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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 411**

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

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

**25.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008<sup>(1)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts” for “and Part 1 of the Act” substitute “, Part 1 of the Act and the Pensions Act (Northern Ireland) 2015”.

(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 Northern Ireland, 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 (Northern Ireland) 2015; or
- (b) the only reason the partner is not entitled to a state pension under Part 1 of that Act is because the partner does not have the minimum number of qualifying years.”.

**Commencement Information**

**II** [Art. 25](#) in operation at 6.4.2016, see [art. 1\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2015, Section 25.