

Status: Point in time view as at 26/09/2023.

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2015 CHAPTER 5

PART 1

STATE PENSION

Transitional entitlement based on contributions of others

Survivor's pension based on inheritance of deferred old state pension

9.—(1) A person is entitled to a state pension under this section if—

- (a) the person has reached pensionable age,
- (b) the person's spouse died while they were married or the person's civil partner died while they were civil partners of each other,
- (c) either—
 - (i) the person was under pensionable age when the spouse or civil partner died and did not marry or form a civil partnership after the death and before reaching pensionable age, or
 - (ii) the person was over pensionable age when the spouse or civil partner died,
- (d) the person is entitled to an inherited deferral amount under Schedule 5, and
- (e) in the case of a person entitled to a choice under section 8, the person has chosen to be paid a state pension under this section.

(2) A state pension under this section is payable at a weekly rate equal to the inherited deferral amount.

(3) But if at any time an order under section 132B of the Social Security Administration (Northern Ireland) Act 1992 (in this Act referred to as “the Administration Act”) comes into operation, the rate of the person's state pension

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under this section is increased (at that time) by the percentage specified in the order.

(4) A person may be entitled to more than one state pension under this section.

(5) There are provisions elsewhere that affect a person's entitlement to a state pension under this section or the rate at which it is payable.

Modifications etc. (not altering text)

- C1** S. 9 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)(a)**
- C2** S. 9 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)(a)**
- C3** S. 9 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)(a)**
- C4** S. 9 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)(a)**
- C5** S. 9 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)(a)**
- C6** S. 9 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)(a)**
- C7** S. 9 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)(a)**
- C8** S. 9 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)(a)**
- C9** S. 9 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)(a)**
- C10** S. 9: 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)(a)**
- C11** S. 9: 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)(a)**
- C12** S. 9: 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)(a)**
- C13** S. 9: 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)(a)**
- C14** S. 9: 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)(a)**

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C15 S. 9: 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)(a)**

Commencement Information

II S. 9 in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

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