
Changes to legislation: Pensions Act (Northern Ireland) 2015, Paragraph 56 is up to date with all changes known to be in force on or before 02 April 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 12

STATE PENSION: AMENDMENTS

PART 2

AMENDMENTS TO DO WITH OLD STATE PENSION SYSTEM

Category B retirement pensions

56 For section 51 substitute—

“51 Category B retirement pension for widowers and surviving civil partners who attained pensionable age before 6 April 2010

(1) A man (the pensioner) whose wife died while they were married is entitled to a Category B retirement pension if—

- (a) they were both over pensionable age at the time of the death,
- (b) the pensioner attained pensionable age before 6 April 2010, and
- (c) the wife satisfied the relevant contribution condition.

(2) But subsection (1) does not confer a right to a Category B retirement pension on a man whose wife died before 6 April 1979.

(3) In subsection (1)(c) “the relevant contribution condition” means—

- (a) in a case where the spouse attained pensionable age before 6 April 2010, the conditions in paragraph 5 of Schedule 3, and
- (b) in a case where the spouse attained pensionable age on or after 6 April 2010, the condition in paragraph 5A of Schedule 3.

(4) A person (“the pensioner”) whose civil partner died while they were civil partners of each other is entitled to a Category B retirement pension if—

- (a) they were both over pensionable age at the time of the death,
- (b) the pensioner attained pensionable age before 6 April 2010, and
- (c) the deceased civil partner satisfied the relevant contribution condition.

(5) In subsection (4)(c) “the relevant contribution condition” means—

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- (a) in a case where the deceased civil partner attained pensionable age before 6 April 2010, the conditions in paragraph 5 of Schedule 3, and
- (b) in a case where the deceased civil partner attained pensionable age on or after 6 April 2010, the condition in paragraph 5A of Schedule 3.

(6) The weekly rate of a person's Category B retirement pension under this section is to be determined in accordance with sections 44 to 45AA and Schedule 4A as they apply in the case of a Category A retirement pension taking references in those sections to the pensioner as references to the spouse or deceased civil partner.

(7) But in the case of—

- (a) a man whose wife dies after 5 October 2002, or
- (b) a surviving civil partner,

any amount of additional pension falling to be calculated under subsection (6) is to be halved.

(8) For the purposes of any provision of this Act as it applies in relation to this section, no account is to be taken of any earnings factors of the spouse or deceased civil partner for the tax year beginning with 6 April 2016 or any later tax year.

(9) Subject to the provisions of this Act, a person becomes entitled to a Category B retirement pension under this section on the day on which the conditions of entitlement become satisfied and the entitlement continues throughout the person's life.”.

Commencement Information

II [Sch. 12 para. 56](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) transitional provisions for effects of commencing S.I. 2017/297, art. 2 by [S.R. 2017/58](#) Order