Status: *Point in time view as at 29/09/2018.*
Changes to legislation: *Pensions Act (Northern Ireland) 2015, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 June 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)*

SCHEDULES

SCHEDULE 4

Section 7.

SURVIVOR'S PENSION UNDER SECTION 7: UP-RATING

Introduction

1 This Schedule sets out how to up-rate the rate of a person's state pension under section 7.

Commencement Information

I1 Sch. 4 para. 1 in operation at 6.4.2016, see s. 53(1)(3)

2 In this Schedule a reference to the rate of a person's state pension is to the rate—

(a) ignoring any reduction under section 7(4) (in the case of a state pension under section 7),

(b) taking into account any reduction under section 14 (in the case of a state pension under section 4), and

(c) ignoring any increase under section 17.

Commencement Information

I2 Sch. 4 para. 2 in operation at 6.4.2016, see s. 53(1)(3)

3 In this Schedule a reference to "the amount of any state pension that has priority" means the rate of any state pension to which the person is entitled under section 2, 4 or 12.

Commencement Information

I3 Sch. 4 para. 3 in operation at 6.4.2016, see s. 53(1)(3)

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Rate of section 7 pension, when added to any priority pension, is less than the full rate

4.—(1) The rate of the person's state pension under section 7 is to be increased under this paragraph if, when added to the amount of any state pension that has priority, it is equal to or less than the full rate of the state pension.

(2) If at any time the full rate is increased, the rate of the person's state pension under section 7 is increased (at that time) by the same percentage as the increase in the full rate.

Commencement Information

I4 Sch. 4 para. 4 in operation at 6.4.2016, see s. 53(1)(3)

Rate of section 7 pension, when added to any priority pension, straddles the full rate

5.—(1) The rate of the person's state pension under section 7 is to be increased under this paragraph if—

(a) the amount of any state pension that has priority is less than the full rate of the state pension, but

(b) the rate of the state pension under section 7, when added to the amount of any state pension that has priority, exceeds the full rate.

(2) If at any time the full rate of the state pension is increased, the rate of the person's state pension under section 7 is increased (at that time) by an amount equal to the appropriate percentage of the shortfall immediately before that time.

(3) If at any time an order under section 132B of the Administration Act comes into operation, the rate of the person's state pension under section 7 is increased (at that time) by an amount equal to the appropriate percentage of the excess immediately before the order comes into operation.

(4) In this paragraph—

"the appropriate percentage"—

(a) in sub-paragraph (2), means the percentage by which the full rate is increased;

(b) in sub-paragraph (3), means the percentage specified in the order;

"the excess" means the amount by which the rate of the state pension under section 7, when added to the amount of any state pension that has priority, exceeds the full rate;

"the shortfall" means the amount by which the amount of any state pension that has priority is less than the full rate.

Modifications etc. (not altering text)

C1 Sch. 4 para. 5(3) sums amended (with effect in accordance with arts. 1(3), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2017 (S.R. 2017/56), arts. 1(1)(c), **6(4)(c)**

C2 Sch. 4 para. 5(3) sums amended (25.9.2017) by The Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2017 (S.R. 2017/187), arts. 1, **6(3)(c)**

C3 Sch. 4 para. 5(3) sums amended (24.3.2018) by The Social Security (2017 Benefits Up-rating) Order (Northern Ireland) 2018 (S.R. 2018/56), arts. 1, **6(3)(c)**

C4 Sch. 4 para. 5(3) sums amended (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2018 (S.R. 2018/58), arts. 1(1)(c), **6(4)(c)**

C5 Sch. 4 para. 5(3) sums amended (29.9.2018) by The Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2018 (S.R. 2018/167), arts. 1, **6(3)(c)**

Commencement Information

I5 Sch. 4 para. 5 in operation at 6.4.2016, see s. 53(1)(3)

Priority pension alone is equal to or higher than the full rate

6.—(1) The rate of the person's state pension under section 7 is to be increased under this paragraph if the amount of any state pension that has priority is equal to or higher than the full rate of the state pension.

(2) If at any time an order under section 132B of the Administration Act comes into operation, the rate of the person's state pension under section 7 is increased (at that time) by the percentage specified in the order.

Modifications etc. (not altering text)

C6 Sch. 4 para. 6 sums amended (with effect in accordance with arts. 1(3), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2017 (S.R. 2017/56), arts. 1(1)(c), **6(4)(c)**

C7 Sch. 4 para. 6 sums amended (25.9.2017) by The Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2017 (S.R. 2017/187), arts. 1, **6(3)(c)**

C8 Sch. 4 para. 6 sums amended (24.3.2018) by The Social Security (2017 Benefits Up-rating) Order (Northern Ireland) 2018 (S.R. 2018/56), arts. 1, **6(3)(c)**

C9 Sch. 4 para. 6 sums amended (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2018 (S.R. 2018/58), arts. 1(1)(c), **6(4)(c)**

C10 Sch. 4 para. 6 sums amended (29.9.2018) by The Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2018 (S.R. 2018/167), arts. 1, **6(3)(c)**

Commencement Information

I6 Sch. 4 para. 6 in operation at 6.4.2016, see s. 53(1)(3)

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