

2015 No. 315

SOCIAL SECURITY

The State Pension Regulations (Northern Ireland) 2015

Made - - - - - *16th July 2015*

Coming into operation - - - - - *6th April 2016*

Approved by resolution of the Assembly on 8th March 2016

CONTENTS

PART 1

General

1. Citation, commencement, application and interpretation

PART 2

Prisoners

2. Prisoners who are not to be paid state pension
3. Paying state pension to persons who are remanded in custody

PART 3

Deferral of State Pension

4. When a choice of lump sum or survivor's pension may be made
5. How a choice of lump sum or survivor's pension may be made
6. Changing a choice of lump sum or survivor's pension
7. How entitlement to a state pension may be suspended
8. Date from which a suspension of a state pension begins
9. Cancelling a suspension of a state pension
10. Percentage for the weekly rate of increases resulting from deferral of state pension
11. Days which are not included in determining the period of deferral
12. Part weeks treated as whole weeks in determining the amount of entitlement during deferral

PART 4

Minimum Qualifying Period

13. Minimum number of qualifying years

PART 5
Sharing of state pension rights

14. Amendment of the Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 55A(6) and 171(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 21(1)(a), (b)(ii) and (c)(i) and (2), and 46(4) and (4A) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(b) and now vested in it(c), and sections 2(3), 4(2), 8(3), (7) and (8), 16(1) and (6), 17(4) and (5), 18(1), 19(1) and (3), and 51(6) of, and paragraph 4 of Schedule 8 and paragraph 4 of Schedule 10 to, the Pensions Act (Northern Ireland) 2015(d).

PART 1
General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the State Pension Regulations (Northern Ireland) 2015 and shall come into operation on 6th April 2016.

(2) In these Regulations “the Act” means the Pensions Act (Northern Ireland) 2015.

(3) For the purposes of the following Regulations, two people are to be treated as if they are not married to each other in relation to times when either of them is married to a third person.

PART 2
Prisoners

Prisoners who are not to be paid state pension

2.—(1) Subject to regulation 3, a person is not to be paid a state pension under Part 1 of the Act (state pension) for any period during which the person is a prisoner who is mentioned in paragraph (2).

(2) Except where paragraph (3) applies, a person is a prisoner for the purposes of paragraph (1) where the person is—

- (a) a prisoner in Northern Ireland or elsewhere who is imprisoned or detained in legal custody in connection with, or as a result of, criminal proceedings;
- (b) a prisoner in Northern Ireland or elsewhere who is unlawfully at large;
- (c) a prisoner in Northern Ireland who is being detained—

(a) 1992 c. 7; section 55A was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by section 37(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and is amended by paragraph 4 of Schedule 11 to the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.))

(b) S.I. 1999/3147 (N.I. 11); Articles 21(1) and 45(1) were amended respectively by paragraphs 108 and 112 of Schedule 29 to the Civil Partnership Act 2004 (c. 33) and Article 46 was substituted by section 37(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and is amended by paragraph 11 of Schedule 11 to the Pensions Act (Northern Ireland) 2015

(c) See Article 8(b) of S.R. 1999 No. 481

(d) 2015 (c. 5 (N.I.))

- (i) under Article 53 of the Mental Health (Northern Ireland) Order 1986 (removal to hospital of persons serving sentences of imprisonment etc)(a); and
- (ii) on or before the day which the Department of Justice certifies to be the person's release date (if any) within the meaning given in Article 56(3) of that Order (b);

(3) Where a person outside Northern Ireland is a prisoner within paragraph (2)(a) or (b) and, in similar circumstances in Northern Ireland, the person would not have been a prisoner, the person is not a prisoner within paragraph (2)(a) or (b).

Paying state pension to persons who are remanded in custody

3.—(1) Where a person is remanded in custody for an offence, regulation 2(1) does not apply unless a sentence described in paragraph (2) is later imposed on the person for the offence.

(2) Subject to paragraph (3), the described sentences for the purposes of paragraph (1) are—

- (a) a sentence of imprisonment or detention in legal custody as a result of criminal proceedings;
- (b) a sentence of detention where the provisions mentioned in regulation 2(2)(c)(i) apply; and
- (c) a suspended sentence within the meaning given in section 18 of the Treatment of Offenders Act (Northern Ireland) 1968(c) (suspended sentences of imprisonment).

(3) A sentence described in paragraph (2)(a) which is imposed outside Northern Ireland is not a described sentence for the purposes of paragraph (1) if, in similar circumstances in Northern Ireland, a sentence described in paragraph (2)(a) would not have been imposed.

PART 3

Deferral of State Pension

When a choice of lump sum or survivor's pension may be made

4.—(1) Where a person falls within section 8(1) of the Act (choice of lump sum or survivor's pension under section 9 in certain cases), paragraphs (2) and (3) set out the period within which that person is to make any choice under section 8(2) of the Act to be paid—

- (a) a lump sum under section 8 of the Act; or
- (b) a state pension under section 9 of the Act (survivor's pension based on inheritance of deferred old state pension).

(2) Where the Department has issued a notice which confirms that the person may make the choice, the period is three months starting on the date in that notice (or, where there is more than one notice which confirms that the person may make that choice, the date in the most recent such notice).

(3) Where the person makes the choice before the Department has issued any such notice, the period—

- (a) starts on the later of the date—
 - (i) the person claims a state pension; or
 - (ii) the person's spouse or civil partner died; and
- (b) ends on the date the person makes the choice.

(a) S.I. 1986/595 (N.I. 4); Article 53 was amended by paragraph 27 of Schedule 5 to the Criminal Justice (Children) (Northern Ireland) Order (S.I. 1998/1504 (N.I. 9)) and paragraph 8(1) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.))

(b) Article 56(3) was substituted by section 296(3) of the Criminal Justice Act 2003 (c. 44) and amended by paragraph 5(2) of Schedule 5 to the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))

(c) 1968 c. 29 (N.I.); section 18 was amended by Article 9(1) of the Treatment of Offenders (Northern Ireland) Order 1989 (S.I. 1989/1344 (N.I. 15))

(4) A person may make a late choice after the period set out in this regulation in circumstances where—

- (a) the Department considers it is reasonable in any particular case; and
- (b) any amount paid by way of (or on account of) a lump sum under section 8(4) of the Act has been repaid to the Department—
 - (i) in full; and
 - (ii) in the currency in which that amount was originally paid.

(5) The amount of any lump sum to be paid to the person under section 8(4) is reduced to nil where the person makes a late choice under paragraph (4) to be paid a state pension under section 9 of the Act.

How a choice of lump sum or survivor's pension may be made

5.—(1) Where a person falls within section 8(1) of the Act, this regulation sets out the manner in which that person is to make any choice under section 8(2) of the Act to be paid—

- (a) a lump sum under section 8 of the Act; or
- (b) a state pension under section 9 of the Act.

(2) The manner is—

- (a) in writing to an office which is specified to the person in writing by the Department as accepting any such choice; or
- (b) by telephone to a telephone number which is specified to the person in writing by the Department as accepting any such choice.

(3) The person must use the manner set out in paragraph (2)(a) where the Department directs in any particular case that that manner must be used.

Changing a choice of lump sum or survivor's pension

6.—(1) Any choice under section 8(2) of the Act to be paid—

- (a) a lump sum under section 8 of the Act; or
- (b) a state pension under section 9 of the Act,

may be altered in the circumstances specified in paragraph (2).

(2) The circumstances referred to in paragraph (1) are—

- (a) the person who made the choice has not subsequently died;
- (b) an application is made to alter the choice;
- (c) the application is made within—
 - (i) the period of three months starting on the date in the notification issued by the Department which confirms the choice that has been made; or
 - (ii) such longer period as the Department considers reasonable in any particular case;
- (d) the application is made in the manner set out in—
 - (i) regulation 5(2)(a), where the Department directs in any particular case that the manner in regulation 5(2)(a) must be used; or
 - (ii) regulation 5(2)(a) or (b), in all other cases;
- (e) where the application is to alter the choice so that it becomes a choice to be paid a state pension under section 9 of the Act, any amount paid by way of (or on account of) a lump sum under section 8 of the Act has been repaid to the Department—
 - (i) in full;
 - (ii) within the period mentioned in sub-paragraph (c); and
 - (iii) in the currency in which that amount was originally paid;

- (f) where the application is to alter the choice so that it becomes a choice to be paid a lump sum under section 8 of the Act, any amount paid by way of (or on account of) a state pension under section 9 of the Act would be less than the amount which would be paid as a lump sum under section 8 of the Act;
- (g) no previous alteration has been made under this regulation in respect of the same deferral mentioned in section 8(1)(c) of the Act; and
- (h) the choice has not been treated as made under regulation 30(5G) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a) (payments on death).

(3) Where the circumstance in paragraph (2)(f) applies, any amount paid by way of (or on account of) a state pension under section 9 of the Act in respect of the deferral mentioned in section 8(1)(c) of the Act for which the choice was originally made is to be treated as having been paid on account of the lump sum to be paid under section 8 of the Act.

How entitlement to a state pension may be suspended

7.—(1) A person (“P”) who has become entitled to a state pension under Part 1 of the Act may opt to suspend P’s entitlement if P gives notice to the Department.

(2) The manner in which the notice must be given is—

- (a) in writing to an office which is specified to the person in writing by the Department as accepting any such notice; or
- (b) by telephone to a telephone number which is specified to the person in writing by the Department as accepting any such notice.

(3) But the person must use the manner set out in paragraph (2)(a) where the Department directs in any particular case that that manner must be used.

Date from which a suspension of a state pension begins

8.—(1) Where a person (“P”) exercises P’s option to suspend P’s entitlement to a state pension under Part 1 of the Act, the suspension takes effect from the date set out in this regulation.

(2) The date is any date which the person specifies that is—

- (a) not before the date on which the option was exercised; and
- (b) not after 28 days starting with the date on which the option was exercised.

(3) Where the person does not specify a date in accordance with paragraph (2), the date is the date on which the option was exercised.

Cancelling a suspension of a state pension

9.—(1) Where a person has opted to suspend their entitlement to a state pension under Part 1 of the Act, the person may cancel the exercise of that option in relation to the whole of, or part of, a past period referred to in paragraph (3).

(2) The person cancels the suspension by making a claim for their state pension whilst their state pension is suspended.

(3) The past period mentioned in paragraph (1) is any period of up to 12 months before the date on which the person cancels the suspension.

Percentage for the weekly rate of increases resulting from deferral of state pension

10. For the purposes of section 17(4) of the Act (effect of pensioner postponing or suspending state pension), the specified percentage is one-ninth of 1 per cent.

(a) S.R. 1987 No. 465; paragraphs (5A) to (5G) were substituted for paragraphs (5A) to (5F) by regulation 3(b) of S.R. 2005 No. 541

Days which are not included in determining the period of deferral

11.—(1) In the circumstances set out in paragraph (2), a day does not count in determining a number of whole weeks for the purposes of section 17(3) of the Act.

(2) The circumstances mentioned in paragraph (1) are where the day is—

- (a) a day on which the person whose entitlement to a state pension under Part 1 of the Act is deferred has received any of the following benefits—
 - (i) an unemployability supplement within the meaning in regulation 2(1) of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(a) (interpretation);
 - (ii) incapacity benefit under section 30A of the Contributions and Benefits Act(b) (incapacity benefit: entitlement);
 - (iii) a widowed mother’s allowance under section 37 of the Contributions and Benefits Act(c) (widowed mother’s allowance);
 - (iv) a widow’s pension under section 39 of the Contributions and Benefits Act(d) (rate of widowed mother’s allowance and widow’s pension);
 - (v) severe disablement allowance under section 68 of the Contributions and Benefits Act(e) (entitlement and rate of severe disablement allowance);
 - (vi) a carer’s allowance under section 70 of the Contributions and Benefits Act(f) (carer’s allowance);
 - (vii) income support under section 123 of the Contributions and Benefits Act(g) (income support);
 - (viii) state pension credit under section 1 of the State Pension Credit Act (Northern Ireland) 2002(h) (entitlement);
 - (ix) an income-based jobseeker’s allowance within the meaning in Article 3(4) of the Jobseekers (Northern Ireland) Order 1995(i) (the jobseeker’s allowance);
 - (x) an income-related employment and support allowance (which means an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007(j) (employment and support allowance);
- (b) a day on which a person—

-
- (a) S.R. 1979 No. 242, to which there are amendments not relevant to these Regulations
 - (b) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and amended by Article 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 68 of Schedule 24 to the Civil Partnership Act 2004 and is modified by S.I. 2003/735
 - (c) Section 37 was amended by paragraph 28 of Schedule 1 to the Child Benefit Act 2005 (c. 6), Schedule 8 to, the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and paragraph 72(2) and (3) of Schedule 24 and Schedule 30 to the Civil Partnership Act 2004
 - (d) Section 39 was amended by paragraph 7 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, paragraph 39 of Schedule 3 to the Tax Credits Act 2002 (c. 21), paragraph 3(a) of Schedule 2 and Schedule 6 to the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) and section 6(1) of and paragraph 3 of Schedule 3 to, the Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.))
 - (e) Section 68 was repealed by Schedule 10 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (but has effect by virtue of Article 4 of S.R. 2000 No. 332 (C. 14))
 - (f) Section 70 was amended by regulation 2(3)(c) of S.R. No 1994 No. 370, Articles 2(2) and 3(2) and (3) of S.R. 2002 No. 321, regulation 2(3) of S.R. 2011 No. 356 and Article 2(2) of S.I. 2013/3233
 - (g) Section 123 was amended by paragraph 13 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), paragraph 26 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, paragraph 2 of Schedule 2 and Schedule 3 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), paragraph 96 of Schedule 24 to the Civil Partnership Act 2004, paragraph 3(9) and (10) of Schedule 3 and Schedule 8 to the Welfare Reform Act (Northern Ireland) 2007, section 3(1) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)) and section 3(1) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13(N.I.))
 - (h) 2002 c. 14 (N.I.)
 - (i) S.I. 1995/2705 (N.I. 15); the definition of “an income-based jobseeker’s allowance” was amended by paragraph 3(4)(a) of Schedule.7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
 - (j) 2007 c.2 (N.I.)

- (i) has received an increase of any of the benefits mentioned in sub-paragraph (a) in respect of the person whose entitlement to a state pension under Part 1 of the Act is deferred; and
- (ii) is married to, in a civil partnership with or residing with the person whose entitlement to a state pension under Part 1 of the 2015 Act is deferred; or
- (c) a day on which the person (“P”) whose entitlement to a state pension under Part 1 of the Act is deferred would not, if P’s entitlement were not deferred, be paid that state pension because P was a prisoner (see section 19 of the Act (prisoners) and regulations 2 and 3).

Part weeks treated as whole weeks in determining the amount of entitlement during deferral

12.—(1) In the circumstances set out in paragraph (2), a part of a week is to be treated as a whole week for the purposes of section 17(3) of the Act.

(2) The circumstances mentioned in paragraph (1) are where there is a part of a week in the total period during which the person’s entitlement to a state pension was deferred, after any days have been discounted under regulation 11.

PART 4

Minimum Qualifying Period

Minimum number of qualifying years

13.—(1) For the purposes of section 2(3) of the Act (entitlement to state pension at full or reduced rate), the minimum number of qualifying years for a state pension payable at the reduced rate is ten.

(2) For the purposes of section 4(2) of the Act (entitlement to a state pension at transitional rate), the minimum number of qualifying years for a state pension payable at the transitional rate is ten.

PART 5

Sharing of state pension rights

Amendment of the Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations

14.—(1) The Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations (Northern Ireland) 2000(a) are amended in accordance with paragraphs (2) to (8).

(2) Before regulation 1 (citation, commencement and interpretation) insert—

“Part 1

General”.

(3) In regulation 1(2) for the definition of “shareable state scheme rights” substitute—

“the 2015 Act means the Pensions Act (Northern Ireland) 2015;

“new state scheme pension credit” is a credit under Article 46A(2)(b)(b);

(a) S. R. 2000 No. 362. Regulation 2 and the heading to regulations 2 and 3 were amended by paragraph 7 of Schedule 1 to S.R. 2005 No. 536

(b) Article 46A was inserted by paragraph 12 of Schedule 11 to the Pensions Act (Northern Ireland) 2015

- “old state scheme pension credit” is a credit under Article 46(1)(b)(a);
- “shareable new state scheme rights” has the meaning given by Article 44(3)(b);
- “shareable old state scheme rights” has the meaning given by Article 44(2)(c);”

(4) After regulation 1 insert—

“Part 2

Old State Scheme Pension Credits and Debits”.

(5) In regulation 2 (basic information about the sharing of state scheme rights for the purposes of divorce or dissolution of a civil partnership etc.)—

- (a) for “shareable state scheme rights”, in each place, substitute “shareable old state scheme rights”; and
- (b) in paragraph (3)—
 - (i) in sub-paragraph (a) for “state scheme rights which are shareable” substitute “shareable old state scheme rights”; and
 - (ii) in sub-paragraph (c) after “additional pension” insert “because of an old state scheme pension credit”.

(6) In the heading to regulation 3 and in regulation 3 (information about the sharing of state scheme rights for the purposes of divorce or dissolution of a civil partnership, etc: valuation of shareable state scheme rights) for “shareable state scheme rights”, substitute “shareable old state scheme rights”.

(7) In regulation 4 (calculation and verification of cash equivalents for the purposes of the creation of state scheme pension debits and credits)—

- (a) in paragraph (a) after “credits” insert “: transferor in old state pension system or pension sharing activated before 6th April 2016”;
- (b) in paragraph (c) for “pension), and” substitute “ pension because of an old state scheme pension credit);”;
- (c) after paragraph (d) insert—
 - “(e) paragraph 2 of Schedule 8 to the 2015 Act, and
 - (f) paragraph 2 of Schedule 10 to the 2015 Act,”; and
- (d) after “cash equivalents” insert “or notional rates”.

(8) After regulation 4 insert—

“PART 3

New State Scheme Pension Credits and Debits

Basic information about the sharing of state scheme rights and divorce or the dissolution of a civil partnership

5.—(1) The requirements imposed on the Department for the purposes of Article 21(1)(a) (supply of pension information in connection with divorce etc.) are that the Department shall furnish—

- (a) the information specified in paragraphs (2) and (4) to (7)—

(a) Article 46(1) was substituted by paragraph 11 of Schedule 11 to the Pensions Act (Northern Ireland) 2015
 (b) Article 44(3) was inserted by paragraph 9(4) of Schedule 11 to the Pensions Act (Northern Ireland) 2015
 (c) Article 44(2) was amended by paragraph 9(3) of Schedule 11 to the Pensions Act (Northern Ireland) 2015

- (i) to a person who has shareable new state scheme rights on request from that person, or
- (ii) to the court, pursuant to an order of the court, or

- (b) the information specified in paragraph (7) to the spouse or civil partner of a person who has shareable new state scheme rights, on request from that spouse or civil partner.

(2) Except where paragraph (4) or (5) applies, the information specified in this paragraph is a valuation of the person's shareable new state scheme rights as at the date of receipt of a request for such a valuation.

(3) Paragraphs (4) to (6) apply for the purposes of Article 21(1)(a)(iii) and in those paragraphs "relevant date" has the meaning given by section 10(3) of the Family Law (Scotland) Act 1985(a)

(4) The information specified in this paragraph is a valuation of the person's shareable new state scheme rights as at the relevant date, where the relevant date is on or after 6th April 2016.

(5) The information specified in this paragraph is a valuation of the person's previous shareable old state scheme rights as at the relevant date, where the relevant date is before 6th April 2016 and the request for a valuation is received on or after 6th April 2016.

(6) The information specified in this paragraph is the amount of the person's former entitlement to a category A retirement pension by virtue of section 44(3)(b)(b) as at the relevant date and immediately before 6th April 2016, where the relevant date is before 6th April 2016 and the request for information about that amount is received on or after 6th April 2016.

(7) The information in this paragraph is an explanation of—

- (a) the shareable new state scheme rights;
- (b) how a pension sharing order or provision will affect a person's shareable new state scheme rights;
- (c) how a pension sharing order or provision in respect of a person's shareable new state scheme rights will result in the spouse or civil partner of the person who has shareable new state scheme rights becoming entitled to an amount because of a new state scheme pension credit; and
- (d) how any amount in sub-paragraph (c) differs from an amount of shared additional pension because of an old state scheme pension credit.

(8) The Department shall furnish the information specified in paragraphs (2) and (4) to (7) to the court, or, as the case may be, to the person who has shareable new state scheme rights within—

- (a) 3 months beginning with the date the Department receives the request or, as the case may be, the order for the provision of that information;
- (b) 6 weeks beginning with the date the Department receives the request or, as the case may be, the order for the provision of the information, if the person who has shareable new state scheme rights has notified the Department by the date the Department receives the request or order that the information is needed in connection with proceedings commenced under any of the provisions referred to in Article 21(1)(a); or
- (c) such shorter period specified by the court in an order requiring the Department to provide a valuation in accordance with paragraph (2), (4) or (5) or an amount in accordance with paragraph (6).

(9) Where—

(a) 1985 c. 37; section 10(3) was amended by paragraph 16(4) of Schedule 28 to the Civil Partnership Act 2004
(b) Section 44(3) was amended by paragraph 3 of Schedule 15 to Pensions Act (Northern Ireland) 2015

- (a) the request made by the person with shareable new state scheme rights for, or the court order requiring, the provision of information does not include a request or, as the case may be, an order for a valuation under paragraph (2), (4) or (5) or an amount under paragraph (6); or
- (b) the spouse or civil partner of the person with shareable new state scheme rights requests the information specified in paragraph (7),

the Department shall furnish that information to the person who has shareable new state scheme rights, that person's spouse or civil partner, or the court, as the case may be, within one month beginning with the date the Department receives the request or the court order for the provision of that information.

Information about the sharing of state scheme rights on divorce or dissolution of a civil partnership etc.: valuation of shareable old or new state scheme rights

6. Where an application for financial relief or financial provision under any of the provisions referred to in Article 21(1)(a) has been made or is in contemplation, the valuation of shareable old or new state scheme rights shall be calculated and verified for the purposes of regulation 5(2), (4) and (5) in accordance with guidance from time to time prepared by the Government Actuary.”.

Sealed with the Official Seal of the Department for Social Development on 16th July 2015

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Pensions Act (Northern Ireland) 2015 (“the Act”), creates a new state pension for people reaching pensionable age on or after 6th April 2016 (see Part 1 of the Act). It replaces the existing state pension. These Regulations set out some of the detailed rules relating to the new state pension.

Part 2 contains provisions about prisoners. For these purposes, prisoners are people who are imprisoned, detained in legal custody or unlawfully at large. They can be a prisoner in Northern Ireland or outside Northern Ireland. These prisoners may not be entitled to be paid any state pension under the 2015 Act.

Regulation 2 lists the prisoners who are not entitled to be paid a state pension. It provides that some prisoners outside Northern Ireland can be paid their state pension if they would not have been imprisoned in Northern Ireland.

Regulation 3 provides that prisoners on remand are not to be paid a state pension if they later receive certain types of sentence.

Part 3 contains provisions about deferral: where a person defers their new state pension and where a person inherits state pension after their deceased spouse or civil partner had deferred their old state pension. A person may defer by choosing not to claim their state pension when they are first entitled to it or by suspending receipt of their state pension after they first claim it. If they defer, they may receive more state pension when they later choose to claim it. Part 3 sets out a number of rules relating to how such deferrals work.

Regulation 4 sets out the period within which a person can choose a lump sum or periodical payment in respect of their deceased spouse or civil partner’s deferred old state pension. It also allows a person to make a late choice (section 8 of the Act sets out what happens if the person does not make a choice with the period).

Regulation 5 provides the manner in which such a choice must be made.

Regulation 6 allows the person to alter their choice in certain circumstances.

Regulation 7 sets out the manner in which a person can suspend their new state pension after it has been claimed.

Regulation 8 specifies the date from which any suspension of state pension begins.

Regulation 9 allows a person to cancel the suspension of their state pension by making a claim for it.

Regulation 10 sets the specified percentage to be used to determine the amount of extra state pension to which a person who has deferred their state pension may be entitled.

Regulation 11 lists the days which are not included when calculating the length of time a person has deferred their state pension.

Regulation 12 provides that some parts of weeks are to be treated as full weeks for the purposes of determining the period of deferral.

Part 4 and regulation 13 specify that the minimum number of qualifying years for the purposes of entitlement to state pension at the reduced and transitional rates is ten. State pension is payable at either a full, reduced or transitional rate. The reduced rate of state pension is payable where a person has reached pensionable age and has at least the specified minimum number of qualifying years. The transitional rate of state pension is payable where a person has reached pensionable age and has at least the specified minimum number of qualifying years, at least one of which is a “pre-commencement qualifying year” as defined in section 4(4) of the Act.

Part 5 contains provisions about pension sharing on divorce or dissolution of a civil partnership. Regulation 14 amends the Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations (Northern Ireland) 2000. Those Regulations set out the information the Department for Social Development must supply to a person or the court in relation to the sharing of rights to a state pension on divorce or dissolution of a civil partnership etc. The amendments are made in consequence of changes made by sections 13 to 15 of, and Schedules 8 to 11 to, the Act. Those provisions of the Act allow for the continuation of state pension sharing on divorce for people who reach state pension age on or after 6th April 2016 and are entitled to the new state pension at the transitional rate. The amendments distinguish rights to an old state pension which are shareable from rights to a new state pension which are shareable.

Sections 2(3), 4(2), 8(3), (7) and (8), 16(1) and (6), 17(4) and (5), 18(1), and 19 of, and paragraph 4 of Schedule 8 and paragraph 4 of Schedule 10 to, the Act, some of the enabling provisions under which these Regulations are made, were brought into operation on 16th July 2015 for the purpose only of authorising the making of regulations by virtue of the Pensions (2015 Act) (Commencement No. 1) Order (Northern Ireland) 2015 (S.R. 2015 No. 307 (C. 25)).

As these Regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, they are accordingly by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee; and in so far as they are made in exercise of powers under Part 5 of the Welfare Reform and Pensions (Northern Ireland) Order 1999, the requirement for consultation does not apply by virtue of Article 73(9) of that Order.

© Crown copyright 2016

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.00

N6913 3/2016 466913T 19585

ISBN 978-0-337-99974-1



9 780337 99974 1