STATUTORY RULES OF NORTHERN IRELAND

2005 No. 299

SOCIAL SECURITY

The Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005

Made - - - - 15th June 2005
Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by sections 54(1), 113(1), and 171(3) of, and paragraphs 1, 3 and 5 of Schedule 5A to the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 1(1), 5(1)(a) to (c) and (g), 69(6), 71(1) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**), and now vested in it(**3**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005 and shall come into operation on 6th July 2005 except for regulation 2(8) and (10) which shall come into operation on 6th April 2006.

(2) In these Regulations –

"shared additional pension" means a shared additional pension under section 55A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**4**).

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 7; section 54(1) was amended by paragraph 6 of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I.1995/3213 (N.I. 22)) and paragraph 12 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)). Schedule 5A was inserted by paragraph 14 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))
(**2**) 1992 c. 8; section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)). 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**) Section 55A was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**5**) 1954 c. 33 (N.I.)

Amendment of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**6**) shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1) (interpretation) –

(a) in the definition of "benefit"(**7**) after "Jobseekers Order" there shall be added "and a shared additional pension";

(b) in the definition of "long term benefits"(**8**) after "retirement pension," there shall be inserted "a shared additional pension,"; and

(c) immediately before the definition of "state pension credit"(**9**) there shall be inserted the following definition –

> ""shared additional pension" means a shared additional pension under section 55A of the Contributions and Benefits Act;".

(3) In regulation 3 (claims not required for entitlement to benefit in certain cases) after paragraph (h)(**10**) there shall be added the following paragraph –

"(i) in the case of a shared additional pension where the beneficiary is in receipt of a retirement pension of any category.".

(4) In regulation 4 (making a claim for benefit) –

(a) in paragraph (6A)(**11**) –

(i) in sub-paragraph (a)(ii) after "category" there shall be inserted "or a shared additional pension", and

(ii) in sub-paragraph (b) after "retirement pension" there shall be inserted "or a shared additional pension"; and

(b) in paragraph (11)(**12**) after "graduated retirement benefit" there shall be inserted ", a shared additional pension".

(5) In regulation 13(3)(**13**) (advance claims and awards) after "increase of retirement pension," there shall be inserted "a shared additional pension,".

(6) In regulation 15(1) (advance notice of retirement and claim for and award of pension) after "increase in any such pension," there shall be inserted "or a shared additional pension,".

(7) For regulation 15B(**14**) (advance claim for pension following deferment) there shall be substituted –

"**Advance claim for pension following deferment**

15B. Where a person's entitlement to a Category A or Category B retirement pension or a shared additional pension is deferred in accordance with section 55(3) (pension increase or

(**6**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 No. 369, S.R. 1992 Nos. 7 and 83, S.R. 1994 Nos. 345 and 456, S.R. 1996 No. 354, S.R. 1999 Nos. 365 and 381, S.R. 2001 No. 108, S.R. 2002 No. 323, S.R. 2003 Nos. 191 and 317 and S.R. 2005 Nos. 14 and 122

(**7**) The definition of "benefit" was amended by regulation 3(2)(a) of S.R. 1988 No. 369, regulation 7(2)(a)(i) of S.R. 1992 No. 83, regulation 2(2)(b) of S.R. 1996 No. 354 and regulation 3(a)(ii) of S.R. 2003 No. 191

(**8**) The definition of "long term benefits" was amended by regulation 2 of S.R. 1992 No. 7, regulation 2(2) of S.R. 1999 No. 365, regulation 10(2)(b) of S.R. 2001 No. 108 and paragraph 1(i) of the Schedule to S.R. 2002 No. 323

(**9**) The definition of "state pension credit" was inserted by regulation 3(a)(v) of S.R. 2003 No. 191

(**10**) Paragraph (h) was added by regulation 5 of S.R. 1999 No. 381

(**11**) Paragraph (6A) was inserted by regulation 2(2)(b) of S.R. 2003 No. 317

(**12**) Paragraph (11) was added by regulation 2(2)(b) of S.R. 2005 No. 14

(**13**) Paragraph (3) was amended by regulation 6 of S.R. 1992 No. 7, regulation 2(3)(a) of S.R. 1994 No. 345 and regulation 6(1) of S.R. 2003 No. 191

(**14**) Regulation 15B was inserted by regulation 2(2) of S.R. 2005 No. 122

lump sum where entitlement to retirement pension is deferred) or section 55C(3) (pension increase or lump sum where entitlement to shared additional pension is deferred) of the Contributions and Benefits Act(**15**) (as the case may be) a claim for –

(a) a Category A or Category B retirement pension;

(b) any increase in that pension; and

(c) a shared additional pension,

may be made at any time not more than 4 months before the date on which the period of deferment, within the meaning of section 55(3) or section 55C(3) (as the case may be), ends.".

(8) In regulation 30(**16**) (payments on death) –

(a) for paragraph (5B) there shall be substituted the following paragraph –

"(5B) Where a claim is made for a shared additional pension under paragraph (5) or for a retirement pension or graduated retirement benefit under paragraphs (5) and (5A), in determining, for the purposes of those paragraphs, the pension or benefit to which the deceased would have been entitled if he had claimed within the prescribed time, the prescribed time shall be the period of 3 months ending on the date of his death and beginning with and including any day on which, apart from satisfying the condition of making a claim, he would have been entitled to the pension or benefit.";

(b) in paragraph (5C) –

(i) after "Category B retirement pension" there shall be inserted ", a shared additional pension",

(ii) in sub-paragraph (a) "or" shall be omitted, and

(iii) after sub-paragraph (a) there shall be inserted the following sub-paragraph –

"(aa) section 55C thereof (pension increase or lump sum where entitlement to shared additional pension is deferred); or";

(c) in paragraph (5D) –

(i) after "under" there shall be inserted "paragraph (5) or under",

(ii) in sub-paragraph (a) "or" shall be omitted, and

(iii) after sub-paragraph (a) there shall be inserted the following sub-paragraph –

"(aa) paragraph 1(1)(a) of Schedule 5A thereto (electing to have an increase of a shared additional pension), where paragraph 5C(aa) applies; or";

(9) In Schedule 1, in the Table in Part I(**17**) (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative) where "A retirement pension of any category" appears in column (1) (benefit claimed), in the corresponding paragraph in column (2) (alternative benefit), after "any other category" there shall be inserted ", a shared additional pension".

(10) In Schedule 4 (prescribed times for claiming benefit), after paragraph 14(**18**) there shall be added the following paragraph –

"**15.** Shared additional pension.	As regards any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to the pension, that day and

(**15**) Sections 55 and 55C were substituted by Article 273(1) and (2) of the Pensions (Northern Ireland) Order 2005
(**16**) Paragraphs (5A) to (5F) were inserted by regulation 2(4)(b) of S.R. 2005 No. 122
(**17**) The Table in Part I was substituted by Schedule 1 to S.R. 1994 No. 456
(**18**) Paragraphs 13 and 14 were added by regulation 2(5) of S.R. 2005 No. 122

the period of 12 months immediately following it.".

(11) In Schedule 6 (days for payment of long term benefits) after paragraph 5 there shall be inserted the following paragraph –

"**Shared additional pension**

5A. Shared additional pension shall be payable on Mondays, except that –

(a) where a retirement pension is payable to the claimant, it shall be payable on the same day as the retirement pension; or

(b) the Department may, notwithstanding the provisions of sub-paragraph (a), arrange for a shared additional pension to be payable on such other day of the week as it may, in the circumstances of any particular case, determine.".

Amendment of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978

3.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**19**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation) immediately before the definition of "the Widow's Benefit and Retirement Pensions Regulations"(**20**) there shall be inserted the following definition –

""shared additional pension" means a shared additional pension under section 55A of the Contributions and Benefits Act;".

(3) In regulation 4(1)(**21**) (modification of the Act etc.) after "retirement pension of any category" there shall be inserted ", a shared additional pension".

(4) In regulation 5(3)(c)(**22**) (application of disqualification in respect of up-rating of benefit) –

(a) after "retirement pension of any category" there shall be inserted ", any additional shared additional pension"; and

(b) after "entitled to a retirement pension" there shall be inserted ", a shared additional pension".

Amendment of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979

4. In regulation 2(1) of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**23**) (interpretation) –

(a) in the definition of "personal benefit"(**24**) after "pension or allowance" there shall be inserted ", except a shared additional pension,"; and

(b) immediately before the definition of "training allowance" there shall be inserted the following definition –

(**19**) S.R. 1978 No. 114; relevant amending regulations are S.R. 1979 No. 392, S.R. 1989 No. 373, S.R. 1992 No. 330 and S.R. 2001 No. 108

(**20**) The definition of "the Widow's Benefit and Retirement Pensions Regulations" was substituted by regulation 2 of S.R. 1979 No. 392

(**21**) Regulation 4(1) was amended by regulation 2 of S.R. 1992 No. 330 and regulation 6(3) of S.R. 2001 No. 108

(**22**) Regulation 5(3)(c) was amended by regulation 6(3)(a)(ii) of S.R. 1989 No. 373 and regulation 3 of S.R. 1992 No. 330

(**23**) S.R. 1979 No. 242; relevant amending regulations are S.R. 1980 No. 451 and S.R. 1996 No. 289

(**24**) The definition of "personal benefit" was amended by regulation 2(a) of S.R. 1980 No. 451 and regulation 11(2)(c) of S.R. 1996 No. 289