



2000 CHAPTER 4

PART II  
PENSIONS  
CHAPTER I  
STATE PENSIONS

*Preservation of rights in respect of additional pensions*

**Preservation of rights in respect of additional pensions**

**35.—**(1) In the provisions of the Contributions and Benefits Act set out in subsection (2) (provisions relating to additional pensions for surviving spouses)

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- (a) references to 5th April 2000 (wherever occurring) shall have effect, and be deemed always to have had effect, as references to 5th October 2002; and
  - (b) references to 6th April 2000 (wherever occurring) shall have effect, and be deemed always to have had effect, as references to 6th October 2002.
- (2) Those provisions are—
- (a) sections 39(3) and 39C(4) (widowed mother's allowance and widowed parent's allowance);
  - (b) sections 48BB(7), 48C(3) and 51(3) (Category B retirement pensions); and
  - (c) paragraphs 4(3), 5A(2) and (3) and 6(3) and (4) of Schedule 5 (deferred pensions).

(3) For Article 49(3) of the 1999 Order (power to substitute a later year for references to year 2000 in prescribed provisions of the Contributions and Benefits Act) there shall be substituted—

“(3) The regulations may amend (or further amend) any prescribed provision set out in section 35(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (which sets out provisions falling within paragraph (2)) so as to substitute a reference to a later date for—

- (a) any reference in that provision to 5th October 2002 or 6th October 2002; or
- (b) any reference to a date inserted in that provision by a substitution made by virtue of this paragraph.”.

(4) In Article 49 of the 1999 Order —

- (a) in paragraph (1), for “(4)” there shall be substituted “(4A)”; and
- (b) after paragraph (4) there shall be inserted—

“(4A) The regulations may provide, for the purposes of any provision made by virtue of paragraph (4), for a case in which a person who, as a consequence of receiving incorrect or incomplete information, did not give any consideration to—

- (a) the taking of a step which is a step he might have taken had he considered the matter on the basis of correct and complete information, or
- (b) refraining from taking a step which is a step he did take but might have refrained from taking had he considered the matter on that basis,

to be treated as a case in which his failure to take the step, or his taking of the step he did take, was in reliance on the incorrect or incomplete information and as a case in which that step is one which he would have taken, or (as the case may be) would not have taken, had the information been correct and complete.”.

(5) In Article 49(6) of the 1999 Order (supplemental provisions of regulations relating to the scheme), after sub-paragraph (e) there shall be inserted—

- “(ea) prescribing the matters that may be relied on, and the presumptions that may be made, in the determination of whether or not the prescribed conditions have been satisfied;”.