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**Changes to legislation:** *Pensions Act (Northern Ireland) 2015, Paragraph 78 is up to date with all changes known to be in force on or before 22 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*

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## SCHEDULES

### SCHEDULE 12

#### STATE PENSION: AMENDMENTS

#### PART 4

#### OTHER AMENDMENTS TO DO WITH PART 1

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

**78.**—(1) Schedule 5 (pension increase or lump sum where entitlement to retirement pension is deferred) is amended as follows.

(2) In the following provisions omit “(as those provisions have effect by virtue of section 3(7) of the Pensions Act (Northern Ireland) 2012)”—

paragraph 4(1A)(a), (b) and (c);

paragraph 7B(5)(b)(i).

(3) After paragraph 7 insert—

“**7ZA.**—(1) This paragraph modifies paragraphs 5A to 6A in cases where—

(a) W became entitled to a Category A or Category B retirement pension before 7 June 2012, and

(b) S died before 7 June 2012.

(“W” and “S” have the same meaning as in paragraph 5.)

(2) Paragraph 5A applies as if—

(a) in sub-paragraph (2), after paragraph (a), there were inserted—

“(b) the appropriate amount; and”;

(b) in sub-paragraph (3), after “following—”, there were inserted—

“(a) one half of the appropriate amount; and”.

(3) Paragraph 6 applies as if—

(a) in sub-paragraph (2), after paragraph (a), there were inserted—

“(b) the appropriate amount; and”;

(b) in sub-paragraph (3), after paragraph (b), there were inserted—

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- “(c) the appropriate amount reduced by the amount of any increases under section 105 of the Pensions Act; and”;
- (c) in sub-paragraph (4), after paragraph (a), there were inserted—
- “(b) one half of the appropriate amount; and”.
- (4) Paragraph 6A applies as if in sub-paragraph (2), after paragraph (a), there were inserted—
- “(b) one half of the appropriate amount; and”.
- (5) In paragraphs 5A to 6A as modified by this paragraph, the “appropriate amount” means the greater of—
- (a) the amount by which the deceased person's Category A or Category B retirement pension had been increased under section 132 of the Administration Act; or
- (b) the amount by which his or her Category A or Category B retirement pension would have been so increased had he or she died immediately before the surviving spouse or civil partner became entitled to a Category A or Category B retirement pension.
- (6) In sub-paragraph (1)(a) the reference to becoming entitled to a pension before 7 June 2012 includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day.”.

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**Commencement Information**

**II** Sch. 12 para. 78 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