



2002 CHAPTER 14

Retirement provision

Fresh determination increasing claimant's entitlement

8.—(1) Subsections (3) to (5) of section 7 do not prevent the making of a fresh determination as to the elements, or any of the elements, or the amount of any of the elements, of the claimant's retirement provision as at any time during the assessed income period, if—

- (a) the fresh determination is for the purpose of making a decision under Article 11 of the 1998 Order (“the new decision”);
- (b) the new decision increases the amount of state pension credit to which the claimant is entitled; and
- (c) the increase is in whole or in part the result of any fresh determination.

(2) The conditions in paragraphs (b) and (c) of subsection (1) shall be taken to be satisfied if—

- (a) the new decision reduces the amount of state pension credit to which the claimant is entitled; but
- (b) the reduction is less than it would have been apart from any fresh determination.

(3) Where a fresh determination is made by virtue of subsection (1), then, as respects the part of the assessed income period that begins with (and includes) the day on which the new decision takes effect, subsections (3) to (5) of section 7 shall have effect in accordance with the fresh determination, instead of the determination which it replaces, but as if—

- (a) the fresh determination were (and the determination which it replaces were not) a determination for the purposes of the relevant decision;

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to State Pension Credit Act (Northern Ireland) 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) any assessed amount resulting from the fresh determination were not subject to variation under subsection (4) of that section at any time before the day on which the new decision takes effect; and
- (c) the claimant's income, as determined for the purposes of the relevant decision, were constituted accordingly.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [S.R. 2019/211 art. 2\(2\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by S.R. 2020/347, arts. 1(1), 2)
- Act modified by [S.R. 2024/21 art.002\(2\)\(e\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2)(c)(iii) and word inserted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 2](#)
- s. 1(3)(c) and word inserted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- s. 3A inserted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 4](#)
- s. 3A(5)(a) words omitted by [S.I. 2016/999 \(N.I.\) art. 15\(9\)](#) (Unable to complete this amendment. S. 3A was inserted by 2015/2006 (NI 1), Sch. 4 para. 4 but the Schedule is not yet in force.)
- s. 7(10) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 5](#)