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*Changes to legislation: Pensions Act (Northern Ireland) 2015, Paragraph 3 is up to date with all changes known to be in force on or before 05 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 5

#### SURVIVOR'S PENSION UNDER SECTION 9: INHERITED DEFERRAL AMOUNT

##### *Dead spouse's or civil partner's entitlement to old state pension deferred at time of death*

- 3.—(1) A pensioner whose spouse or civil partner has died is entitled to an inherited deferral amount under this paragraph if—
- (a) the spouse's or civil partner's entitlement to an old state pension was deferred when he or she died, and
  - (b) the pensioner would, on reaching pensionable age or on the death of the spouse or civil partner, have been entitled to an old state pension if in the relevant provisions of the Contributions and Benefits Act—
    - (i) the words “before 6 April 2016” were omitted, and
    - (ii) any reference to a bereavement allowance included a reference to bereavement support payment under section 29 of this Act.
- (2) The inherited deferral amount is equal to the amount by which the weekly rate of the old state pension for the pensioner would have been increased under paragraph 4 of Schedule 5 to the Contributions and Benefits Act on the day on which the pensioner became entitled to the inherited deferral amount.
- (3) For the purposes of calculating the amount of that increase—
- (a) a pensioner who is not entitled to a choice under section 8 is to be treated as having met the condition in paragraph 4(1)(c) of Schedule 5 to the Contributions and Benefits Act,
  - (b) a pensioner who has chosen under section 8 to be paid a state pension under section 9 is to be treated as having met the condition in paragraph 4(1)(b) of Schedule 5 to the Contributions and Benefits Act, and
  - (c) paragraph 4(1A) of Schedule 5 to the Contributions and Benefits Act has effect as if after the words “apart from” (in each place) there were inserted “ this paragraph and ”.
- (4) In this paragraph “deferred” has the meaning given by section 55(3) of the Contributions and Benefits Act.

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**Commencement Information**

- II** [Sch. 5 para. 3](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

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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