Changes to legislation: *Pensions (No. 2) Act (Northern Ireland) 2008, Cross Heading: Terminal illness lump sum: eligibility is up to date with all changes known to be in force on or before 13 September 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) View outstanding changes*

SCHEDULES

SCHEDULE 4

PENSION COMPENSATION PAYABLE ON DISCHARGE OF PENSION COMPENSATION CREDIT

PART 3

TRANSFEREE ATTAINS PENSION COMPENSATION AGE AFTER TRANSFER DAY

Terminal illness lump sum: eligibility

12.—(1) This paragraph applies where all of the following conditions are met—

(a) the transferee is terminally ill;

(b) if the transferee lived to the relevant age, he or she would become entitled on attaining that age to compensation under paragraph 6 in respect of the pension compensation credit;

(c) the transferee has not yet become entitled to any compensation under this Chapter in respect of the pension compensation credit;

(d) the whole or any part of the transferee's lifetime allowance is available.

(2) The transferee may make an application to the Board to commute the future entitlement mentioned in sub-paragraph (1)(b) for a lump sum ("a terminal illness lump sum") payable on the granting of the application.

(3) For the purposes of this Chapter a person is "terminally ill" at any time if at that time the person suffers from a progressive disease and the person's death in consequence of that disease can reasonably be expected within six months.

(4) In this paragraph—

"lifetime allowance", in relation to a person, has the same meaning as in Part 4 of the Finance Act 2004 (c. 12) (pension schemes etc.) (see section 218 of that Act);

"relevant age", in relation to a person, means—

(a) in relation to compensation entitlement to which has been accelerated [F1]... under regulations under paragraph 10 [F1]..., the age at which the person becomes entitled to the compensation in accordance with the regulations;

(b) in relation to compensation entitlement to which has not been so accelerated [F2]..., pension compensation age.

[[F3](5) Sub-paragraph (6) applies where the commencement of a person's periodic compensation under paragraph 6 is postponed by virtue of paragraph 16A.

(6) This paragraph applies as if—

(a) the person first becomes entitled to compensation under paragraph 6 immediately after the period of postponement ends, and

(b) in sub-paragraph (1)(b), for "if the transferee lived to the relevant age, he or she would become entitled on attaining that age" there were substituted " if the period of postponement ended, the transferee would become entitled ".**]**

Textual Amendments

F1 Words in Sch. 4 para. 12(4)(a) omitted (27.3.2013) by virtue of Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(3), **Sch. 4 para. 34(1)(a)(i)**; S.R. 2013/83, art. 2(b)(iii)

F2 Words in Sch. 4 para. 12(4)(b) omitted (27.3.2013) by virtue of Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(3), **Sch. 4 para. 34(1)(a)(ii)**; S.R. 2013/83, art. 2(b)(iii)

F3 Sch. 4 para. 12(5)(6) inserted (27.3.2013) by Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(3), **Sch. 4 para. 34(1)(b)**; S.R. 2013/83, art. 2(b)(iii)

Changes to legislation:
Pensions (No. 2) Act (Northern Ireland) 2008, Cross Heading: Terminal illness lump sum: eligibility is up to date with all changes known to be in force on or before 13 September 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.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 24(1)(c) inserted by 2016 c. 1 (N.I.) Sch. 2 para. 39(2)(d)