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*Changes to legislation: Pensions Act (Northern Ireland) 2015, Cross Heading: Dead spouse or civil partner in new state pension system is up to date with all changes known to be in force on or before 01 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*

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## SCHEDULES

### SCHEDULE 3

#### SURVIVOR'S PENSION UNDER SECTION 7: INHERITED AMOUNT

##### *Dead spouse or civil partner in new state pension system*

5.—(1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—

- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
- (b) the pensioner was over pensionable age when the spouse or civil partner died,
- (c) the spouse or civil partner was, immediately before his or her death, entitled to a state pension payable at the transitional rate, and
- (d) that transitional rate exceeded the full rate of the state pension.

(2) The inherited amount is half of the amount by which the transitional rate of the state pension for the spouse or civil partner exceeded the full rate of the state pension immediately before the death.

##### **Commencement Information**

**II** Sch. 3 para. 5 in operation at 6.4.2016, see s. 53(1)(3)

6.—(1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—

- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
- (b) the pensioner was under pensionable age when the spouse or civil partner died,
- (c) the spouse or civil partner was, immediately before his or her death, entitled to a state pension payable at the transitional rate,
- (d) that transitional rate exceeded the full rate of the state pension, and
- (e) the pensioner did not marry or form a civil partnership after the death and before reaching pensionable age.

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(2) The inherited amount is half of the amount by which the transitional rate of the state pension for the spouse or civil partner would have exceeded the full rate of the state pension if he or she had been alive on the day on which the pensioner reached pensionable age.

**Commencement Information**

**I2** [Sch. 3 para. 6](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

7.—(1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—

- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
- (b) the pensioner was over pensionable age when the spouse or civil partner died,
- (c) the spouse or civil partner was under pensionable age when he or she died but would have been entitled to a state pension payable at the transitional rate if he or she had reached pensionable age on the day of the death, and
- (d) that transitional rate would have exceeded the full rate of the state pension.

(2) The inherited amount is half of the amount by which the transitional rate of the state pension for the spouse or civil partner would have exceeded the full rate of the state pension if he or she had reached pensionable age on the day of the death.

**Commencement Information**

**I3** [Sch. 3 para. 7](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

8.—(1) A pensioner whose spouse or civil partner has died is entitled to an inherited amount under this paragraph if—

- (a) the marriage took place or the civil partnership was formed before 6 April 2016,
- (b) the pensioner was under pensionable age when the spouse or civil partner died,
- (c) the spouse or civil partner died on or after 6 April 2016,
- (d) the spouse or civil partner was under pensionable age when he or she died,
- (e) the spouse or civil partner would have been entitled to a state pension payable at the transitional rate if he or she had reached pensionable age on the same day as the pensioner,
- (f) that transitional rate would have exceeded the full rate of the state pension, and

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(g) the pensioner did not marry or form a civil partnership after the death and before reaching pensionable age.

(2) The inherited amount is half of the amount by which the transitional rate of the state pension for the spouse or civil partner would have exceeded the full rate of the state pension if he or she had reached pensionable age on the same day as the pensioner.

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**Commencement Information**

**I4** [Sch. 3 para. 8](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) transitional provisions for effects of commencing S.I. 2017/297, art. 2 by [S.R. 2017/58](#) Order