
Changes to legislation: Pensions Act (Northern Ireland) 2015, Cross Heading: The Gender Recognition Act 2004 (c. 7) is up to date with all changes known to be in force on or before 06 April 2024. 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

SCHEDULES

SCHEDULE 12

STATE PENSION: AMENDMENTS

PART 1

AMENDMENTS TO DO WITH NEW STATE PENSION SYSTEM

The Gender Recognition Act 2004 (c. 7)

41 The Gender Recognition Act 2004 is amended as follows.

.....
Commencement Information

I1 [Sch. 12 para. 41](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

42 In section 23(3) and (4) of that Act (power to modify statutory provisions) “enactment” includes sections 11 and 12 of, and Schedules 6 and 7 to, this Act.

.....
Commencement Information

I2 [Sch. 12 para. 42](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

43.—(1) Schedule 5 (benefits and pensions) is amended as follows.

(2) After paragraph 6A insert—

“Pension under Part 1 of the Pensions Act (Northern Ireland) 2015

6B.—(1) Any question—

(a) whether the person is entitled to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 for any period after the certificate is issued, and

(b) (if so) the rate at which the person is so entitled for the period, is to be decided as if the person's gender were the acquired gender.

(2) Accordingly, if (immediately before the certificate is issued) the person—

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(a) is a woman entitled to a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015, but

(b) has not attained the age of 65,

the person ceases to be so entitled when it is issued.

(3) And, conversely, if (immediately before the certificate is issued) the person—

(a) is a man who has attained the age at which a woman of the same age attains pensionable age, but

(b) has not attained the age of 65,

the person is to be treated for the purposes of Part 1 of the Pensions Act (Northern Ireland) 2015 as attaining pensionable age when it is issued.

(4) But sub-paragraph (1) does not apply if and to the extent that the decision of any question to which it refers is affected by the payment or crediting of contributions, or the crediting of earnings, in respect of a period ending before the certificate is issued.

(5) If the person's acquired gender is the male gender, sections 11 and 12 of, and Schedules 6 and 7 to, the Pensions Act (Northern Ireland) 2015 (effect of reduced rate elections) apply in relation to the person as they apply in relation to a woman (but only once the person has reached pensionable age for a man).

(6) Paragraph 10 makes provision about deferment of state pensions under Part 1 of the Pensions Act (Northern Ireland) 2015.”.

(3) In paragraph 10, in sub-paragraph (1), after paragraph (za) insert—

“(zb) a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015.”.

Commencement Information

I3 [Sch. 12 para. 43](#) in operation at 6.4.2016, see [s. 53\(1\)\(3\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) transitional provisions for effects of commencing S.I. 2017/297, art. 2 by [S.R. 2017/58](#) Order