STATUTORY RULES OF NORTHERN IRELAND

2010 No. 103

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Equalisation of State Pension Age) Regulations (Northern Ireland) 2010

Made - - - -	*12th 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 122(1)(a) and (d), 129A(2) and (3), 131(1), 132(3) and (4)(b), 134(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(a) to (d), (j) and (q) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**), Articles 6(1), (5) and (7) and 14(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(**3**), Articles 6(5), 7(3), 14(1) and (4)(b) and 36(2) of, and paragraph 8A(1) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**4**), and now vested in it(**5**), sections 15(6)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**6**) and sections 17(1) and (3)(b), 18 and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**7**).

Regulations 8 to 10 are made with the consent of the Department of Finance and Personnel(**8**).

The Social Security Advisory Committee has agreed that the proposals in respect of regulations 8 to 10 should not be referred to it(**9**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Equalisation of State Pension Age) Regulations (Northern Ireland) 2010 and shall come into operation on 6th April 2010.

(**1**) 1992 c. 7; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) 1992 c. 8; 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)
(**3**) S.I. 1994/1898 (N.I. 12)
(**4**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and paragraph 8A of Schedule 1 was inserted by paragraph 16(2) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**5**) *See* Article 8(b) of S.R. 1999 No. 481
(**6**) 2002 c. 14 (N.I.)
(**7**) 2007 c. 2 (N.I.)
(**8**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(b) of S.R. 1999 No. 481
(**9**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(2) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**11**) are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 2 (applicable amounts)—

(a) in paragraph 9(**12**) (pensioner premium for persons under 75), for "not less than 60" substitute "not less than the qualifying age for state pension credit";

(b) in paragraph 10 (higher pensioner premium)—

(i) in sub-paragraph (1)(b)(**13**) for "not less than 60" substitute "not less than the qualifying age for state pension credit";

(ii) in sub-paragraphs (1)(b)(ii)(aa) and (3)(b)(**14**) for "his partner's 60th birthday" substitute "the day his partner attained the qualifying age for state pension credit",

(iii) in sub-paragraph (1)(b)(ii)(bb) for "the age of 60" substitute "the qualifying age for state pension credit";

(c) in paragraph 11(1)(b)(ii)(**15**) (disability premium), for "is aged less than 60" substitute "has not attained the qualifying age for state pension credit";

(d) in paragraph 13A(1)(b)(**16**) (enhanced disability premium), for "is aged less than 60" substitute "has not attained the qualifying age for state pension credit".

(3) In Schedule 10 (capital to be disregarded), in paragraph 4(a)(**17**) for "is aged 60 or over" substitute "has attained the qualifying age for state pension credit".

Amendment of the Social Security (Claims and Payments) Regulations

3. In regulation 35(2) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**18**) (payment to a partner as alternative payee) for "the other person has not yet attained the age of 60 in the qualifying week" substitute "in the qualifying week the other person has not yet attained the qualifying age".

Amendment of the Social Security (Incapacity Benefit) (Transitional) Regulations

4. In regulation 1(2) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995(**19**) (interpretation), for the definition of "pensionable age" substitute—

(**10**) 1954 c. 33 (N.I.)
(**11**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1989 No. 139, S.R. 1990 No. 346, S.R. 2000 No. 367, S.R. 2003 Nos. 191, 195 and 413 and S.R. 2007 No. 154
(**12**) Paragraph 9 was amended by regulation 5(a) of S.R. 1989 No. 139 and regulation 24(5)(a) of S.R. 2003 No. 191
(**13**) Sub-paragraph (1) was substituted by regulation 24(5)(c)(i) of S.R. 2003 No. 191 and amended by regulation 2(a) of S.R. 2003 No. 413 and regulation 2(7)(b)(i) of S.R. 2007 No. 154
(**14**) Sub-paragraph (3)(b) was amended by regulation 24(5)(c)(ii) of S.R. 2003 No. 191
(**15**) Head (b)(ii) was amended by regulation 2(b)(ii) of S.R. 2003 No. 413
(**16**) Paragraph 13A was inserted by regulation 2(c)(ii) of S.R. 2000 No. 367 and sub-paragraph (1)(b) was substituted by regulation 24(5)(f) of S.R. 2003 No. 191 and amended by paragraph 20(c)(i) of Schedule 1 to S.R. 2003 No. 195
(**17**) Paragraph 4(a) was amended by regulation 9(a) of S.R. 1990 No. 346
(**18**) S.R. 1987 No. 465; paragraph (2) was added by regulation 2(3) of S.R. 2002 No. 327 and amended by paragraph 15(8) of Schedule 3 to S.R. 2005 No. 536 and regulation 13(15) of S.R. 2008 No. 286
(**19**) S.R. 1995 No. 35

""pensionable age" has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995(**20**);".

Amendment of the Jobseeker's Allowance Regulations

5.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**21**) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 1(2) (interpretation), after the definition of "public authority(**22**)" insert—

""qualifying age for state pension credit" means—

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;".

(3) In regulation 49(1)(b) (person approaching retirement and the jobseeking period), for "the age of 60" substitute "the qualifying age for state pension credit".

(4) In Schedule A1(**23**) (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order), for paragraph 13 and the heading preceding it, substitute—

"**Members who have attained the qualifying age for state pension credit**

13. A member who has attained the qualifying age for state pension credit.".

(5) In Schedule 1 (applicable amounts)—

(a) in paragraph 10 (pensioner premium for persons over 60)—

(i) in the heading for "over 60" substitute "over the qualifying age for state pension credit",

(ii) for "the age of 60", in each place where it occurs, substitute "the qualifying age for state pension credit";

(b) in paragraph 12 (higher pensioner premium)—

(i) in sub-paragraph (1)(**24**) for "the age of 60", in each place where it occurs, substitute "the qualifying age for state pension credit",

(ii) in sub-paragraphs (1)(a)(ii) and (2)(b), for "his 60th birthday" substitute "the date he attained the qualifying age for state pension credit";

(c) in paragraph 13(1)(**25**) (disability premium), for "the age of 60", in each place where it occurs, substitute "the qualifying age for state pension credit";

(d) in paragraph 15A(1)(**26**) (enhanced disability premium), for "is aged less than 60" substitute "has not attained the qualifying age for state pension credit";

(e) in paragraph 20(2) (weekly amounts of premiums specified in Part III) for "aged over 60" substitute "who have attained the qualifying age for state pension credit";

(**20**) S.I. 1995/3213 (N.I. 22); paragraph 1 of Schedule 2 was amended by paragraph 28 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), paragraph 8 of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 and paragraphs 3 and 4 of Schedule 3 to the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))

(**21**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 503, S.R. 2000 Nos. 350 and 367, S.R. 2003 No. 195, S.R. 2007 No. 154, S.R. 2008 No. 286 and S.R. 2009 No. 338

(**22**) The definition of "public authority" was inserted by regulation 4(2)(a) of S.R. 2009 No. 338

(**23**) Schedule A1 was inserted by Schedule 1 to S.R. 2000 No. 350

(**24**) Paragraph 12(1) was amended by regulation 2(17)(b) of S.R. 1996 No. 503 and regulation 3(8)(b)(i) of S.R. 2007 No. 154

(**25**) Paragraph 13(1) was amended by regulation 3(8)(c) of S.R. 2007 No. 154

(**26**) Paragraph 15A was inserted by regulation 4(c)(ii) of S.R. 2000 No. 367 and sub-paragraph (1) was amended by paragraph 20(c)(i) of Schedule 2 to S.R. 2003 No. 195

(f) in paragraph 20E(**27**) (pensioner premium where one member of a joint-claim couple has attained the age of 60) and the heading preceding it for "the age of 60" substitute "the qualifying age for state pension credit";

(g) in paragraph 20F (higher pensioner premium)—

(i) in sub-paragraph (1)(a) and (b)(**28**) for "the age of 60" substitute "the qualifying age for state pension credit";

(ii) in sub-paragraph (1)(b)(i) for "his 60th birthday" substitute "the date he attained the qualifying age for state pension credit",

(iii) in sub-paragraphs (1)(b)(ii) and (2)(b) for "the 60th birthday of either member of that couple" substitute "the date either member of that couple attained the qualifying age for state pension credit";

(h) in paragraph 20G(1)(**29**) (disability premium), for "the age of 60" substitute "the qualifying age for state pension credit";

(i) in paragraph 20IA(1)(**30**) (enhanced disability premium), for "is aged less than 60" substitute "has not attained the qualifying age for state pension credit";

(j) in paragraph 20M(1) (weekly amounts of premiums specified in Part IVA) for "is aged over 60" substitute "has attained the qualifying age for state pension credit".

(6) In Schedule 2 (housing costs), in paragraph 8(1)(a)(**31**) (general exclusions from paragraphs 6 and 7), for "is aged 60 or over" substitute "has attained the qualifying age for state pension credit".

(7) In Schedule 5 (sums to be disregarded in the calculation of earnings), in paragraph 5—

(a) in sub-paragraph (3)(b) for "is under the age of 60" substitute "has not attained the qualifying age for state pension credit";

(b) in sub-paragraphs (4)(b) and (7)(a)(i)(**32**), (b) and (c) for "the age of 60" substitute "the qualifying age for state pension credit".

(8) In Schedule 5A(**33**) (sums to be disregarded in the calculation of earnings of members of joint-claim couples), in paragraph 1—

(a) in sub-paragraph (3)(b), for "is under the age of 60" substitute "has not attained the qualifying age for state pension credit";

(b) in sub-paragraphs (4)(b) and (5)(a)(i)(**34**), (b) and (c) for "the age of 60" substitute "the qualifying age for state pension credit".

(9) In Schedule 7 (capital to be disregarded), in paragraph 4(a) for "is aged 60 or over" substitute "has attained the qualifying age for state pension credit".

Amendment of the Social Fund Winter Fuel Payment Regulations

6.—(1) The Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(**35**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation), after the definition of "partner" insert—

""qualifying age for state pension credit" means—

(**27**) Paragraphs 20A to 20M were inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350
(**28**) Paragraph 20F(1) was amended by regulation 3(8)(h)(i) of S.R. 2007 No. 154
(**29**) Paragraph 20G was amended by regulation 3(8)(i) of S.R. 2007 No. 154
(**30**) Paragraph 20IA was inserted by regulation 4(c)(v) of S.R. 2000 No. 367
(**31**) Paragraph 8(1)(a) was amended by paragraph 54(7) of Schedule 2 to S.R. 2000 No. 350
(**32**) Sub-paragraph (7)(a)(i) was amended by regulation 19(26) of S.R. 2008 No. 286
(**33**) Schedule 5A was inserted by paragraph 58 of Schedule 2 to S.R. 2000 No. 350
(**34**) Sub-paragraph (5)(a)(i) was amended by regulation 19(27) of S.R. 2008 No. 286
(**35**) S.R. 2000 No. 91; relevant amending Regulations are S.R. 2000 No. 321, S.R. 2003 No. 349, S.R. 2004 No. 354 and S.R. 2008 No. 286