STATUTORY RULES OF NORTHERN IRELAND

2020 No. 298

SOCIAL SECURITY

The State Pension Revaluation for Transitional Pensions (No.2) Order (Northern Ireland) 2020

Made - - - - 2nd December 2020

Coming into operation in accordance with Article 1(1)

This Order is made in exercise of the powers conferred by sections 130AC(1) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**a**) and now vested in the Department for Communities(**b**).

The Secretary of State for Work and Pensions has made an Order(**c**) under sections 148AC(3) and 189(1) and (4) of the Social Security Administration Act 1992(**d**).

Accordingly the Department for Communities makes the following Order.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the State Pension Revaluation for Transitional Pensions (No.2) Order (Northern Ireland) 2020 and shall come into operation on—

(a) 24th December 2020 for the purpose of making an award on a claim for a state pension under regulation 15(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**e**) (advance notice of retirement and claim for and award of pension) to a person who reaches pensionable age(**f**) on or after 13th April 2021; and

(b) 12th April 2021 for all other purposes.

(2) In this Article "a state pension" means a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015(**g**).

(**a**) 1992 c. 8; section 130AC was inserted by paragraph 16 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7)

(**b**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(**c**) S.I. 2020/1392

(**d**) 1992 c. 5

(**e**) S.R. 1987 No. 465; regulation 15(1) was amended by regulation 2(6) of S.R. 2005 No. 299 and Article 9(7)(a) of S.R. 2015 No. 411

(**f**) For the definition of "pensionable age" *see* section 167(1) of the Social Security Administration (Northern Ireland) Act 1992 which refers to paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(**g**) 2015 c. 5 (N.I.)

Revaluing percentage for transitional pensions

2. For the purposes of section 130AC(2) of the Social Security Administration (Northern Ireland) Act 1992 (revaluation for transitional pensions under Pensions Act (Northern Ireland) 2015), the percentage specified is 8.8 per cent.

Sealed with the Official Seal of the Department for Communities on 2nd December 2020

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which corresponds to an Order (S.I. 2020/1392) made by the Secretary of State for Work and Pensions under sections 148AC(3) and 189(1) and (4) of the Social Security Administration Act 1992 (c. 5) ("the 1992 Act"), specifies the "revaluing percentage" as 8.8 per cent.

The Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)) ("the 2015 Act") created a new state pension for people reaching pensionable age on or after 6th April 2016 (see Part 1 of that Act). Pensionable age has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)). The part of a person's new state pension based on their pre-April 2016 contribution record that exceeds the full rate of the new state pension as at 6th April 2016 is commonly referred to as a "protected payment". Paragraph 6(5) of Schedule 1 to the 2015 Act provides for the revaluing of protected payments by increasing these payments by the "revaluing percentage" specified in the last Order under section 130AC of the 1992 Act to come into operation before the person reached pensionable age.

Article 1(1) ensures that the revaluation of protected payments will apply to persons reaching pensionable age on or after 13th April 2021 including those who make an advance claim for a state pension under regulation 15(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.

Article 2 of this Order specifies the revaluing percentage as 8.8 per cent.

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