STATUTORY RULES OF NORTHERN IRELAND

2009 No. 409

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 5) Regulations (Northern Ireland) 2009

Made - - - - 10th December 2009

Coming into operation 6th April 2010

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(j), (l) and (m) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**), and now vested in it(**2**), and section 19(2) of, and paragraph 13(1) of Schedule 1 to, the State Pension Credit Act (Northern Ireland) 2002(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 5) Regulations (Northern Ireland) 2009 and shall come into operation on 6th April 2010.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**5**) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation), after the definition of "widowed parent's allowance"(**6**) add—

""working age benefit" means any of the following—

(a) bereavement allowance;

(**1**) 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) and subsection (6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

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

(**3**) 2002 c. 14 (N.I.)

(**4**) 1954 c. 33 (N.I.)

(**5**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1988 No. 141, S.R. 1992 No. 7, S.R. 1994 No. 456, S.R. 1996 No. 354, S.R. 1999 No. 365, S.R. 2000 No. 404, S.R. 2001 No. 108, S.R. 2002 No. 297, S.R. 2003 No. 191, S.R. 2006 No. 168, S.R. 2008 Nos. 286 and 417 and S.R. 2009 No. 107

(**6**) The definition of "widowed parent's allowance" was added by regulation 10(2)(c) of S.R. 2001 No. 108

(b) an employment and support allowance;

(c) incapacity benefit;

(d) income support;

(e) a jobseeker's allowance;

(f) widowed mother's allowance;

(g) widowed parent's allowance;

(h) widow's pension.".

(3) In regulation 16 (date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate)—

(a) after paragraph (1C)(**7**) insert—

"(1D) Except in a case where regulation 22D(1) or (2) applies, for the purpose only of determining the day from which retirement pension payable in arrears under regulation 22C is to become payable, where entitlement would otherwise begin on a day which is not the first day of the benefit week, entitlement shall begin on the first day of the benefit week next following.";

(b) after paragraph (2C)(**8**) insert—

"(2D) Where a retirement pension is paid in arrears under regulation 22C and the award is terminated due to the death of the beneficiary, the termination shall take effect on the first day of the benefit week next following the date of death.

(2E) Except in a case where regulation 22D(2) applies, where a retirement pension is paid in arrears under regulation 22C and there is a change in the rate of that benefit, the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect from the start of the benefit week in which the change occurs.";

(c) in paragraph (3)(c)(ii)(**9**) for "regulation 22 or 22A" substitute "regulation 22, 22A or 22C";

(d) in paragraph (4)(**10**) after "widowed parent's allowance" insert ", retirement pension payable in arrears under regulation 22C".

(4) In regulation 22(1)(**11**) (long term benefits), for "regulations 22A and 25(1)" substitute "regulations 22A, 22C and 25(1)".

(5) After regulation 22B(**12**) insert—

"**Retirement pension**

22C.—(1) This regulation applies in relation to payment of a retirement pension to persons who reach pensionable age on or after 6th April 2010, other than to a person to whom paragraph (7) applies.

(**7**) Paragraph (1C) was added by regulation 9(c) of S.R. 1992 No. 7
(**8**) Paragraph (2C) was inserted by regulation 2(2)(b) of S.R. 2009 No. 107
(**9**) Paragraph (3) was substituted by regulation 3(b) of S.R. 1988 No. 141 and sub-paragraph (c) was substituted by regulation 2(2)(c) of S.R. 2009 No. 107
(**10**) Paragraph (4) was amended by regulation 3(c) of S.R. 1988 No. 141, regulation 2(7) of S.R. 1994 No. 456, regulation 2(9) of S.R. 1996 No. 354, regulation 7(1) of S.R. 2003 No. 191, regulation 13(11) of S.R. 2008 No. 286 and regulation 2(2)(d) of S.R. 2009 No. 107
(**11**) Regulation 22(1) was substituted by regulation 2(3) of S.R. 2002 No. 297 and amended by regulation 2(5) of S.R. 2008 No. 417 and regulation 2(3) of S.R. 2009 No. 107
(**12**) Regulation 22B was inserted by regulation 2(4) of S.R. 2009 No. 107

(2) Subject to paragraphs (4) to (6), a retirement pension shall be paid weekly, fortnightly or four weekly (as the Department may in any case determine) in arrears on the day of the week specified in paragraph (3).

(3) The day specified for the purposes of paragraph (2) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person's national insurance number—

Column (1)	*Column (2)*
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday.

(4) The Department may, in any particular case or class of case, arrange that retirement pension be paid on any other day of the week.

(5) The Department may, in any particular case or class of case, arrange that the beneficiary be paid in arrears at intervals of 13 weeks where the beneficiary agrees.

(6) Where the amount of a retirement pension payable is less than £5.00 per week the Department may direct that it shall be paid in arrears at such intervals, not exceeding 12 months, as may be specified in the direction.

(7) This paragraph applies to a man who—

(a) was in receipt of state pension credit in respect of any day in the period beginning with the day 4 months and 4 days before the day on which he reaches pensionable age and ending on 5th April 2010; or

(b) was in continuous receipt of state pension credit from 5th April 2010 until a day no earlier than the day 4 months and 4 days before the day on which he reaches pensionable age.

Payment of retirement pension at a daily rate

22D.—(1) Where the entitlement of a person (B) to a retirement pension begins on a day which is not the first day of the benefit week in the circumstances specified in paragraph (3), it shall be paid at a daily rate in respect of the period beginning with the day on which entitlement begins and ending on the day before the first day of the following benefit week.

(2) Where in respect of a retirement pension—

(a) the circumstances specified in paragraph (3) apply;

(b) B's entitlement to that benefit begins on a day which is not the first day of the benefit week; and

(c) a change in the rate of that benefit takes effect under an order made under section 132 or 132A of the Administration Act(**13**) (annual up-rating of benefits or basic pension etc.) on a day, in the same benefit week, subsequent to the day on which B's entitlement arose,

it shall be paid at a daily rate in respect of the period beginning with the day on which entitlement begins and ending on the day before the first day of the following benefit week.

(**13**) Section 132A was inserted by section 5(1) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))