1985 No. 354

SOCIAL SECURITY

The Contracting-out (Protection of Pensions) (Amendment) Regulations (Northern Ireland) 1985

Made	*16th December 1985*
Coming into operation . . .	*1st January 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 43B(3) of the Social Security Pensions (Northern Ireland) Order 1975(**a**) and Article 8(6) of the Social Security (Northern Ireland) Order 1985(**b**) 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 Contracting-out (Protection of Pensions) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 1st January 1986.

(2) Regulation 2 shall have effect as from 1st January 1985.

(3) In these regulations "the principal regulations" means the Contracting-out (Protection of Pensions) Regulations (Northern Ireland) 1984(**c**).

Insertion of regulation 7A in the principal regulations

2. After regulation 7 of the principal regulations there shall be inserted the following regulation—

"*Assumptions to be made in determining the relevant sum in relation to widow's benefit*

7A. For the purposes of Article 43B(3) it shall be assumed that the earner died on the day after the termination of employment date, being then married to the wife to whom he was married on the date of his death, and being employed in employment to which the scheme applied if (and only if) he was employed in such employment on the date of his death, so however that no notional service after the termination of employment date shall be attributed to the earner by reason of this assumption.".

Sealed with the Official Seal of the Department of Health and Social Services on 16th December 1985.

(L.S.) *A. N. Burns*
Assistant Secretary

(**a**) S.I. 1975/1503 (N.I. 15); Article 43B was inserted by Article 14 of, and Schedule 4 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)), and paragraph (3) of the said Article 43B was amended by Article 8(5) of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

(**b**) S.I. 1985/1209 (N.I. 16)

(**c**) S.R. 1984 No. 444; to which there is an amendment not relevant to the subject matter of these regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations insert a new regulation 7A into the Contracting-out (Protection of Pensions) Regulations (Northern Ireland) 1984, which sets out the assumptions that have to be made when determining the weekly rate of a widow's pension for the purposes of Article 43B(3) of the Social Security Pensions (Northern Ireland) Order 1975.

Regulation 2 has retrospective effect, from 1st January 1985, the power to make it retrospective being conferred by Article 8(6) of the Social Security (Northern Ireland) Order 1985.