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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 44 (C. 5)**

**PENSIONS**

**The Pensions (2015 Act) (Commencement  
No. 5) Order (Northern Ireland) 2017**

*Made* - - - - *9th March 2017*

The Department for Communities<sup>(1)</sup> makes the following Order in exercise of the powers conferred by section 53(1) of the Pensions Act (Northern Ireland) 2015<sup>(2)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Pensions (2015 Act) (Commencement No. 5) Order (Northern Ireland) 2017.

(2) In this Order any reference to a numbered Part, section or Schedule is to the Part, section of, or Schedule to, the Pensions Act (Northern Ireland) 2015 bearing that number.

**Commencement for bereavement support payment**

2.—(1) Subject to paragraph (2), Part 5, in so far as not already in operation, comes into operation

- (a) for the purpose only of authorising the making of regulations, on 10th March 2017; and
- (b) for all other purposes on 6th April 2017.

(2) Subject to Articles 3 and 4, section 30(5) (bereavement support payment: contribution condition and amendments) and Schedule 16, in so far as not already in operation, come into operation on 6th April 2017.

**Later commencement for abolition of bereavement payment and bereavement allowance**

3.—(1) Section 30(5) and Schedule 16 do not come into operation in accordance with Article 2(2) for a person to whom this Article applies.

- (2) This Article applies to a person who, on 5th April 2017—
- (a) was entitled to—

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(1) See section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))  
(2) 2015 c. 5 (N.I.)

- (i) a bereavement payment under section 36 of the Contributions and Benefits Act (bereavement payment)(3); or
- (ii) a bereavement allowance under section 39B of that Act (bereavement allowance where no dependent children)(4), or
- (b) would have been entitled to such a benefit if the person made a claim for it.
- (3) This Article ceases to apply to a person if—
  - (a) the person was entitled to a benefit in accordance with paragraph (2)(a) and the person is no longer entitled to that benefit; or
  - (b) the person would have been entitled to a benefit in accordance with paragraph (2)(b) and the person would no longer be entitled to that benefit if the person made a claim for it.
- (4) On the date this Article ceases to apply to a person, section 30(5) and Schedule 16 come into operation for that person to the extent that they are not already in operation.

#### **Commencement for entitlement to bereavement payment and bereavement support payment**

4.—(1) Section 30(5) and Schedule 16 do not come into operation in accordance with Article 2(2) for a person to whom this Article applies.

- (2) This Article applies to a person—
  - (a) whose spouse or civil partner died in the 12 months before 6th April 2017;
  - (b) who would have been entitled to a bereavement payment under section 36 of the Contributions and Benefits Act (bereavement payment) if the person had made a claim for it;
  - (c) who has formed a new marriage or civil partnership; and
  - (d) whose new spouse or civil partner died—
    - (i) on or after 6th April 2017; and
    - (ii) within 12 months of the death referred to in sub-paragraph (a).
- (3) Section 30(5) and Schedule 16 come in to operation, to the extent that they are not already in operation, for a person to whom this Article applies—
  - (a) at the end of a period of 12 months starting on the day on which the death referred to in paragraph (2)(a) occurred, for the purposes of entitlement to a bereavement payment under section 36 of the Contributions and Benefits Act for the death referred to in paragraph (2)(a); and
  - (b) on 6th April 2017, for the purposes of entitlement to bereavement support payment under section 29 (bereavement support payment) for the death referred to in paragraph (2)(d).

#### **Commencement relating to the Pension Protection Fund**

5. The day appointed for the coming into operation of section 48 and Schedule 20 (Pension Protection Fund: increased compensation cap for long service)—

- (a) in so far as they relate to paragraphs 5 (and paragraph 1 in so far as it relates to it) and 22 of that Schedule, is 10th March 2017, and
- (b) for all other purposes, is 6th April 2017.

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(3) 1992 c. 7; section 36 was substituted by Article 51(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by paragraph 70 of Schedule 24 to the Civil Partnership Act 2004 (c. 33); see also Article 2 of S.R. 2016 No. 195

(4) Section 39B was inserted by Article 52(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by paragraph 75 of Schedule 24 to the Civil Partnership Act 2004

Sealed with the Official Seal of the Department for Communities on 9th March 2017

*Anne McCleary*  
A senior officer of the Department for  
Communities

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the coming into operation of certain provisions in Parts 5 and 6 of the Pensions Act (Northern Ireland) 2015 (“the Act”).

Articles 2 to 4 bring into operation Part 5 of the Act, which creates a new social security benefit called Bereavement Support Payment. It is for people whose spouse or civil partner dies on or after 6th April 2017 and is payable to a person whose deceased spouse or civil partner made sufficient National Insurance contributions. The new benefit replaces existing benefits called Bereavement Allowance, Bereavement Payment and Widowed Parent’s Allowance.

Article 2(1) brings into operation the main provisions for Bereavement Support Payment on 6th April 2017. It also brings into operation enabling powers before that date for the purposes of making the Bereavement Support Payment Regulations (Northern Ireland) 2017.

Articles 2(2), 3 and 4 make provision relating to Bereavement Allowance and Bereavement Payment. Those existing benefits continue to be payable for people whose spouse or civil partner died before 6th April 2017 (provided they continue to meet the entitlement conditions). Article 3 commences repeals to the legislation relating to Bereavement Allowance and Bereavement Payment on the date those benefits are no longer payable for such a person. Article 4 makes similar provision for people whose spouse or civil partner dies before 6th April 2017 and subsequent spouse or civil partner dies on or after 6th April 2017 within 12 months of the death of their previous spouse.

Article 5 brings into operation section 48 of, and Schedule 20 to, the Act. Those provisions relate to the Pension Protection Fund, which pays compensation to members of eligible occupational pension schemes when the employer becomes insolvent. The pension compensation is subject to a maximum cap – the compensation cap. Together, section 48 and Schedule 20 provide for a revised (increased) compensation cap dependent on a person’s age and length of service when the person first becomes entitled to compensation. Article 5 provides that the day appointed for the coming into operation of paragraphs 5 and 22 of Schedule 20 (which relate to the power to make subordinate legislation) is 10th March 2017. It commences the remaining provisions of Schedule 20 on 6th April 2017.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Pensions Act (Northern Ireland) 2015 have been brought into operation by earlier commencement orders as from the dates shown.

<i>Provision</i>		<i>Date of Commencement</i>	<i>S.R. No.</i>
Section 2	(partially)	16th July 2015	2015 No. 307 (C. 25)
Section 3	(partially)	25th February 2016	2016 No.68 (C. 4)
Section 4	(partially)	16th July 2015	2015 No. 307 (C. 25)
Section 8	(partially)	16th July 2015	2015 No. 307 (C. 25)
Section 10	(partially)	25th February 2016	2016 No.68 (C. 4)

<i>Provision</i>		<i>Date of Commencement</i>	<i>S.R. No.</i>
Sections 13 to 17	(partially)	16th July 2015	2015 No. 307 (C. 25)
Section 18	(partially)	16th July 2015	2015 No. 307 (C. 25)
	(partially)	25th February 2016	2016 No.68 (C. 4)
Section 19	(partially)	16th July 2015	2015 No. 307 (C. 25)
Section 20	(partially)	25th February 2016	2016 No.68 (C. 4)
Sections 22 to 25	(partially)	16th July 2015	2015 No. 307 (C. 25)
Section 23	(partially)	14th September 2015	2015 No. 329 (C. 28)
	(partially)	25th February 2016	2016 No.68 (C. 4)
Section 24	(partially)	14th September 2015	2015 No. 329 (C. 28)
Section 25	(partially)	12th October 2015	2015 No. 329 (C. 28)
Section 27	(partially)	14th September 2015	2015 No. 329 (C. 28)
	(partially)	6th April 2016	2015 No. 329 (C. 28)
Section 30	(partially)	9th February 2017	2017 No. 37 (C. 4)
Section 32	(partially)	16th July 2015	2015 No. 307 (C. 25)
Section 35		1st October 2015	2015 No. 307 (C. 25)
Sections 36 to 39		16th July 2015	2015 No. 307 (C. 25)
Sections 41 and 42		16th July 2015	2015 No. 307 (C. 25)
Sections 44 and 45		16th July 2015	2015 No. 307 (C. 25)
Section 47		16th July 2015	2015 No. 307 (C. 25)
Schedule 8	(partially)	16th July 2015	2015 No. 307 (C. 25)
Schedule 10	(partially)	16th July 2015	2015 No. 307 (C. 25)
Schedule 11	(partially)	16th July 2015	2015 No. 307 (C. 25)
Schedule 12	(partially)	16th July 2015	2015 No. 307 (C. 25)
	(partially)	14th September 2015	2015 No. 329 (C. 28)
	(partially)	25th February 2016	2016 No.68 (C. 4)
Schedule 13	(partially)	14th September 2015	2015 No. 329 (C. 28)
Schedule 14		16th July 2015	2015 No. 307 (C. 25)
Schedule 15	(partially)	16th July 2015	2015 No. 307 (C. 25)
	(partially)	12th October 2015	2015 No. 329 (C. 28)
Schedule 16	(partially)	9th February 2017	2017 No. 37 (C. 4)
Schedule 17	(partially)	16th July 2015	2015 No. 307 (C. 25)
Schedule 18		16th July 2015	2015 No. 307 (C. 25)
Schedule 19		16th July 2015	2015 No. 307 (C. 25)

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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