Regulations made by the Department for Social Development and laid before the Assembly under Article 49(8) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 for approval of the Assembly before the expiration of six months from the date of their coming into operation

STATUTORY RULES OF NORTHERN IRELAND

2001 No. 441

SOCIAL SECURITY

The Social Security (Inherited SERPS) Regulations (Northern Ireland) 2001

Made - - - -	*31st December 2001*
Coming into operation	*6th October 2002*

The Department for Social Development, in exercise of the powers conferred by Articles 49(1) and (2) and 73(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**1**), and now vested in it(**2**), 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 (Inherited SERPS) Regulations (Northern Ireland) 2001 and shall come into operation on 6th October 2002.

(2) In these Regulations—

"additional pension" means an additional pension derived from contributions or earnings factors in any tax year beginning after 5th April 1978 and ending before 6th April 2002;

"pensionable age" has the meaning given by the rules in Part I of Schedule 2 to the Pensions (Northern Ireland) Order 1995(**3**);

"widowed parent's allowance" means an allowance referred to in section 39A(**4**) of the Contributions and Benefits Act.

Modification of Part II of the Contributions and Benefits Act

2.—(1) Where, on or after 6th October 2002, a person becomes widowed and entitled to a widowed parent's allowance or a Category B retirement pension under Part II of the Contributions and Benefits Act by virtue of being a widow or widower then, provided that the deceased spouse of

(**1**) S.I. 1999/3147 (N.I. 11); Article 49 was amended by section 35(3) to (5) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))
(**2**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**3**) S.I. 1995/3213 (N.I. 22)
(**4**) Sections 39A to 39C were inserted by Article 52(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999

that person attained pensionable age before 6th October 2002, any provision of that Part which is listed in paragraph (3) shall have effect so that the rate of the additional pension in that pension or allowance, or of any constituent element of an increase in that additional pension, which would, but for this paragraph, be payable to that person under that provision shall be increased by 100 per cent.

(2) Where, on or after 6th October 2002, a person becomes a person of a description specified in column 1 of the Schedule and entitled to a widowed parent's allowance or a Category B retirement pension under Part II of the Contributions and Benefits Act by virtue of being a widow or widower, any provision of that Part which is listed in paragraph (3) shall have effect so that the rate of the additional pension in that pension or allowance, or of any constituent element of an increase in that additional pension, which would, but for this paragraph, be payable to a person of that description under that provision shall be increased by the percentage specified in column 2 of the Schedule.

(3) The provisions of Part II of the Contributions and Benefits Act referred to in paragraphs (1) and (2) are—

(a) section 39C(**5**) (rate of widowed parent's allowance and bereavement allowance) except in so far as that section relates to the rate of a bereavement allowance(**6**);

(b) section 48A(**7**) (Category B retirement pension for married person);

(c) section 48B(**8**) (Category B retirement pension for widows and widowers);

(d) section 48BB(**9**) (Category B retirement pension: entitlement by reference to benefits under section 39A or 39B);

(e) section 51(**10**) (Category B retirement pension for widowers), and

(f) paragraphs 4 to 7(**11**) of Schedule 5 (increase of pension where pensioner's deceased spouse has deferred entitlement).

(**5**) Section 39C was amended by sections 33(4) and 35(1)(*a*) and (2)(*a*) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**6**) *See* section 39B of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

(**7**) Sections 48A, 48B and 48C were substituted for sections 49 and 50 by paragraph 3(1) of Schedule 2 to the Pensions (Northern Ireland) Order 1995, and section 48A was amended by paragraph 31 of Schedule 8 and paragraph 9 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and section 33(9) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; *see* paragraph 3(2) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 for the application of section 48A to a man whose wife was born before 6th April 1950

(**8**) Section 48B was amended by paragraph 5 of Schedule 8 and paragraph 10 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and section 33(10) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; *see* paragraph 3(3) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 for the application of section 48B to a man who attains pensionable age before 6th April 2010

(**9**) Section 48BB was inserted by Article 53 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by sections 31(2), 33(11) and 35(1)(*a*) and (2)(*b*) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**10**) Section 51 was amended by Article 124(2) of the Pensions (Northern Ireland) Order 1995 and sections 33(13) and 35(1)(*a*) and (2)(*b*) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; *see* paragraph 3(3) of Schedule 2 to that Order for the application of section 51 to a man who attains pensionable age on or after 6th April 2010

(**11**) Paragraph 4 was amended by paragraph 18(13) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and section 35(1)(*a*) and (2)(*c*) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; *see* paragraph 18(14) of that Schedule for the application of paragraph 4(1) to a widower who attains pensionable age before 6th April 2010. Paragraphs 5, 5A and 6 were substituted for paragraphs 5 and 6 by paragraph 18(15) of Schedule 2 to that Order and paragraphs 5A and 6 were amended by section 35(1) and (2)(*c*) of that Act; *see* paragraph 18(16) of that Schedule for the application of paragraph 5(1) to a widower who attains pensionable age before 6th April 2010. Paragraph 7 was amended by paragraph 36(*d*) of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49), paragraph 40 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and paragraph 18(17) of Schedule 2 to the Pensions (Northern Ireland) Order 1995