STATUTORY RULES OF NORTHERN IRELAND

2010 No. 110

SOCIAL SECURITY

The Social Security Benefit (Persons Abroad) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*16th March 2010*
Coming into operation	*6th April 2010*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 113(1)(a) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and now vested in it(**2**).

Citation and commencement

1. These Regulations may be cited as the Social Security Benefit (Persons Abroad) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 6th April 2010.

Amendment of the Social Security Benefit (Persons Abroad) Regulations

2.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**3**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation), for the definition of "her husband" substitute—

> ""the other party" in the case of a person who has been married or in a civil partnership more than once, refers to the person by virtue of whose contributions that person is entitled to the benefit in question;".

(3) In regulation 4 (modification of the Act in relation to widow's benefit, bereavement benefit, child's special allowance, guardian's allowance and retirement pension)—

(a) in the heading for "the Act" substitute "the Contributions and Benefits Act";

(b) in paragraphs (2)(b)(**4**) and (2A)(c)(**5**) for "the Act" substitute "the Contributions and Benefits Act";

(**1**) 1992 c. 7; section 113(1) was amended by paragraph 92 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) S.R. 1978 No. 114; relevant amending provisions are S.R. 1979 No. 392, S.I. 1986/1888 (N.I. 18), S.R. 1988 No. 77, S.R. 1989 No. 373, S.R. 1994 No. 269 and S.R. 2005 No. 536
(**4**) Sub-paragraph (b) was amended by regulation 3(a) of S.R. 1979 No. 392
(**5**) Paragraph (2A) was inserted by regulation 2 of S.R. 1988 No. 77

(c) in paragraph (3)(**6**)—

(i) for the words from "Article 11(2)" to "married women)" substitute "section 51A(2) or 52(2) of the Contributions and Benefits Act(**7**) (special provision for married people and for surviving spouses)",

(ii) for "Article 8(1)(a) of the Social Security Pensions (Northern Ireland) Order 1975" substitute "section 44(4) of the Contributions and Benefits Act"(**8**), and

(iii) for "paragraph 9 of Part I of Schedule 4 to the Act" substitute "paragraph 5 of Part I of Schedule 4 to the Contributions and Benefits Act";

(d) in paragraph (4)(**9**)—

(i) for "Article 11(3) of the Social Security Pensions (Northern Ireland) Order 1975" substitute "section 52(3) of the Contributions and Benefits Act", and

(ii) for the words from "regulation 2" to "1979" substitute "regulation 2 of the Social Security (Maximum Additional Pension) Regulations (Northern Ireland) 2010"(**10**).

(4) In regulation 5 (application of disqualification in respect of up-rating of benefit)—

(a) in paragraph (1)(**11**) for the words from "Article 64" to "pensions)" substitute "section 132 (annual up-rating of benefits) or 132A (annual up-rating of basic pension etc. and standard minimum guarantee) of the Social Security Administration (Northern Ireland) Act 1992"(**12**);

(b) in paragraph (3)(**13**)—

(i) in sub-paragraph (a)(**14**)—

(aa) for "a woman" substitute "a person",

(bb) for "married woman" substitute "married person or a civil partner", and

(cc) for "her husband" substitute "the other party to the marriage or civil partnership",

(ii) in sub-paragraph (aa)(**15**)—

(aa) for "married woman" substitute "married person or a civil partner",

(bb) for "her husband" substitute "the other party to the marriage or civil partnership", and

(cc) for "she was married to him" substitute "they were married to each other or were civil partners of each other",

(iii) after sub-paragraph (b) insert—

"(ba) in the case of a married person or civil partner entitled to a Category B retirement pension under section 48A of the Contributions and Benefits

(**6**) Paragraph (3) was inserted by regulation 3(b) of S.R. 1979 No. 392 and amended by Article 19(1)(a) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and regulation 6(2) of S.R. 1989 No. 373

(**7**) Section 51A was inserted by paragraph 18(6) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and amended by paragraph 83 of Schedule 24 to the Civil Partnership Act 2004

(**8**) Subsection (4) was substituted by Article 64 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by Article 4(3) of S.R. 2009 No. 89

(**9**) Paragraph (4) was inserted by regulation 3(b) of S.R. 1979 No. 392 and amended by Article 19(1)(b) of the Social Security (Northern Ireland) Order 1986 and paragraph 8(3)(b) of Schedule 3 to S.R. 2005 No. 536

(**10**) S.R. 2010 No. 62

(**11**) Paragraph (1) was amended by regulation 3 of S.R. 1988 No.77

(**12**) 1992 c. 8; section 132 was amended by paragraph 9 of Schedule 4 to the Tax Credits Act 2002 and paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49); section 132A was inserted by section 5(1) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))

(**13**) Paragraph (3) was amended by regulation 3(2) of S.R. 1994 No. 269

(**14**) Sub-paragraph (a) was amended by regulation 6(3)(a)(i) of S.R. 1989 No. 373

(**15**) Sub-paragraph (aa) was inserted by regulation 3(3) of S.R. 1994 No. 269