
Changes to legislation: Pensions (No. 2) Act (Northern Ireland) 2008, PART 2 is up to date with all changes known to be in force on or before 10 April 2024. 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

SCHEDULES

SCHEDULE 4

PENSION COMPENSATION PAYABLE ON DISCHARGE OF PENSION COMPENSATION CREDIT

PART 2

TRANSFeree ATTAINS PENSION COMPENSATION AGE BEFORE OR ON TRANSFER DAY

Compensation payable to transferee

- 4.—(1) Compensation is payable in accordance with this paragraph where the transferee attains pension compensation age before or on the transfer day.
- (2) The transferee is entitled to periodic compensation commencing on the transfer day and continuing for life.
- (3) The annual rate of the periodic compensation is the aggregate of—
- (a) the initial annual rate of compensation, ^{F1}...
 - [^{F2}(aa) if the commencement of periodic compensation under this paragraph has been postponed for any period by virtue of paragraph 16A, the amount of the actuarial increase under that paragraph, and]
 - (b) any increases under paragraph 17 (annual increases in periodic compensation).
- (4) This paragraph is subject to [^{F3}paragraph 16A (postponement of compensation) and] paragraph 18 (compensation cap).

Textual Amendments

- F1** Word in Sch. 4 para. 4(3)(a) omitted (27.3.2013) by virtue of Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(3), Sch. 4 para. 31(1)(a); S.R. 2013/83, art. 2(b)(iii)
- F2** Sch. 4 para. 4(3)(aa) inserted (27.3.2013) by Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(3), Sch. 4 para. 31(1)(b); S.R. 2013/83, art. 2(b)(iii)
- F3** Words in Sch. 4 para. 4(4) inserted (27.3.2013) by Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(3), Sch. 4 para. 31(2); S.R. 2013/83, art. 2(b)(iii)

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Compensation payable to widow, widower or surviving civil partner

5.—(1) This paragraph applies where—

- (a) the transferee dies after liability in respect of the pension compensation credit has been discharged under section 94,
- (b) the transferee was before death entitled under paragraph 4 to periodic compensation commencing on the transfer day, and
- (c) the transferee is survived by a widow, widower or surviving civil partner (“the surviving partner”).

(2) Subject to sub-paragraph (4), the surviving partner is entitled to periodic compensation commencing on the day following the transferee's death and continuing for life.

(3) The annual rate of the periodic compensation at any time is half of the annual rate of the periodic compensation (including [^{F4}any actuarial increase under paragraph 16A and] any increases under paragraph 17) to which the transferee would at that time have been entitled under paragraph 4 had the transferee not died.

[^{F5}(3A) If, on the day the transferee (“T”) died, commencement of T's periodic compensation under paragraph 4 was postponed by virtue of paragraph 16A, assume for the purposes of sub-paragraph (3) that the periodic compensation commenced immediately before the date of T's death.]

(4) The surviving partner is not entitled to periodic compensation under this paragraph in such circumstances as may be prescribed.

Textual Amendments

- F4** Words in Sch. 4 para. 5(3) inserted (27.3.2013) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), s. 34(3), **Sch. 4 para. 32(1)(a)**; S.R. 2013/83, art. 2(b)(iii)
- F5** Sch. 4 para. 5(3A) inserted (27.3.2013) by [Pensions Act \(Northern Ireland\) 2012 \(c. 3\)](#), s. 34(3), **Sch. 4 para. 32(1)(b)**; S.R. 2013/83, art. 2(b)(iii)

Commencement Information

- I1** Sch. 4 para. 5 wholly in operation; Sch. 4 para. 5 in operation for certain purposes at Royal Assent see s. 118(2); Sch. 4 para. 5 in operation at 6.4.2011 in so far as not already in operation by [S.R. 2011/108](#), **art. 2(2)**, Sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 24\(1\)\(c\) inserted by 2016 c. 1 \(N.I.\) Sch. 2 para. 39\(2\)\(d\)](#)