paragraph (h) insert—
- “(i) state pension under Part 1 of the Pensions Act 2014.”.
- (16) In regulation 32B(3) (information relating to awards of benefit)(**40**), after sub-paragraph (l) insert—
- “(m) state pension under Part 1 of the Pensions Act 2014.”.
- (17) In Part 1 of Schedule 1 (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative)(**41**)—
- (a) in column (1) at the end, insert a new entry “A state pension under any section of Part 1 of the Pensions Act 2014”;
  - (b) in column (1) after that new entry, insert a further new entry “Bereavement benefit”;
  - (c) in column (2) at the end, insert a new entry opposite the new entry inserted by sub-paragraph (a) “A state pension under any other section of Part 1 of the Pensions Act 2014 or bereavement benefit”; and
  - (d) in column (2) after that new entry, insert a further new entry opposite the new entry inserted by sub-paragraph (b) “A state pension under Part 1 of the Pensions Act 2014”.

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(38) Paragraph (4B) of regulation 30 was inserted by [S.I. 2007/2470](#). Paragraph (5) was amended by [S.I.s 1988/1725](#), [1990/2208](#), [1991/2741](#), [1996/1460](#), [1999/2572](#), [2002/3019](#), [2005/455](#) and [2005/3078](#). Paragraphs (5C) and (5F) were inserted by [S.I. 2005/455](#) and were substituted by [S.I. 2005/3078](#). Paragraph (5G) was inserted by [S.I. 2005/3078](#).

(39) Regulation 32ZA was inserted by [S.I. 2003/2800](#), paragraph (2) was substituted by [S.I. 2011/1498](#) and sub-paragraph (h) was inserted by [S.I. 2011/2943](#).

(40) Regulation 32B was inserted by [S.I. 2007/2911](#).

(41) The final entries in columns (1) and (2) of Part 1 of Schedule 1 were inserted by [S.I. 1991/2741](#) and amended by [S.I. 1999/2572](#). The other amendments to Part 1 of Schedule 1 are not relevant to this Order.



(18) In Schedule 4 (prescribed times for claiming benefit) in column (1) (description of benefit) in entry 13(42), after “any category” insert “or state pension under Part 1 of the Pensions Act 2014”.

(19) In Schedule 9 (deductions from benefit and direct payment to third parties)—

(a) in paragraph 1(1) in paragraphs (b) and (d) of the definition of “specified benefit”(43), after “retirement pension” in each place it appears insert “, state pension under Part 1 of the Pensions Act 2014”; and

(b) in paragraph 7C(2)(b)(44)—

(i) in sub-paragraph (ii), omit “or”;

(ii) after sub-paragraph (ii), insert—

“(iii) state pension under Part 1 of the Pensions Act 2014; or”.

(20) In Schedule 9ZC (electronic communication)(45) in paragraph 2(1), after “retirement pension” insert “, state pension under Part 1 of the Pensions Act 2014”.

### **Amendment of the Social Fund (Recovery by Deductions from Benefits) Regulations 1988**

**10.** In regulation 3 (benefits from which an award may be recovered) of the Social Fund (Recovery by Deductions from Benefits) Regulations 1988(46) after sub-paragraph (j) insert—

“(ja) a state pension under Part 1 of the Pensions Act 2014;”.

### **Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988**

**11.**—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(47) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of “benefit” after “the Social Security Act 1975” insert “, a state pension under Part 1 of the Pensions Act 2014”.

(3) In regulation 5 (offsetting prior payment against subsequent award)—

(a) in paragraph (2) after “section 55A” insert “or 55AA”;

(b) in paragraph (6) after sub-paragraph (b) insert(48)—

“(c) sections 8 or 9 of the Pensions Act 2014; or

(d) Regulations under section 10 of that Act which make provision corresponding or similar to sections 8 or 9 of that Act,”.

(4) In regulation 8(1) (duplication and prescribed payments) before sub-paragraph (a) insert—

“(za) a state pension under Part 1 of the Pensions Act 2014;”.

(5) After regulation 15(2)(a) (recovery by deduction from prescribed benefits) insert—

“(aa) a state pension under Part 1 of the Pensions Act 2014;”.

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(42) Entry 13 was inserted by S.I. 2005/455.

(43) The definition of “specified benefit” was substituted by S.I. 1996/672 and amended by S.I.s 1996/1460, 1996/3195, 2002/2441, 2002/3019, 2005/777, 2008/1554 and 2011/674.

(44) Paragraph 7C was inserted by S.I. 2006/3188.

(45) Schedule 9ZC was inserted by S.I. 2003/2800 and paragraph 2(1) was amended by S.I.s 2005/3321, 2011/1498 and 2011/2943.

(46) S.I. 1988/35. There are no relevant amendments to this instrument.

(47) S.I. 1988/664. A relevant amending instrument is S.I. 2005/1551.

(48) Paragraph (6) was inserted by S.I. 2006/516.

### **Amendment of the National Health Service (Charges to Overseas Visitors) Regulations 1989**

**12.**—(1) The National Health Service (Charges to Overseas Visitors) Regulations 1989(**49**) are amended as follows.

(2) In regulation 4A(1)(a) (exemption from charges during long term visits by United Kingdom pensioners) after “(Northern Ireland) Act 1992”, insert “or a state pension under Part 1 of the Pensions Act 2014 or Part 1 of the Pensions Act (Northern Ireland) 2015(**50**)”.

(3) In regulation 5(b) (exemption from charges for treatment the need for which arose during the visit) after “(Northern Ireland) Act 1975”, insert “or a state pension under Part 1 of the Pensions Act 2014 or Part 1 of the Pensions Act (Northern Ireland) 2015”.

### **Amendment of the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989**

**13.**—(1) The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989(**51**) are amended as follows.

(2) In regulation 4A(a) (exemption from charges during long term visits by United Kingdom pensioners) after “(Northern Ireland) Act 1992”, insert “or a state pension under Part 1 of the Pensions Act 2014 or Part 1 of the Pensions Act (Northern Ireland) 2015”.

(3) In regulation 5(b) (exemption from charges for treatment the need for which arose during the visit) after “(Northern Ireland) Act 1975”, insert “or a state pension under Part 1 of the Pensions Act 2014 or Part 1 of the Pensions Act (Northern Ireland) 2015”.

### **Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992**

**14.**—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(**52**) are amended as follows.

(2) In regulation 7(1)(b) (net income: calculation or estimation of N)(**53**), for “or the Welfare Reform Act” substitute “, the Welfare Reform Act or Part 1 of the Pensions Act 2014”.

(3) In paragraph 6(2) of Schedule 1 (calculation of N and M)(**54**), for “or the Welfare Reform Act” substitute “, the Welfare Reform Act or Part 1 of the Pensions Act 2014”.

### **Amendment of the National Health Service (Injury Benefits) Regulations 1995**

**15.** In regulation 2(1) (interpretation) of the National Health Service (Injury Benefits) Regulations 1995(**55**) in the definition of “relevant pension scheme”—

(a) after “Contributions and Benefits Act 1992” insert “or any amount by which the rate of a person’s state pension under section 4 of the Pensions Act 2014 exceeds the full rate of the state pension (“excess amount”);

(b) in paragraph (a) after “additional pension” insert “or excess amount”.

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(49) [S.I. 1989/306](#). These Regulations apply only in Wales. Regulation 4A was inserted by [S.I. 2004/614](#). Regulation 5(b) was amended by S.I.s [2004/1433](#) and [2005/2114](#).

(50) [2015 c.5 \(N.I.\)](#).

(51) [S.I. 1989/364](#). Regulation 4A was inserted by [S.S.I. 2004/369](#) and was amended by [S.S.I. 2005/572](#). Regulation 5(b) was amended by S.S.I.s [2004/369](#) and [2005/572](#).

(52) [S.I. 1992/1815](#). This instrument was revoked with savings by S.I.s [2001/155](#) and [2012/2785](#). Relevant amending instruments are S.I.s [1996/1345](#) and [2008/1554](#).

(53) Regulation 7(1)(b) was amended by S.I.s [1996/1345](#) and [2008/1554](#).

(54) Paragraph 6(2) of Schedule 1 was amended by S.I.s [1996/1345](#) and [2008/1554](#).

(55) [S.I. 1995/866](#). The definition of “relevant pension scheme” was substituted by [S.I. 1998/667](#).

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

16.—(1) The Jobseeker’s Allowance Regulations 1996<sup>(56)</sup> are amended as follows.

(2) In regulation 1(3) (citation, commencement, interpretation and application) in the definition of “the benefit Acts”<sup>(57)</sup>, for “and Part 4 of the 2012 Act” substitute “, Part 4 of the 2012 Act and the Pensions Act 2014”.

(3) After paragraph 1A of Schedule 6 (sums to be disregarded in the calculation of earnings)<sup>(58)</sup> insert—

“**1B.** If the claimant’s partner has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged, any earnings paid or due to be paid on termination of that employment by way of retirement but only if—

- (a) on retirement the partner is entitled to a state pension under Part 1 of the Pensions Act 2014, or
- (b) the only reason the partner is not entitled to a state pension under Part 1 of the Pensions Act 2014 is because the partner does not have the minimum number of qualifying years.”.

### **Amendment of the Housing Renewal Grants Regulations 1996**

17.—(1) The Housing Renewal Grants Regulations 1996<sup>(59)</sup> are amended as follows.

(2) In paragraph 12(1)(a)(ii) (additional condition for the higher pensioner and disability premiums)<sup>(60)</sup> of Schedule 1 (applicable amounts) after “under the 1992 Act”, insert “or a state pension under Part 1 of the Pensions Act 2014”.

(3) After paragraph 1(a) of Schedule 2 (sums to be disregarded in the determination of earnings) insert—

“(aa) where—

- (i) the employment has been terminated because of retirement, and
- (ii) on retirement he is entitled to a state pension under Part 1 of the Pensions Act 2014, or is not so entitled solely because he does not have the minimum number of qualifying years,

any earnings in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999**

18.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999<sup>(61)</sup> are amended as follows.

(2) In regulation 1(3) (citation, commencement, application and interpretation) before the definition of “state pension credit”<sup>(62)</sup>, insert—

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<sup>(56)</sup> S.I. 1996/207.

<sup>(57)</sup> The definition of “the benefit Acts” was inserted by S.I. 2008/3157 and amended by S.I. 2013/388.

<sup>(58)</sup> Paragraph 1A was substituted by S.I. 2007/2618.

<sup>(59)</sup> S.I. 1996/2890.

<sup>(60)</sup> Paragraph 12(1)(a)(ii) was substituted by S.I. 2009/1807 in respect of England only and by S.I. 2010/297 in respect of Wales only.

<sup>(61)</sup> S.I. 1999/991.

<sup>(62)</sup> The definition of “state pension credit” was inserted by S.I. 2002/3019.

““shared additional pension” means a shared additional pension under section 55A or 55AA of the Contributions and Benefits Act;”.

(3) After regulation 3(7D) (revision of decisions)(**63**), insert—

“(7DA) The Secretary of State may revise the state pension credit decision where—

- (a) a person chooses under—
  - (i) section 8(2) of the Pensions Act 2014 (choice of lump sum or survivor’s pension under section 9 in certain cases) to be paid a state pension under section 9 of that Act (survivor’s pension based on inheritance of deferred old state pension); or
  - (ii) Regulations made under section 10 of the Pensions Act 2014 (inheritance of graduated retirement benefit) which make provision corresponding or similar to section 8(2) to be paid a state pension under Regulations made under section 10 which make provision corresponding or similar to section 9 of that Act;
- (b) the Secretary of State—
  - (i) decides that the person or their partner is entitled to state pension credit; and
  - (ii) takes into account the state pension mentioned in sub-paragraph (a) in making or superseding that decision; and
- (c) the person’s choice for a state pension mentioned in sub-paragraph (a) is subsequently altered in favour of a lump sum in accordance with—
  - (i) regulation 6 of the State Pension Regulations 2015 (changing a choice of lump sum or survivor’s pension); or
  - (ii) Regulations made under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 6 of the State Pension Regulations 2015.

(7DB) The Secretary of State may revise an award of a state pension under Part 1 of the Pensions Act 2014 where—

- (a) the person makes a choice under—
  - (i) section 8(2) of the Pensions Act 2014; or
  - (ii) Regulations under section 10 of that Act which make provision corresponding or similar to section 8(2); and
- (b) the person subsequently alters their choice in accordance with—
  - (i) regulation 6 of the State Pension Regulations 2015; or
  - (ii) Regulations under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 6 of the State Pension Regulations 2015.”.

(4) In regulation 3(7EB)(**64**), after sub-paragraph (c) insert—

“(d) a state pension under Part 1 of the Pensions Act 2014.”.

(5) In regulation 6(2) (supersession of decisions), after sub-paragraph (o)(**65**) insert—

“(oa) is a decision that a person is entitled to state pension credit and—

- (i) the person—

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**(63)** Regulation 3(7D) was inserted by [S.I. 2005/2677](#).

**(64)** Regulation 3(7EB) was inserted by [S.I. 2012/824](#).

**(65)** Sub-paragraph (o) was inserted by [S.I. 2005/2677](#).

- (aa) chooses under section 8(2) of the Pensions Act 2014, or under Regulations under section 10 of that Act which make provision corresponding or similar to section 8(2), to be paid a lump sum; or
- (bb) is entitled to a lump sum under section 8(4) of the Pensions Act 2014, or under Regulations under section 10 of that Act which make provision corresponding or similar to section 8(4), because the person has failed to choose within the period mentioned in section 8(3); or
- (ii) such a lump sum is repaid in consequence of an application—
  - (aa) to alter the choice mentioned in paragraph (i)(aa) in accordance with regulation 6 of the State Pension Regulations 2015 or Regulations made under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 6 of the State Pension Regulations 2015; or
  - (bb) to make a late choice in accordance with regulation 4(4) of the State Pension Regulations 2015 (when a choice of lump sum or survivor’s pension may be made) or Regulations made under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 4(4) of the State Pension Regulations 2015;”.
- (6) In regulation 7(7A) (date from which a decision superseded under section 10 of the Social Security Act 1998 takes effect)(66), after “regulation 6(2)(o)” insert “or (oa)”.
- (7) After regulation 13A (retirement pension after period of deferment)(67), insert—

**“State pension under Part 1 of the Pensions Act 2014 after period of deferment**

**13B.**—(1) This regulation applies where—

- (a) a person claims a state pension under Part 1 of the Pensions Act 2014;
- (b) the person may make a choice under—
  - (i) section 8(2) of the Pensions Act 2014; or
  - (ii) Regulations made under section 10 of that Act which make provision corresponding or similar to section 8(2); and
- (c) the person does not make such a choice when the claim is made.
- (2) The Secretary of State may decide the claim before paragraph (4) applies.
- (3) The Secretary of State may revise a decision under paragraph (2) where paragraph (4) applies.
- (4) This paragraph applies where the person—
  - (a) makes a choice mentioned in paragraph (1)(b); or
  - (b) becomes entitled to a lump sum under section 8(4) of the Pensions Act 2014, or under Regulations made under section 10 of that Act which make provision corresponding or similar to section 8(4), because the person has failed to choose within the period mentioned in section 8(3).”.

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(66) Regulation 7(7A) was inserted by [S.I. 2005/2677](#).

(67) Regulation 13A was inserted by [S.I. 2005/2677](#).

### **Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000**

**19.** In regulation 4(1)(flat rate) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000<sup>(68)</sup>—

- (a) at the end of sub-paragraph (g) omit “and”;
- (b) after sub-paragraph (h) insert—
  - “; and
  - (i) a state pension under Part 1 of the Pensions Act 2014.”.

### **Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001**

**20.**—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001<sup>(69)</sup> are amended as follows.

(2) After regulation 4(7D) (revision of decisions)<sup>(70)</sup> insert—

“(7DA) Where—

- (a) a person chooses to be paid a state pension under section 9 of the Pensions Act 2014 in accordance with section 8(2) of that Act;
- (b) the relevant authority decides that the person or his partner is entitled to housing benefit and takes into account the state pension under section 9 of that Act in making or superseding that decision; and
- (c) the person alters their choice under section 8(2) of that Act in accordance with Regulations made under section 8(7),

the relevant authority may revise the housing benefit decision.

(7DB) Where—

- (a) a person, in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8(2) of that Act, chooses to be paid a survivor’s pension based on inheritance of deferred graduated retirement benefit;
- (b) the relevant authority decides that the person or his partner is entitled to housing benefit and takes into account the survivor’s pension in sub-paragraph (a) in making or superseding that decision; and
- (c) the person alters their choice to be paid the survivor’s pension in sub-paragraph (a) in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to Regulations made under section 8(7) of that Act,

the relevant authority may revise the housing benefit decision.”.

(3) In regulation 7(2) (decisions superseding earlier decisions) after sub-paragraph (j) insert<sup>(71)</sup>—

“(ja) where—

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<sup>(68)</sup> S.I. 2001/155. This instrument was amended by S.I. 2008/1554 and revoked with savings by S.I. 2012/2785. There are other amending instruments but none are relevant.

<sup>(69)</sup> S.I. 2001/1002.

<sup>(70)</sup> Regulation 4(7D) was inserted by S.I. 2005/2677.

<sup>(71)</sup> Regulation 7(2)(j) was inserted by S.I. 2005/2677.

- (i) the claimant or his partner chooses to be paid a lump sum under section 8(2) of the Pensions Act 2014, or fails to choose, and is entitled to a lump sum under section 8(4) of that Act; or
  - (ii) such a lump sum is repaid in consequence of a decision to alter that choice, being a decision made in accordance with Regulations made under section 8(7) of that Act;
- (jb) where—
- (i) the claimant or his partner chooses to be paid a lump sum under Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8(2) of that Act, or fails to choose, and is entitled to a lump sum under Regulations made under section 10 of that Act which include provision corresponding or similar to section 8(4) of that Act; or
  - (ii) such a lump sum is repaid in consequence of a decision to alter that choice, being a decision made in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to Regulations made under section 8(7) of that Act;”.
- (4) In regulation 8 (date from which a decision superseding an earlier decision takes effect), in paragraph (14A)(72) after “(2)(j),” insert “(ja) or (jb),”.

#### **Amendment of the Social Security (Contributions) Regulations 2001**

- 21.**—(1) The Social Security (Contributions) Regulations 2001(73) are amended as follows.
- (2) In regulation 48(1) (Class 3 contributions) in the words in parentheses omit “contribution”.
  - (3) In regulation 49(3) (precluded Class 3 contributions)(74) after “retirement pension,” insert “a state pension under section 2 or 4 of the Pensions Act 2014”.

#### **Amendment of the Social Security (Inherited SERPS) Regulations 2001**

- 22.** In regulation 2(3) (modification of Part II of the Contributions and Benefits Act) of the Social Security (Inherited SERPS) Regulations 2001(75)—
- (a) omit sub-paragraph (b);
  - (b) in sub-paragraph (e) for the words in parentheses, substitute “Category B retirement pension for widows, widowers and surviving civil partners who attained pensionable age before 6th April 2010”(76).

#### **Amendment of the Social Security (Notification of Change of Circumstances) Regulations 2001**

- 23.** After regulation 5(1ZB)(f) (change affecting other benefit payment or advantage) of the Social Security (Notification of Change of Circumstances) Regulations 2001(77) insert—
- “(fa) a state pension under Part 1 of the Pensions Act 2014;”.

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(72) Regulation 8(14A) was inserted by [S.I. 2005/2677](#).

(73) [S.I. 2001/1004](#).

(74) Regulation 49(3) was amended by [S.I. 2001/3728](#).

(75) [S.I. 2001/1085](#).

(76) Paragraph 64 of Schedule 12 to the Pensions Act 2014 substituted section 51 of the Social Security Contributions and Benefits Act 1992.

(77) [S.I. 2001/3252](#). Regulation 5(1ZB) was substituted by [S.I. 2011/1498](#) and amended by [S.I. 2011/2943](#).

### **Amendment of the State Pension Credit Regulations 2002**

**24.**—(1) The State Pension Credit Regulations 2002(**78**) are amended as follows.

(2) In regulation 18 (notional income)—

- (a) in paragraph (1)(a)(**79**) for “(a)”, substitute “(za)”;
- (b) after paragraph (7) insert(**80**)—

“(7ZA) Paragraph (6) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension under section 8(2) of the Pensions Act 2014, alters that choice in favour of a lump sum, in accordance with Regulations made under section 8(7) of that Act.

(7ZB) Paragraph (6) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with Regulations made under section 10 of that Act which include provision corresponding or similar to Regulations made under section 8(7).”;

(c) after paragraph (8) insert—

“(8A) In paragraph (7ZA), “lump sum” means a lump sum under section 8 of the Pensions Act 2014.

(8B) In paragraph (7ZB), “lump sum” means a lump sum under Regulations made under section 10 of the Pensions Act 2014.”.

(3) After paragraph 23A of Schedule V (income from capital)(**81**) insert—

“**23AA.** Where a person chooses a lump sum under section 8(2) of the Pensions Act 2014 or in accordance with Regulations made under section 10 of that Act which include provision corresponding or similar to section 8(2) of that Act, or fails to make a choice, and a lump sum payment has been made, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
- (b) the amount of that lump sum,

but only for so long as that person does not alter that choice in favour of an increase of pension.”.

### **Amendment of the Tax Credits (Definition and Calculation of Income) Regulations 2002**

**25.** In regulation 16(3) (claimants to whom income becomes available upon the making of a claim) of the Tax Credits (Definition and Calculation of Income) Regulations 2002(**82**)—

(a) after sub-paragraph (a) insert—

“(aa) a state pension under Part 1 of the Pensions Act 2014 or Part 1 of the Pensions Act (Northern Ireland) 2015.”;

(b) in sub-paragraph (c) in the definition of “shared additional pension”, after “section 55A” in both places it appears insert “or 55AA”.

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(78) S.I. 2002/1792.

(79) Paragraphs (1) to (1D) of regulation 18 were substituted for paragraph (1) by S.I. 2006/2378 and amended by S.I. 2007/2618.

(80) Paragraphs (7) and (8) of regulation 18 were inserted by S.I. 2005/2677 and were amended by S.I.s 2009/2655 and 2014/591.

(81) Paragraph 23A was inserted by S.I. 2005/2677.

(82) S.I. 2002/2006. Paragraph (3) of regulation 16 was inserted by S.I. 2004/762.



### **Amendment of the Social Security (Deferral of Retirement Pensions) Regulations 2005**

26. In regulation 1(2) (citation, commencement and interpretation) of the Social Security (Deferral of Retirement Pensions) Regulations 2005(83) in the definition of “shared additional pension” after “section 55A” insert “or 55AA”.

### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005**

27. In regulation 10(1A) (deductions from an award of a funeral payment) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(84), after sub-paragraph (v) insert—

“(va) a state pension under Part 1 of the Pensions Act 2014;”.

### **Amendment of the Housing Benefit Regulations 2006**

28.—(1) The Housing Benefit Regulations 2006(85) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts”(86), for “and the Welfare Reform Act” substitute “, the Welfare Reform Act and the Pensions Act 2014”.

(3) In regulation 34(d) (disregard of changes in tax, contributions etc.) after “the Act”, insert “or a state pension under Part 1 of the Pensions Act 2014”.

(4) In paragraph 13(1)(a)(ii) (additional condition for the Disability Premium) of Schedule 3 (applicable amounts) after “that Act” insert “or a state pension under Part 1 of the Pensions Act 2014”.

(5) After paragraph 1(a) of Schedule 4 (sums to be disregarded in the calculation of earnings)(87) insert—

“(aa) where—

(i) the employment has been terminated because of retirement; and

(ii) on retirement he is entitled to a state pension under Part 1 of the Pensions Act 2014, or is not so entitled solely because he does not have the minimum number of qualifying years,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date the employment was terminated;”.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

29.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(88) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts”(89), after “the 2012 Act,” insert “the Pensions Act 2014,”.

(3) In regulation 34(d) (disregard of changes in tax, contributions etc.) after “the Act” insert “or a state pension under Part 1 of the Pensions Act 2014”.

(4) In regulation 41 (notional income)—

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(83) S.I. 2005/453. The definition of “shared additional pension” was inserted by S.I. 2005/1551.

(84) S.I. 2005/3061. Paragraph (1A) was inserted by S.I. 2013/247. There is an amending instrument which is not relevant to this Order.

(85) S.I. 2006/213.

(86) Relevant amending instruments are S.I.s 2008/1082, 2013/388 and 2013/591.

(87) Paragraph 1(a) was amended by S.I. 2007/2618.

(88) S.I. 2006/214.

(89) Relevant amending instruments are S.I.s 2008/1082, 2013/388 and 2013/591 .

- (a) in paragraph (2)(b) after “section 55A” insert “or 55AA”;
  - (b) at the end of paragraph (2)(b) omit “and”;
  - (c) after paragraph (2)(c) insert—
    - “; and
    - (d) a state pension under Part 1 of the Pensions Act 2014.”;
  - (d) after paragraph (3)(c) insert—
    - “(d) in the case of a state pension under Part 1 of the Pensions Act 2014, in the circumstances specified in section 17(7) and (8) of that Act.”;
  - (e) in paragraph (8)(90) after “(8A)”, insert “, (8BA), (8BB)”.
  - (f) after paragraph (8B) insert(91)—
    - “(8BA) Paragraph (8) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension under section 8(2) of the Pensions Act 2014, alters that choice in accordance with Regulations made under section 8(7) of that Act in favour of a lump sum.
    - (8BB) Paragraph (8) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with Regulations made under section 10 of that Act which include provision corresponding or similar to Regulations made under section 8(7) of that Act.
    - (8BC) In paragraph (8BA), “lump sum” means a lump sum under section 8 of the Pensions Act 2014.
    - (8BD) In paragraph (8BB), “lump sum” means a lump sum under Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8 of that Act.”.
- (5) After paragraph 26A of Schedule 6 (capital to be disregarded)(92) insert—
- “**26AA.** Where a person chooses a lump sum under section 8(2) of the Pensions Act 2014 or in accordance with Regulations made under section 10 of that Act which include provision corresponding or similar to section 8(2) of that Act, or fails to make a choice, and a lump sum payment has been made, an amount equal to—
    - (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
    - (b) the amount of that lump sum,
 but only for so long as that person does not alter that choice in favour of an increase of pension.”.

### **Amendment of the Transfer of State Pensions and Benefits Regulations 2007**

**30.**—(1) The Transfer of State Pensions and Benefits Regulations 2007(93) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) in the definition of “relevant benefit”(94) after paragraph (b) insert—

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(90) Regulation 41(8) was amended by S.I.s 2005/2677 and 2009/2655.

(91) Regulation 41(8B) was inserted by S.I. 2005/2677.

(92) Paragraph 26A was inserted by S.I. 2005/2677.

(93) S.I. 2007/1398.

(94) The definition of “relevant benefit” was amended by S.I. 2013/630.

“(ba) a state pension under Part 1 of the Pensions Act 2014 or Part 1 of the Pensions Act (Northern Ireland) 2015;”.

(3) After regulation 2(3) (transferable rights)(95) insert—

“(4) In determining a person’s rights to relevant benefits for the purposes of this regulation, regulation 13 of the State Pension Regulations 2015 (minimum number of qualifying years), and any provisions in Northern Ireland which correspond to that regulation, shall not have effect.”.

(4) In regulation 8(3) (effect of making a cash equivalent transfer payment)(96)—

(a) after the first reference to “the 1992 Acts” insert “, Part 1 of the Pensions Act 2014, Part 1 of the Pensions Act (Northern Ireland) 2015”;

(b) for “it” substitute “those Acts”.

### **Amendment of the Employment and Support Allowance Regulations 2008**

**31.**—(1) The Employment and Support Allowance Regulations 2008(97) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “benefit Acts” for “and Part 1 of the Act” substitute “, Part 1 of the Act and the Pensions Act 2014”.

(3) After paragraph 3 of Schedule 7 (sums to be disregarded in the calculation of earnings) insert—

“**3A.** If the claimant’s partner has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged, any earnings paid or due to be paid on termination of that employment by way of retirement but only if—

(a) on retirement the partner is entitled to a state pension under Part 1 of the Pensions Act 2014; or

(b) the only reason the partner is not entitled to a state pension under Part 1 of the Pensions Act 2014 is because the partner does not have the minimum number of qualifying years.”.

### **Amendment of the Criminal Defence Service (Information Requests) (Prescribed Benefits) Regulations 2009**

**32.** In the Criminal Defence Service (Information Requests) (Prescribed Benefits) Regulations 2009(98) in regulation 2 (prescribed benefits), in the table entitled “Prescribed Benefits”—

(a) after the row beginning “Category A and Category B retirement pension” insert—

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“State pension	The Pensions Act 2014	Part I”;
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(b) in the row beginning “Shared additional pension”, for “Section 55A” substitute “Sections 55A and 55AA”.

### **Amendment of the Social Security (Maximum Additional Pension) Regulations 2010**

**33.**—(1) The Social Security (Maximum Additional Pension) Regulations 2010(99) are amended as follows.

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(95) Regulation 2(3) was amended by [S.I. 2010/1825](#).

(96) Regulation 8(3) was amended by [S.I. 2010/1825](#).

(97) [S.I. 2008/794](#).

(98) [S.I. 2009/212](#). These Regulations are lapsed subject to saving and transitional provisions in [S.I. 2013/534](#).

(99) [S.I. 2010/426](#).

- (2) In regulation 2(1) (interpretation), after the definition of “applicable limit” insert—
- ““relevant day” means the day on which the survivor would, but for section 43 (persons entitled to more than one retirement pension), have become entitled to both—
- (a) a Category A retirement pension; and
  - (b) a Category B retirement pension by virtue of the contributions of a spouse or civil partner who has died,
- or would have become so entitled if the survivor’s entitlement to a Category A or Category B retirement pension had not been deferred;”.
- (3) In regulation 3 (prescribed maximum additional pension)—
- (a) before paragraph (1), insert—
    - “(A1) This regulation applies to a survivor whose relevant day is before 6th April 2016.”;
  - (b) in paragraph (1)(a), for “the day specified in paragraph (2)” substitute “the survivor’s relevant day”; and
  - (c) omit paragraph (2).
- (4) After regulation 3, insert—

**“Prescribed maximum additional pension for survivors who become entitled on or after 6th April 2016**

- 3A.**—(1) This regulation applies to a survivor whose relevant day is on or after 6th April 2016.
- (2) For the purposes of section 52(3), the maximum additional pension shall be £165.60.”.

**Amendment of the Equality Act 2010 (Sex Equality Rule) (Exceptions) Regulations 2010**

- 34.** In regulation 2 (exceptions to the sex equality rule: bridging pensions) of the Equality Act 2010 (Sex Equality Rule) (Exceptions) Regulations 2010(**100**)—
- (a) at the end of paragraph (a) after the second “and” insert “either”;
  - (b) after paragraph (b) insert—
    - “; or
  - (c) an additional amount of pension is paid to the man which does not exceed the amount of any state pension under Part 1 of the Pensions Act 2014 that would be payable to a woman with earnings the same as the man’s earnings in respect of his period of pensionable service under the scheme (assuming that the requirements for entitlement to a state pension under Part 1 of the Pensions Act 2014 were satisfied and a claim made).”.

**Amendment of the Equality Act (Age Exceptions for Pension Schemes) Order 2010**

- 35.**—(1) The Equality Act (Age Exceptions for Pension Schemes) Order 2010(**101**) is amended as follows.
- (2) In article 2(4) (interpretation) in the defined term “basic statement retirement pension”, for “statement” substitute “state”.

(3) In Schedule 1 (occupational pension schemes: excepted rules, practices, actions and decisions)

(a) after paragraph 1(b)(iii) (admission to schemes) insert—

“; or

(iv) does not exceed an amount calculated more or less to reflect the amount of the state pension under Part 1 of the Pensions Act 2014.”;

(b) in paragraph 14(1)(b) after “additional state retirement pension”, insert “or the state pension under Part 1 of the Pensions Act 2014”;

(c) in paragraph 14(1)(c) after “additional state retirement pension”, insert “or the state pension under Part 1 of the Pensions Act 2014”;

(d) after paragraph 23(c), insert—

“; or

(d) does not exceed an amount calculated more or less to reflect the amount of the state pension under Part 1 of the Pensions Act 2014.”.

#### **Amendment of the Council Tax Reduction (Scotland) Regulations 2012**

**36.**—(1) The Council Tax Reduction (Scotland) Regulations 2012(**102**) are amended as follows.

(2) In paragraph 10(1)(a)(ii) (additional condition for the disability premium) of Schedule 1 (applicable amount), after “under that Act” insert “or a state pension under Part 1 of the Pensions Act 2014”.

(3) After paragraph 1(a) of Schedule 3 (sums to be disregarded in the calculation of earnings) insert—

“(aa) where—

(i) the employment has been terminated because of retirement; and

(ii) on retirement the applicant is entitled to a state pension under Part 1 of the Pensions Act 2014, or is not so entitled solely because the applicant does not have the minimum number of qualifying years,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;”.

#### **Amendment of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012**

**37.** In regulation 38 (notional income) of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012(**103**)—

(a) in paragraph (2)(b)—

(i) after “section 55A” insert “or 55AA”;

(ii) at the end omit “and”;

(b) after paragraph (2)(c) insert—

“; and

(d) a state pension under Part 1 of the Pensions Act 2014.”;

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(102) S.S.I. 2012/303.

(103) S.S.I. 2012/319.

- (c) in paragraph (3)(b) at the end omit “and”;
- (d) after paragraph (3)(c) insert—
  - “; and
  - (d) in the case of a state pension under Part 1 of the Pensions Act 2014, in the circumstances specified in section 17(7) and (8) of that Act.”;
- (e) in paragraph (8) after “(9)” insert “, (9A), (9B)”;
- (f) after paragraph (9) insert—
  - “(9A) Paragraph (8) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension under section 8(2) of the Pensions Act 2014, alters that choice in accordance with Regulations made under section 8(7) of that Act in favour of a lump sum.
  - (9B) Paragraph (8) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with Regulations made under section 10 of that Act which include provision corresponding or similar to Regulations made under section 8(7) of that Act.”.

#### **Amendment of the Child Support Maintenance Calculation Regulations 2012**

**38.** In regulation 44(1) (flat rate) of the Child Support Maintenance Calculation Regulations 2012(**104**)—

- (a) at the end of sub-paragraph (g) omit “and”;
- (b) after sub-paragraph (h) insert—
  - “; and
  - (i) a state pension under Part 1 of the Pensions Act 2014.”.

#### **Amendment of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**

**39.**—(1) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(**105**) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts”, for “and the Welfare Reform Act 2007” substitute “, the Welfare Reform Act 2007 and the Pensions Act 2014”.

(3) In Schedule 1 (pensioners: matters that must be included in an authority’s scheme)—

- (a) in paragraph 22 (notional income)—
  - (i) in sub-paragraph (2)(b) after “section 55A” insert “or 55AA”;
  - (ii) after sub-paragraph (2)(c) insert—
    - “(d) a state pension under Part 1 of the Pensions Act 2014.”;
  - (iii) at the end of sub-paragraph (3)(b) omit “and”;
  - (iv) after sub-paragraph (3)(c) insert—
    - “(d) in the case of a state pension under Part 1 of the Pensions Act 2014, in the circumstances specified in section 17(7) and (8) of that Act.”;

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(104)S.I. 2012/2677. There are no relevant amendments to this instrument.

(105)S.I. 2012/2885.

- (v) in sub-paragraph (9) after “(10)” insert “, (11A), (11B)”;
- (vi) after sub-paragraph (11) insert—

“(11A) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension under section 8(2) of the Pensions Act 2014, alters that choice in accordance with Regulations made under section 8(7) of that Act in favour of a lump sum.

(11B) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with Regulations made under section 10 of the Pensions Act 2014, which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with Regulations made under section 10 of that Act, which include provision corresponding or similar to Regulations made under section 8(7) of that Act.

(11C) In sub-paragraph (11A), “lump sum” means a lump sum under section 8 of the Pensions Act 2014.

(11D) In sub-paragraph (11B), “lump sum” means a lump sum under Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8 of that Act.”;

- (b) in paragraph 26(1)(a)(ii) (additional condition referred to in paragraph 25(10)(b)(i): disability) after “under that Act”, insert “or a state pension under Part 1 of the Pensions Act 2014”;
  - (c) in paragraph 28(d) (disregard of changes of tax, contributions etc.) after “under the SSCBA”, insert “or a state pension under Part 1 of the Pensions Act 2014”.
- (4) After paragraph 28 of Schedule 6 (capital disregards) insert—

“**28A.** Where a person chooses a lump sum under section 8(2) of the Pensions Act 2014 or in accordance with Regulations made under section 10 of that Act which include provision corresponding or similar to section 8(2) of that Act, or fails to make a choice, and a lump sum payment has been made, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum; or
- (b) the amount of that lump sum,

but only for so long as that person does not alter that choice in favour of an increase of pension.”.

## **Amendment of the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012**

**40.**—(1) The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012(**106**) are amended as follows.

- (2) In the scheme set out in the Schedule (council tax reduction scheme (default scheme) 2013)—
  - (a) in paragraph 2(1) (interpretation), in the definition of “the benefit Acts”, for “and the Welfare Reform Act 2007” substitute “, the Welfare Reform Act 2007 and the Pensions Act 2014”;
  - (b) in paragraph 45 (notional income: pensioners)
    - (i) in sub-paragraph (2)(b) after “section 55A” insert “or 55AA”;

- (ii) after sub-paragraph (2)(c) insert—
  - “(d) a state pension under Part 1 of the Pensions Act 2014.”;
- (iii) at the end of sub-paragraph (3)(b) omit “and”;
- (iv) after sub-paragraph (3)(c) insert—
  - “(d) in the case of a state pension under Part 1 of the Pensions Act 2014, in the circumstances specified in section 17(7) and (8) of that Act.”;
- (v) in sub-paragraph (9) after “(10)” insert “, (11A), (11B)”;
- (vi) after sub-paragraph (11) insert—
  - “(11A) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension under section 8(2) of the Pensions Act 2014, alters that choice in accordance with Regulations made under section 8(7) of that Act in favour of a lump sum.
  - (11B) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with Regulations made under section 10 of the Pensions Act 2014, which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with Regulations made under section 10 of that Act, which include provision corresponding or similar to Regulations made under section 8(7) of that Act.
  - (11C) In sub-paragraph (11A), “lump sum” means a lump sum under section 8 of the Pensions Act 2014.
  - (11D) In sub-paragraph (11B), “lump sum” means a lump sum under Regulations made under section 10 of the Pensions Act 2014.”;
- (c) in paragraph 60(d) (disregard of changes in tax, contributions etc.) after “under the SSCBA”, insert “or a state pension under Part 1 of the Pensions Act 2014”.
- (3) In paragraph 10(1)(a)(ii) (additional condition for the disability premium) of Schedule 3 to the Schedule (applicable amounts: persons who are not pensioners) after “under that Act”, insert “or a state pension under Part 1 of the Pensions Act 2014”.
- (4) In paragraph 1(a)(ii) of Schedule 7 to the Schedule (sums disregarded in the calculation of earnings: persons who are not pensioners)—
  - (a) after “under the Act”, insert “or a state pension under Part 1 of the Pensions Act 2014”;
  - (b) after “contribution conditions”, insert “or to have the minimum number of qualifying years”.

### **Amendment of the Social Security (Payments on Account of Benefit) Regulations 2013**

**41.—**(1) The Social Security (Payments on Account of Benefit) Regulations 2013(**107**) are amended as follows.

- (2) In regulation 3 (definition of “benefit”) after paragraph (1)(f) insert—
  - “(g) a state pension under Part 1 of the Pensions Act 2014.”.
- (3) In regulation 7(3) (definition of financial need) for “to (f)” substitute “to (g)”.



### **Amendment of the Social Security (Overpayments and Recovery) Regulations 2013**

**42.** In regulation 10(2) (recovery by deduction from benefits) of the Social Security (Overpayments and Recovery) Regulations 2013(**108**)—

- (a) at the end of sub-paragraph (e) omit “and”;
- (b) after sub-paragraph (f) insert—
  - “; and
- (g) a state pension under Part 1 of the Pensions Act 2014.”.

### **Amendment of the Legal Aid (Information about Financial Resources) Regulations 2013**

**43.** In the Schedule (prescribed benefits) to the Legal Aid (Information about Financial Resources) Regulations 2013(**109**)—

- (a) in paragraph 9 after “48A,” in both places it appears insert “48AA,”(**110**);
- (b) after paragraph 9 insert—
  - “**9A.** A state pension under Part 1 of the Pensions Act 2014 or Part 1 of the Pensions Act (Northern Ireland) 2015.”;
- (c) in paragraph 10 after “section 55A” in both places it appears insert “or 55AA”.

### **Amendment of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014**

**44.** The following provisions of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014(**111**) are revoked—

- (a) article 8 (Category B retirement pension for married person);
- (b) article 9 (Category B retirement pension for widows and widowers);
- (c) article 10 (Category B retirement pension for widowers);
- (d) article 12 (converted or changed civil partnerships);
- (e) paragraph 2(8), (9), (10) and (14) of Schedule 4 (consequential modification of the Social Security Pensions Act 1975 and the Social Security Contributions and Benefits Act 1992).

### **Amendment of the State Pension Regulations 2015**

**45.** In regulation 6(2)(h) of the State Pension Regulations 2015 (changing a choice of lump sum or survivor’s pension)(**112**), after “regulation 30(5G)” insert “or (5H)”.

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(108) S.I. 2013/384.

(109) S.I. 2013/628.

(110) Section 48AA is inserted into the Social Security Contributions and Benefits Act 1992 by paragraph 60 of Schedule 12 to the Pensions Act 2014.

(111) S.I. 2014/3229.

(112) S.I. 2015/173.

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Signed by authority of the Secretary of State for Work and Pensions.

7th December 2015

*Altmann*  
Minister of State,  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes consequential, supplementary and incidental amendments in relation to the provisions of Part 1 of the Pensions Act 2014 (c.19) (“the 2014 Act”), which creates a new state pension for people reaching pensionable age on or after 6th April 2016.

The amendments in this Order are all to secondary legislation. The majority of these amendments add a reference to the new state pension to the existing secondary legislation. Some of the amendments do so by reference to a particular part of the new state pension and some do so by reference to particular provisions of the 2014 Act. In the vast majority of cases, the amendments are to provisions in the existing legislation which refer to the old state pension so that those provisions also apply to the new state pension.

The amendments come into force on 6th April 2016, which is the first day a person can be entitled to the new state pension. The exception is the provisions in article 9(6) and (7), which come into force before then. These provisions relate to advance awards, which are provisional awards made in advance of the date on which the person becomes entitled. Advance awards help prevent gaps occurring between a person becoming entitled (usually on reaching pensionable age) and receiving their first payment. The amendments apply the advance award provisions to the new state pension.

This Order amends 44 different pieces of secondary legislation, including a number about the administration of benefits. This includes legislation about how a person should claim benefit, when it is paid, how decisions should be made, what happens when a person would be entitled to more than one benefit etc. That legislation is amended to apply to the new state pension.

In particular, the following amendments are made.

Amendments are made to insert references to section 55AA of the Social Security Contributions and Benefits Act 1992 (c.4) where there are references to section 55A (shared additional pension because of an old state scheme pension credit). Section 55AA concerns a shared additional pension because of a new state scheme pension credit.

Article 4 amends the Social Security (Overlapping Benefits) Regulations 1979 (S.I. 1979/597) so that a person cannot receive both the new state pension and certain benefits such as carer’s allowance at the same time.

Article 5 amends the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979 (S.I. 1979/642) by inserting references to the new state pension where there are references to the old state pension in provisions that allow a person to substitute their former spouse or civil partner’s national insurance contributions for their own if it enables the person to have entitlement to a Category A old state pension. But a former spouse or civil partner’s contributions for the years after 2015-2016 cannot be substituted in this way. Article 5(5) inserts the rate of a Category C retirement pension in consequence of that rate being omitted from the Social Security Contributions and Benefits Act 1992 by paragraph 81(a) of Schedule 12 to the 2014 Act.

Article 9 amends the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) so that a person can be paid the new state pension from the first day in respect of which they become entitled to the last day in respect of which they are entitled. It also amends those Regulations to set out where a claim for the new state pension can be treated as a claim for another benefit and vice versa.

Article 33 amends the Social Security (Maximum Additional Pension) Regulations 2010 (S.I. 2010/426) to specify the maximum amount of the old state pension a person can be entitled to in particular circumstances.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 44 revokes provisions in secondary legislation extending to Scotland which provide for the effect of the introduction of same sex marriage in Scotland on the Category B old state pensions of married persons, widows and widowers. These provisions are no longer required because Part 2 of Schedule 12 to the 2014 Act makes equivalent provision for all of Great Britain.

A full impact assessment has not been published for this Order as it has no impact on the private sector or civil society organisations. An assessment has been made of the impact of the introduction of the new state pension. Copies of that impact assessment may be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D Caxton House, Tothill Street, London SW1 9NA or from the DWP website: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311316/pensions-act-ia-annex-a-single-tier-state-pension.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311316/pensions-act-ia-annex-a-single-tier-state-pension.pdf). (Annex A contains the assessment for the new state pension.)