STATUTORY RULES OF NORTHERN IRELAND

# 2011 No. 109

# SOCIAL SECURITY

## Social Security (Deferral of Retirement Pensions) Regulations (Northern Ireland) 2011

*Made - - - - 15th March 2011*

*Coming into operation in accordance with regulation 1*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 171(1) and (3) of, and paragraphs 2(2), 3B(2) and (5)(b)(iii) and 7B(2) and (5)(b)(iii) of Schedule 5 and paragraph 5(2) of Schedule 5A to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**).

### Citation and commencement

**1.**—(1) These Regulations may be cited as the Social Security (Deferral of Retirement Pensions) Regulations (Northern Ireland) 2011.

(2) Regulations 3(2) and (3), 4 and this regulation shall come into operation on 5th April 2011.

(3) The other provisions of these Regulations shall come into operation on 6th April 2011.

### Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations

**2.**—(1) Regulation 4 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**3**) (days to be treated as days of increment) is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

(a) in sub-paragraph (b)(iii)(**4**) for "and" substitute "or";

(b) after sub-paragraph (b)(iii) insert—

(**1**) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21); paragraph 2(2) of Schedule 5 was amended by paragraph 6(2) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), s*ee also* Article 273(3) of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)); paragraphs 3B and 7B were inserted respectively by paragraphs 7(1) and 10(1) of Schedule 9 to the Pensions (Northern Ireland) Order 2005 and paragraph 7B(2) was amended by paragraph 6(k)(ii) of the Schedule to S.R. 2005 No. 434; Schedule 5A was inserted by paragraph 14 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) S.R. 1979 No. 243; relevant amending Regulations are S.R. 2005 No. 120, S.R. 2005 No. 299, S.R. 2005 No. 539 and S.R. 2006 No. 113

(**4**) Sub-paragraph (b)(iii) was substituted by regulation 2 of S.R. 2006 No. 113

"(iv) state pension credit under section 1 of the State Pension Credit Act (Northern Ireland) 2002(**5**); and";

(c) after sub-paragraph (d)(**6**) add—

"; and

(e) in the case of a person who was a member of a couple, the other member of the couple was not in receipt of—

(i) income support under section 123 of the Contributions and Benefits Act;

(ii) income-based jobseeker's allowance under Article 3 of the Jobseekers (Northern Ireland) Order 1995(**7**);

(iii) state pension credit under section 1 of the State Pension Credit Act (Northern Ireland) 2002; or

(iv) income-related employment and support allowance under section 1 of the Welfare Reform Act (Northern Ireland) 2007(**8**).".

(3) After paragraph (4)(**9**) add—

"(5) In paragraph (1), "couple" has the meaning given by section 133(1) of the Contributions and Benefits Act(**10**).".

(4) This regulation applies only in respect of a day falling on or after 6th April 2011.

**Amendment of the Social Security (Deferral of Retirement Pensions) Regulations**

**3.**—(1) The Social Security (Deferral of Retirement Pensions) Regulations (Northern Ireland) 2005(**11**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation), after the definition of the "Contributions and Benefits Act" insert—

""the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**12**).".

(3) For regulation 2 (beginning of accrual period), substitute—

"**2.**—(1) This regulation applies for the purposes of paragraphs 3B and 7B of Schedule 5 and paragraph 5 of Schedule 5A to the Contributions and Benefits Act (calculation of lump sum).

(2) In the case of a retirement pension or shared additional pension to which regulation 22 of the Claims and Payments Regulations(**13**) (long term benefits) applies, the accrual period shall begin with the day of the week on which benefit would have been payable had entitlement not been deferred.

(**5**) 2002 c. 14 (N.I.)
(**6**) Sub-paragraph (d) was inserted by regulation 4(4)(b)(ii) of S.R. 2005 No. 120 and amended by regulation 2(3) of S.R. 2005 No. 539
(**7**) S.I. 1995/2705 (N.I. 15)
(**8**) 2007 c. 2 (N.I.)
(**9**) Paragraph (4) was added by regulation 5(5) of S.R. 2005 No. 299
(**10**) In section 133(1) the definition of "couple" was substituted by paragraph 99(3) of Schedule 24 to the Civil Partnership Act 2004 (c. 33)
(**11**) S.R. 2005 No. 120 to which there are amendments not relevant to these Regulations
(**12**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1996 No. 432, S.R. 2002 No. 297, S.R. 2008 No. 417, S.R. 2009 No. 409 and S.R. 2010 No. 81
(**13**) Regulation 22 was amended by regulation 2(3) of S.R. 1996 No. 432, regulation 2(3) of S.R. 2002 No. 297, regulation 2(5) of S.R. 2008 No. 417, regulation 2(4) of S.R. 2009 No. 409 and regulation 3(5) of S.R. 2010 No. 81