STATUTORY RULES OF NORTHERN IRELAND

2006 No. 113

SOCIAL SECURITY

The Social Security (Deferral of Retirement Pensions etc.) Regulations (Northern Ireland) 2006

Made - - - -	*10th March 2006*
Coming into operation	*6th April 2006*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 171(3) of, and paragraph 2(2) of Schedule 5 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 69(6)(b) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and now vested in it(**3**), and paragraph 22 of Schedule 9 to the Pensions (Northern Ireland) Order 2005(**4**).

Citation and commencement

1. These Regulations may be cited as the Social Security (Deferral of Retirement Pensions etc.) Regulations (Northern Ireland) 2006 and shall come into operation on 6th April 2006.

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

2. In regulation 4(1)(b) of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**5**) (days to be treated as days of increment), for head (ii) there shall be substituted the following heads—

"(ii) graduated retirement benefit where that person's period of deferment ended on or before 5th April 2006; or

(iii) an unemployability supplement; and".

(**1**) 1992 c. 7; paragraph 2(2) was amended by paragraph 6(2)(a) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I.1995/3213 (N.I. 22)); *see also* Article 273(3) of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))
(**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**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) S.I. 2005/255 (N.I. 1)
(**5**) S.R. 1979 No. 243; regulation 4(1) was amended by regulation 8(5) of S.R. 1989 No. 373, regulation 6 of S.R. 1992 No. 6 and regulation 4(4) of S.R. 2005 No. 120

Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations

3. In regulation 5 of the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(**6**) (offsetting prior payment against subsequent award)—

(a) in paragraph (1), after "Subject to" there shall be inserted "paragraph (6) and"; and

(b) after paragraph (5), there shall be added the following paragraph—

"(6) Subject to regulation 6, any sums under—

(a) Schedule 5 or 5A to the Contributions and Benefits Act(**7**) (pension increases or lump sum where entitlement to retirement pension or shared additional pension is deferred); or

(b) Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 2005(**8**) (increases or lump sum where entitlement to graduated retirement benefit is deferred),

paid pursuant to a decision which is subsequently revised under Article 10 of the 1998 Order(**9**) (revision of decisions), superseded under Article 11 of that Order(**10**) (superseding earlier decisions) or overturned on appeal, shall be offset against any sums due under the subsequent determination and, except to the extent that the sum exceeds the amount now due, shall be treated as properly paid on account of it.".

Amendment of the Social Security (Retirement Pensions etc.) (Transitional Provisions) Regulations

4. In regulation 2(4)(a) of the Social Security (Retirement Pensions etc.) (Transitional Provisions) Regulations (Northern Ireland) 2005(**11**) (modification of Schedule 5 to the Act), after "retirement pension" there shall be inserted "(excluding any increase under section 83, 84 or 85)".

Revocation

5. The Social Security (Widow's Benefit and Retirement Pensions) (Amendment) Regulations (Northern Ireland) 1992(**12**) are hereby revoked.

(**6**) S.R. 1988 No. 142; to which there are amendments not relevant to these Regulations
(**7**) Relevant amendments to Schedule 5 were made by paragraphs 2 to 13 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 and paragraph 6 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
(**8**) S.R. 2005 No. 121; relevant amending regulations are S.R 2005 No. 541 and S.R. 2006 No. 104. Schedule 1 has effect by virtue of section 35(4) of the National Insurance Act (Northern Ireland) 1966 (c. 6 (N.I.)). Sections 35 and 36 were repealed by the Social Security Act 1973 (c. 38) but are continued in force by regulation 2 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 105)
(**9**) S.I. 1998/1506 (N.I. 10)
(**10**) Article 11 was amended by paragraph 17 of Schedule 6 and Part I of Schedule 9 to the Social Security (Transfer of Functions, etc.) (Northern Ireland) Order 1999
(**11**) S.R. 2005 No. 123
(**12**) S.R. 1992 No. 318