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## SCHEDULES

### SCHEDULE 9

Section 13.

#### PENSION SHARING: UP-RATING STATE PENSION UNDER SECTION 13

##### *Introduction*

**1** This Schedule sets out how to up-rate the rate of a person's state pension under section 13.

##### **Commencement Information**

**I1** Sch. 9 para. 1 in operation at 6.4.2016, see s. 53(1)(3)

- 2** In this Schedule a reference to the rate of a person's state pension is to the rate—
- (a) ignoring any reduction under section 7(4) (in the case of a state pension under section 7),
  - (b) taking into account any reduction under section 14 (in the case of a state pension under section 4), and
  - (c) ignoring any increase under section 17.

##### **Commencement Information**

**I2** Sch. 9 para. 2 in operation at 6.4.2016, see s. 53(1)(3)

**3.—(1)** In this Schedule “the total amount of any state pension that has priority”, in relation to a person's state pension under section 13, means the sum of—

- (a) the rate of any state pension to which the person is entitled under section 2, 4 or 12,
- (b) the rate of any state pension to which the person is entitled under section 7,  
<sup>F1</sup> . . .
- [<sup>F2</sup>(ba) the rate of any state pension to which the person is entitled under regulations made under section 10 which make provision corresponding or similar to section 7 and Schedules 3 and 4, and]
- (c) the rate of any earlier state pension to which the person is entitled under section 13 (see sub-paragraph (2)).

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(2) Where a person is entitled to two or more state pensions under section 13 because he or she has become entitled to two or more state scheme pension credits, a pension arising because of an earlier credit is an “earlier” state pension for the purposes of sub-paragraph (1)(c).

#### Textual Amendments

- F1** Word in Sch. 9 para. 3(1)(b) omitted (6.4.2016) by virtue of [The State Pension \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/80\)](#), [regs. 1, 3\(3\)\(a\)](#)
- F2** Sch. 9 para. 3(1)(ba) inserted (6.4.2016) by [The State Pension \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/80\)](#), [regs. 1, 3\(3\)\(b\)](#)

#### Commencement Information

- I3** Sch. 9 para. 3 in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

*Rate of section 13 pension, when added to any priority pension, is less than the full rate*

4.—(1) The rate of the person's state pension under section 13 is to be increased under this paragraph if, when added to the total amount of any state pension that has priority, it is equal to or less than the full rate of the state pension.

(2) If at any time the full rate is increased, the rate of the person's state pension under section 13 is increased (at that time) by the same percentage as the increase in the full rate.

#### Commencement Information

- I4** Sch. 9 para. 4 in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

*Rate of section 13 pension, when added to any priority pension, straddles the full rate*

5.—(1) The rate of the person's state pension under section 13 is to be increased under this paragraph if—

- (a) the total 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 13, when added to the total 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 13 is increased (at that time) by an amount equal to the appropriate percentage of the shortfall immediately before that time.

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(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 13 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 13, when added to the total amount of any state pension that has priority, exceeds the full rate;

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

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

- C1** Sch. 9 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)(d)**
- C2** Sch. 9 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)(d)**
- C3** Sch. 9 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)(d)**
- C4** Sch. 9 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)(d)**
- C5** Sch. 9 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)(d)**
- C6** Sch. 9 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)(d)**
- C7** Sch. 9 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)(d)**
- C8** Sch. 9 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)(d)**
- C9** Sch. 9 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)(d)**
- C10** Sch. 9 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)(d)**

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- C11** Sch. 9 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)(d)**
- C12** Sch. 9 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)(d)**
- C13** Sch. 9 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)(d)**

#### Commencement Information

- I5** Sch. 9 para. 5 in operation at 6.4.2016, see s. 53(1)(3)

*Priority pension alone is equal to or higher than the full rate*

**6.—(1)** The rate of the person's state pension under section 13 is to be increased under this paragraph if the total amount of any state pension that has priority is equal to or higher than the full rate of the state pension.

(2) 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 13 is increased (at that time) by the percentage specified in the order.

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

- C14** Sch. 9 para. 6 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)(d)**
- C15** Sch. 9 para. 6 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)(d)**
- C16** Sch. 9 para. 6 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)(d)**
- C17** Sch. 9 para. 6 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)(d)**
- C18** Sch. 9 para. 6 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)(d)**
- C19** Sch. 9 para. 6 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)(d)**
- C20** Sch. 9 para. 6 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)(d)**
- C21** Sch. 9 para. 6 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)(d)**

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- C22** Sch. 9 para. 6 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)(d)**
- C23** Sch. 9 para. 6: 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)(d)**
- C24** Sch. 9 para. 6: 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)(d)**
- C25** Sch. 9 para. 6: 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)(d)**
- C26** Sch. 9 para. 6: 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)(d)**

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**Commencement Information**

- I6** Sch. 9 para. 6 in operation at 6.4.2016, see s. 53(1)(3)

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