1989 No. 373

SOCIAL SECURITY

The Social Security (Abolition of Earnings Rule) (Consequential) Regulations (Northern Ireland) 1989

Made . . . . . 19th September 1989

Coming into operation . . 1st October 1989

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 31(3) of the Social Security (Northern Ireland) Order 1989(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Social Security (Abolition of Earnings Rule) (Consequential) Regulations (Northern Ireland) 1989 and shall come into operation on 1st October 1989.

Amendment of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975

2. In regulation 3A(1) of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(**b**) (modification of paragraphs 4(1) and 4A(1) of Schedule 1 to the Pensions Order) for ''woman's deceased husband had deferred retirement'' there shall be substituted ''woman's deceased husband's entitlement to a Category A or Category B retirement pension was deferred''.

Amendment of the Social Security and Family Allowances (Polygamous Marriages) Regulations (Northern Ireland) 1975

3. In regulation 3(1)(*a*) of the Social Security and Family Allowances (Polygamous Marriages) Regulations (Northern Ireland) 1975(**c**) (special rules for retirement pension for women) for ''and retired from regular employment'' there shall be substituted ''and in respect of which neither of them has an entitlement to a Category A or Category B retirement pension which is deferred''.

Amendment of the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977

4. In regulations 2(1)(*a*), 10(2)(*b*)(ii) and 11(1)(*a*) of the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(**d**) for ''retired from regular employment'' there shall be substituted ''entitled to a Category

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(**a**) S.I. 1989/1342 (N.I. 13)
(**b**) S.R. 1975 No. 19; relevant amending regulations are S.R. 1980 No. 271
(**c**) S.R. 1975 No. 89
(**d**) S.R. 1977 No. 74; relevant amending regulations are S.R. 1983 No. 193 and S.R. 1984 No. 373

A or Category B retirement pension'' and in regulation 2(1)(*b*) of those regulations for ''retired'' there shall be substituted ''entitled''.

Amendment of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978

5.—(1) The Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(**a**) shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1 (which sets out sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966(**b**) as continued in force by the regulations)—

(*a*) in section 35—

(i) in subsection (1) for ''(except as mentioned in section 36(1) below) has retired from regular employment'' there shall be substituted ''is entitled to a retirement pension'',

(ii) in subsection (4) for ''defers his retirement from regular employment'' there shall be substituted ''defers his entitlement to a Category A or Category B retirement pension'',

(iii) in subsection (7) for ''retired from regular employment'' there shall be substituted ''has claimed'';

(*b*) in section 36—

(i) in subsection (1) the words ''but has not retired from regular employment'' shall be omitted,

(ii) in subsection (2) for ''neither retired from regular employment nor otherwise'' there shall be substituted ''not'', and the words ''retired from regular employment or otherwise'' shall be omitted.

(3) In Schedule 2 (which contains provisions to be applied in calculating the graduated retirement pension payable)—

(*a*) in paragraph 1 for ''defers his retirement from regular employment'' there shall be substituted ''defers his entitlement to a Category A or Category B retirement pension'' and for ''retirement'' there shall be substituted ''entitlement'';

(*b*) in paragraph 2 the words ''but has not retired from regular employment'' shall be omitted;

(*c*) in paragraph 3—

(i) in sub-paragraph (1) for ''period of deferment'' there shall be substituted ''period of enhancement'',

(ii) for head (*b*) of sub-paragraph (2) there shall be substituted the following head—

''(*b*) ''period of enhancement'', in relation to any person, means the period which begins on the same day as the period of deferment and ends on the same day as that period

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(**a**) S.R. 1978 No. 105, amended by S.R. 1989 No. 18
(**b**) 1966 c. 6 (N.I.)

ends or, if earlier, on the day before the fifth anniversary of the beginning of that period.'',

(iii) in sub-paragraph (3) for ''had retired on attaining pensionable age'' there shall be substituted ''had not deferred his entitlement to a Category A or Category B retirement pension'',

(iv) in sub-paragraph (4) for ''period of deferment'' there shall be substituted ''period of enhancement'';

(*d*) in paragraph 4 for ''period of deferment'' wherever it occurs there shall be substituted ''period of enhancement'' and—

(i) in sub-paragraph (1) for ''deferred his retirement from regular employment'' there shall be substituted ''deferred his entitlement to a Category A or Category B retirement pension'',

(ii) in head (*a*) of sub-paragraph (1) for ''after his retirement if he had retired on attaining pensionable age'' there shall be substituted ''after attaining pensionable age if he had not deferred his entitlement to a Category A or Category B retirement pension'',

(iii) in head (*b*) of sub-paragraph (1) for ''the day before that of the person's retirement'' there shall be substituted ''the same day the period of enhancement ends''.

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

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

(2) In regulation 4(3) (modification of the Act in relation to retirement pension) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

''(*a*) the date on which the person whose pension falls to be so increased first became entitled to that pension; or''.

(3) In regulation 5 (application of disqualification in respect of up-rating of benefit)—

(*a*) in paragraph (3)—

(i) in sub-paragraph (*a*) for ''had not retired'' there shall be substituted ''was not entitled to a Category B retirement pension'' and for ''had retired'' there shall be substituted ''was entitled to a Category A retirement pension'',

(ii) in sub-paragraph (*c*) the words ''retired or had otherwise'' shall be omitted,

(iii) in sub-paragraph (*d*) for ''had retired or'' there shall be substituted ''had become entitled to a Category A retirement pension or had'';

(**a**) S.R. 1978 No. 114; relevant amending provisions are S.R. 1979 No. 392 and Article 19(1) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(*b*) in paragraph (4)(i) for "had retired from regular employment" there shall be substituted "was entitled to a Category A retirement pension";

(*c*) in paragraph (5)(i) for "had retired from regular employment" there shall be substituted "was entitled to a Category A retirement pension";

(*d*) in paragraph (6) for "had not retired" there shall be substituted "was not entitled to a Category A retirement pension".

(4) In regulation 6 (modification of right to elect to be treated as not having retired) the words "(election to be treated as not having retired)" shall be omitted.

Amendment of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978

7.—(1) The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978(**a**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5 (calculation of earnings of certain retirement pensioners and adult dependants of pensioners)—

(*a*) in paragraph (1)(*a*) the words "a person entitled to a retirement pension" in the first place they occur shall be omitted;

(*b*) in paragraph (2) the words "30(1)" shall be omitted;

(*c*) paragraph (3) shall be omitted;

(*d*) in paragraph (4) (*a*) after "his accounting period" there shall be inserted "but in a case to which section 30(1) of the Act(**b**) applied, does not include any day falling after 30th September 1989".

(3) In regulation 7 (calculation of earnings from boarders or lodgers of certain retirement pensioners and adult dependants of pensioners) the words "a person who is entitled to a retirement pension or is" and "30(1)" shall be omitted.

(4) Subject to Article 9(5) of the Social Security (Northern Ireland) Order 1989(**c**), in respect of any day before 1st October 1989 the said regulations 5 and 7 shall apply as though section 30(1) of the principal Act had not been repealed and the amendments contained in this regulation had not been made.

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979

8.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**d**) shall be amended in accordance with paragraphs (2) to (8).

(**a**) S.R. 1978 No. 371; relevant amending regulations are S.R. 1979 No. 97
(**b**) Section 30(1) was repealed by Article 9(1) of the Social Security (Northern Ireland) Order 1989 with effect from 1st October 1989
(**c**) Article 9(5) comes into operation on 1st October 1989
(**d**) S.R. 1979 No. 243; relevant amending regulations are S.R. 1987 No. 404