
STATUTORY INSTRUMENTS

2015 No. 1985

The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

18.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽¹⁾ are amended as follows.

(2) In regulation 1(3) (citation, commencement, application and interpretation) before the definition of “state pension credit”⁽²⁾, insert—

““shared additional pension” means a shared additional pension under section 55A or 55AA of the Contributions and Benefits Act;”.

(3) After regulation 3(7D) (revision of decisions)⁽³⁾, insert—

“(7DA) The Secretary of State may revise the state pension credit decision where—

(a) a person chooses under—

(i) section 8(2) of the Pensions Act 2014 (choice of lump sum or survivor’s pension under section 9 in certain cases) to be paid a state pension under section 9 of that Act (survivor’s pension based on inheritance of deferred old state pension); or

(ii) Regulations made under section 10 of the Pensions Act 2014 (inheritance of graduated retirement benefit) which make provision corresponding or similar to section 8(2) to be paid a state pension under Regulations made under section 10 which make provision corresponding or similar to section 9 of that Act;

(b) the Secretary of State—

(i) decides that the person or their partner is entitled to state pension credit; and

(ii) takes into account the state pension mentioned in sub-paragraph (a) in making or superseding that decision; and

(c) the person’s choice for a state pension mentioned in sub-paragraph (a) is subsequently altered in favour of a lump sum in accordance with—

(i) regulation 6 of the State Pension Regulations 2015 (changing a choice of lump sum or survivor’s pension); or

(ii) Regulations made under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 6 of the State Pension Regulations 2015.

(7DB) The Secretary of State may revise an award of a state pension under Part 1 of the Pensions Act 2014 where—

(1) [S.I. 1999/991](#).

(2) The definition of “state pension credit” was inserted by [S.I. 2002/3019](#).

(3) Regulation 3(7D) was inserted by [S.I. 2005/2677](#).

- (a) the person makes a choice under—
 - (i) section 8(2) of the Pensions Act 2014; or
 - (ii) Regulations under section 10 of that Act which make provision corresponding or similar to section 8(2); and
 - (b) the person subsequently alters their choice in accordance with—
 - (i) regulation 6 of the State Pension Regulations 2015; or
 - (ii) Regulations under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 6 of the State Pension Regulations 2015.”.
- (4) In regulation 3(7EB)(4), after sub-paragraph (c) insert—
“(d) a state pension under Part 1 of the Pensions Act 2014.”.
- (5) In regulation 6(2) (supersession of decisions), after sub-paragraph (o)(5) insert—
“(oa) is a decision that a person is entitled to state pension credit and—
 - (i) the person—
 - (aa) chooses under section 8(2) of the Pensions Act 2014, or under Regulations under section 10 of that Act which make provision corresponding or similar to section 8(2), to be paid a lump sum; or
 - (bb) is entitled to a lump sum under section 8(4) of the Pensions Act 2014, or under Regulations under section 10 of that Act which make provision corresponding or similar to section 8(4), because the person has failed to choose within the period mentioned in section 8(3); or
 - (ii) such a lump sum is repaid in consequence of an application—
 - (aa) to alter the choice mentioned in paragraph (i)(aa) in accordance with regulation 6 of the State Pension Regulations 2015 or Regulations made under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 6 of the State Pension Regulations 2015; or
 - (bb) to make a late choice in accordance with regulation 4(4) of the State Pension Regulations 2015 (when a choice of lump sum or survivor’s pension may be made) or Regulations made under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 4(4) of the State Pension Regulations 2015;”.
- (6) In regulation 7(7A) (date from which a decision superseded under section 10 of the Social Security Act 1998 takes effect)(6), after “regulation 6(2)(o)” insert “or (oa)”.
- (7) After regulation 13A (retirement pension after period of deferment)(7), insert—

“State pension under Part 1 of the Pensions Act 2014 after period of deferment

13B.—(1) This regulation applies where—

- (a) a person claims a state pension under Part 1 of the Pensions Act 2014;
- (b) the person may make a choice under—
 - (i) section 8(2) of the Pensions Act 2014; or

(4) Regulation 3(7EB) was inserted by [S.I. 2012/824](#).
(5) Sub-paragraph (o) was inserted by [S.I. 2005/2677](#).
(6) Regulation 7(7A) was inserted by [S.I. 2005/2677](#).
(7) Regulation 13A was inserted by [S.I. 2005/2677](#).

- (ii) Regulations made under section 10 of that Act which make provision corresponding or similar to section 8(2); and
- (c) the person does not make such a choice when the claim is made.
- (2) The Secretary of State may decide the claim before paragraph (4) applies.
- (3) The Secretary of State may revise a decision under paragraph (2) where paragraph (4) applies.
- (4) This paragraph applies where the person—
 - (a) makes a choice mentioned in paragraph (1)(b); or
 - (b) becomes entitled to a lump sum under section 8(4) of the Pensions Act 2014, or under Regulations made under section 10 of that Act which make provision corresponding or similar to section 8(4), because the person has failed to choose within the period mentioned in section 8(3).”.