



# Pensions Act (Northern Ireland) 2012

## 2012 CHAPTER 3

An Act to make provision relating to pensions; and for connected purposes. [1st June 2012]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

### Part 1

#### State Pension

##### Equalisation of and increase in pensionable age for men and women

1.—(1) In Schedule 2 to the Pensions (Northern Ireland) Order 1995 (equalisation of and increase in pensionable age for men and women) paragraph 1 is amended as follows.

(2) In sub-paragraph (1) for “6th April 1959” substitute “ 6th December 1953 ”.

(3) Omit sub-paragraph (4).

(4) In table 1 for the entries (in both columns) relating to each of the periods from “6th April 1953 to 5th May 1953” to “6th March 1955 to 5th April 1955” substitute—

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“6th April 1953 to 5th May 1953	6th July 2016
6th May 1953 to 5th June 1953	6th November 2016

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*Status: This version of this Act contains provisions that are prospective.*

**Changes to legislation:** *Pensions Act (Northern Ireland) 2012 is up to date with all changes known to be in force on or before 19 August 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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6th June 1953 to 5th July 1953	6th March 2017
6th July 1953 to 5th August 1953	6th July 2017
6th August 1953 to 5th September 1953	6th November 2017
6th September 1953 to 5th October 1953	6th March 2018
6th October 1953 to 5th November 1953	6th July 2018
6th November 1953 to 5th December 1953	6th November 2018”.

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(5) For table 2 substitute—

**“TABLE 2**

<b>(1)</b> <b><i>Period within which birthday falls</i></b>	<b>(2)</b> <b><i>Day pensionable age attained</i></b>
6th December 1953 to 5th January 1954	6th March 2019
6th January 1954 to 5th February 1954	6th May 2019
6th February 1954 to 5th March 1954	6th July 2019
6th March 1954 to 5th April 1954	6th September 2019
6th April 1954 to 5th May 1954	6th November 2019
6th May 1954 to 5th June 1954	6th January 2020
6th June 1954 to 5th July 1954	6th March 2020
6th July 1954 to 5th August 1954	6th May 2020
6th August 1954 to 5th September 1954	6th July 2020
6th September 1954 to 5th October 1954	6th September 2020”.

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(6) In sub-paragraph (7) for “5th April 1960” substitute “ 5th October 1954 ”.

(7) Schedule 1 (equalisation of and increase in pensionable age for men and women: consequential amendments) has effect.

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### **Duty to report on the impact of socio-economic background (including health indicators) in relation to retirement pension**

**2** The Department for Social Development shall, within two years of the date on which this Act receives Royal Assent, lay a report before the Assembly on the impact of socio-economic background (including health indicators) in relation to retirement pension.

#### **Commencement Information**

**II** [S. 2](#) in operation at 7.6.2012 by [S.R. 2012/233](#), [art. 2\(2\)\(a\)](#)

### **Abolition of certain additions to the state pension**

**3.—(1)** In section 132 of the Social Security Administration (Northern Ireland) Act 1992 (annual up-rating of benefits)—

(a) in subsection (3)(a) for “person who is also entitled to a Category A or Category B retirement pension” substitute “relevant person”;

(b) after subsection (3) insert—

“(3ZA) In subsection (3)(a) “relevant person” means a person—

(a) who became entitled to a Category A or Category B retirement pension before the day on which section 3(1) of the Pensions Act (Northern Ireland) 2012 comes into operation, and

(b) to whom sums became payable by virtue of section 11(1) of the Pensions Act (including sums payable by virtue of section 13(2) of that Act) before that day.

(3ZB) In subsection (3A)—

(a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;

(b) a reference to sums becoming payable before a day includes a reference to sums becoming payable on or after that day in respect of a period before that day.”.

(2) In that section after subsection (3A) insert—

“(3B) Subsection (3A) does not have effect unless—

(a) the member became entitled to a Category A or Category B retirement pension before the day on which section 3(2) of the Pensions Act (Northern Ireland) 2012 comes into operation, and

(b) the member's postponed pension under the scheme became payable before that day.

(3C) In subsection (3B)—

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- (a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;
- (b) a reference to a pension becoming payable before a day includes a reference to a pension becoming payable on or after that day in respect of a period before that day.”.

(3) In that section omit subsection (5).

(4) The repeal made by subsection (3) does not affect the application of section 132(5) of that Act in relation to a person who became entitled to a Category A or Category B retirement pension before the day on which subsection (3) comes into operation.

<sup>F1</sup>(5) .....

<sup>F1</sup>(6) .....

<sup>F1</sup>(7) .....

<sup>F1</sup>(8) .....

<sup>F1</sup>(9) .....

(10) In this section a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day.

#### Textual Amendments

- F1** [S. 3\(5\)-\(9\)](#) repealed (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(3), **Sch. 12 para. 82(a)**

#### Commencement Information

- I2** S. 3(1)-(4) (9) (10) in operation at 7.6.2012 by [S.R. 2012/233](#), **art. 2(2)(b)**
- I3** S. 3(5) in operation at 7.6.2012 for specified purposes by [S.R. 2012/233](#), **art. 2(2)(c)**
- I4** S. 3(6)(8) in operation at 7.6.2012 for specified purposes by [S.R. 2012/233](#), **art. 2(2)(j)**
- I5** S. 3(7) in operation at 7.6.2012 for specified purposes by [S.R. 2012/233](#), **art. 2(2)(c)**

PROSPECTIVE

#### Consolidation of additional pension

<sup>F2</sup>**4** .....

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### Textual Amendments

- F2** S. 4 repealed (16.7.2015) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 12 para. 82\(b\)](#); S.R. 2015/307, art. 2(1)(k)

## Part 2

### Automatic Enrolment

#### Automatic re-enrolment where scheme membership interrupted

**5.—(1)** In section 2 of the Pensions (No. 2) Act (Northern Ireland) 2008 (continuity of scheme membership) for subsection (3) substitute—

“(3) Subsection (1) is not contravened if by virtue of section 5 the jobholder becomes an active member of an automatic enrolment scheme with effect from—

- (a) the day after the cessation referred to in paragraph (a) or (b) of subsection (1), or
- (b) a day within the prescribed period (if a period is prescribed).”.

(2) In section 5 of the Pensions (No. 2) Act (Northern Ireland) 2008 (automatic re-enrolment) after subsection (1) insert—

“(1A) This section also applies to a jobholder who—

- (a) is aged at least 22,
- (b) has not reached pensionable age, and
- (c) is not an active member of a qualifying scheme because there has been a period beginning at any time after the jobholder's automatic enrolment date during which the requirements of section 1(1)(a) or (c) were not met (so that the person was not a jobholder for that period).

(1B) This section also applies to a jobholder who has ceased to be an active member of a qualifying scheme because of something other than an action or omission by the jobholder.”.

(3) For subsection (4) of that section substitute—

“(4) Regulations may provide for subsection (2) not to apply in relation to a jobholder who in prescribed circumstances—

- (a) has ceased to be an active member of a qualifying scheme because of any action or omission by the jobholder, or by the employer at the jobholder's request, or