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## SCHEDULES

### SCHEDULE 4

#### SURVIVOR'S PENSION UNDER SECTION 7: UP-RATING

*Rate of section 7 pension, when added to any priority pension, straddles the full rate*

5.—(1) The rate of the person's state pension under section 7 is to be increased under this paragraph if—

- (a) the amount of any state pension that has priority is less than the full rate of the state pension, but
- (b) the rate of the state pension under section 7, when added to the amount of any state pension that has priority, exceeds the full rate.

(2) If at any time the full rate of the state pension is increased, the rate of the person's state pension under section 7 is increased (at that time) by an amount equal to the appropriate percentage of the shortfall immediately before that time.

(3) If at any time an order under section 132B of the Administration Act comes into operation, the rate of the person's state pension under section 7 is increased (at that time) by an amount equal to the appropriate percentage of the excess immediately before the order comes into operation.

(4) In this paragraph—

“the appropriate percentage”—

- (a) in sub-paragraph (2), means the percentage by which the full rate is increased;
- (b) in sub-paragraph (3), means the percentage specified in the order;

“the excess” means the amount by which the rate of the state pension under section 7, when added to the amount of any state pension that has priority, exceeds the full rate;

“the shortfall” means the amount by which the amount of any state pension that has priority is less than the full rate.

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**Modifications etc. (not altering text)**

- C1** Sch. 4 para. 5(3) sums amended (with effect in accordance with arts. 1(3), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2017 \(S.R. 2017/56\)](#), arts. 1(1)(c), **6(4)(c)**
- C2** Sch. 4 para. 5(3) sums amended (25.9.2017) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2017 \(S.R. 2017/187\)](#), arts. 1, **6(3)(c)**
- C3** Sch. 4 para. 5(3) sums amended (24.3.2018) by [The Social Security \(2017 Benefits Up-rating\) Order \(Northern Ireland\) 2018 \(S.R. 2018/56\)](#), arts. 1, **6(3)(c)**
- C4** Sch. 4 para. 5(3) sums amended (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2018 \(S.R. 2018/58\)](#), arts. 1(1)(c), **6(4)(c)**
- C5** Sch. 4 para. 5(3) sums amended (29.9.2018) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2018 \(S.R. 2018/167\)](#), arts. 1, **6(3)(c)**
- C6** Sch. 4 para. 5(3) sums amended (26.3.2019) by [The Social Security \(2018 Benefits Up-rating\) Order \(Northern Ireland\) 2019 \(S.R. 2019/46\)](#), arts. 1, **6(3)(c)**
- C7** Sch. 4 para. 5(3) sums amended (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2019 \(S.R. 2019/58\)](#), arts. 1(1)(c), **6(4)(c)**
- C8** Sch. 4 para. 5(3) sums amended (27.9.2019) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2019 \(S.R. 2019/188\)](#), arts. 1, **6(3)(c)**
- C9** Sch. 4 para. 5(3) sums amended (with effect in accordance with arts. 1(2)(3)(a), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2020 \(S.R. 2020/40\)](#), arts. 1(1)(c), **6(4)(c)**
- C10** Sch. 4 para. 5(3): sums amended (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2021 \(S.R. 2021/82\)](#), arts. 1(1)(c), **6(4)(c)**
- C11** Sch. 4 para. 5(3): sums amended (with effect in accordance with arts. 1(2)(3)(a), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2022 \(S.R. 2022/143\)](#), arts., **6(4)(c)**
- C12** Sch. 4 para. 5(3): sums modified (28.9.2022) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/231\)](#), arts. 1, **6(3)(c)**
- C13** Sch. 4 para. 5(3): sum modified (27.3.2023) by [The Social Security \(2022 Benefits Up-rating\) Order \(Northern Ireland\) 2023 \(S.R. 2023/27\)](#), arts. 1, **6(3)(c)**
- C14** Sch. 4 para. 5(3): sums modified (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2023 \(S.R. 2023/43\)](#), arts. 1(1)(c), **6(4)(c)**
- C15** Sch. 4 para. 5(3): sums modified (26.9.2023) by [The Social Security Benefits Up-rating \(No. 3\) Order \(Northern Ireland\) 2023 \(S.R. 2023/150\)](#), arts. 1, **6(3)(c)**
- C16** Sch. 4 para. 5(3): sums modified (27.9.2023) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2023 \(S.R. 2023/143\)](#), arts. 1, **6(3)(c)**

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**Commencement Information**

**II** Sch. 4 para. 5 in operation at 6.4.2016, see s. 53(1)(3)

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**Changes and effects yet to be applied to :**

- Sch. 4 para. 5(3) sums modified by [S.R. 2023/143 art. 6\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.R. 2023/143 revoked before coming into operation (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Order (Northern Ireland) 2023 (S.R. 2023/150), arts. 1, 33)
- specified provision(s) transitional provisions for effects of commencing S.I. 2017/297, art. 2 by [S.R. 2017/58](#) Order