1981 No. 49

SOCIAL SECURITY

The Social Security (Unemployment Benefit) (Abatement for Occupational Pension Payments) Regulations (Northern Ireland) 1981

Made . . . . . *24th February 1981*

Coming into operation . . . *6th April 1981*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 5(1) and (2) of the Social Security (No. 2) (Northern Ireland) Order 1980(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Unemployment Benefit) (Abatement for Occupational Pension Payments) Regulations (Northern Ireland) 1981 and shall come into operation on 6th April 1981.

(2) In these regulations—

"the Order" means the Social Security (No. 2) (Northern Ireland) Order 1980;

"the 1975 Act" means the Social Security (Northern Ireland) Act 1975(**c**);

"pension payments" means payments by way of occupational pension as defined in Article 5(3) of the Order;

and other expressions have the same meanings as in the Order.

Maximum sum prescribed for the purposes of Article 5(1) of the Order

2. For the purposes of Article 5(1) of the Order (abatement of unemployment benefit on account of pension payments in excess of the maximum sum) the sum of £35 is hereby prescribed as the maximum sum.

Disregard of pension payments on account of redundancy

3.—(1) For the purposes of Article 5 of the Order there shall be disregarded such pension payments for any week to any person who has attained the age of 60 as are sums paid to him—

(*a*) solely by way of compensation for an employment of his coming to an end by reason of redundancy, and

(*b*) otherwise than under the rules of an occupational pension scheme of which he is or was a member.

(**a**) S.I. 1980/1087 (N.I. 13)
(**b**) 1980 c. 30
(**c**) 1975 c. 15

(2) In this regulation "occupational pension scheme" means any scheme or arrangement which is comprised in one or more instruments or agreements and which has effect in relation to one or more descriptions or categories of employments so as to provide benefits, in the form of pensions or otherwise, payable on termination of service to earners with qualifying service in an employment of any such description or category, where those benefits include benefits payable by reason of retirement which is at the normal age for retirement under the rules of such scheme or arrangement.

Disregard of pension payments for less than a whole week

4.—(1) For the purpose of calculating a pension payment or the aggregate of such payments as the case may be for any week under Article 5 of the Order, the following provisions of this regulation shall apply.

(2) Where pension payments first begin to be made to any person for a period starting other than at the beginning of the first week for which they are made, any such payments for that week shall be disregarded.

(3) Where pension payments are already in payment to any person and any change in the rate of such payments takes effect in a week other than from the beginning of that week, the amount of any increase in the pension payments for that week arising from that change shall be disregarded.

Calculation of weekly amount of pension payments made other than weekly

5. Subject to the provisions of regulation 4, where a pension payment, or an aggregate of such payments as the case may be, is paid to a person who has attained the age of 60 for a period other than a week, the amount of any such payment for any week in that period shall be determined for the purposes of Article 5 of the Order—

(*a*) where payment is made for a year, by dividing the total by 52;

(*b*) where payment is made for three months, by dividing the total by 13;

(*c*) where payment is made for a month, by multiplying the total by 12 and dividing the result by 52;

(*d*) where payment is made for two or more months, otherwise than for a year or for three months, by dividing the total by the number of months, multiplying the result by 12 and dividing the result of that multiplication by 52; or

(*e*) in any other case, by dividing the amount of the payment by the number of days in the period for which it is made and multiplying the result by 7.

Modification of sections 14(7) and 18(1) of the 1975 Act

6.—(1) In a case where the rate at which any person would otherwise be entitled to unemployment benefit is reduced to nil for any period by virtue of Article 5(1) of the Order—

(*a*) section 14(7) of the 1975 Act (earnings-related supplement for persons entitled to unemployment benefit) shall have effect so that that person shall be entitled to earnings-related supplement of unemployment benefit for that period to such extent as the rate of the said supplement does not itself fall to be reduced by virtue of the said Article 5(1); and

(*b*) section 18(1) of the 1975 Act (duration of entitlement to unemployment benefit) shall have effect so that any day in that period for which that person would have been entitled to unemployment benefit but for the said Article 5(1) shall count as a day for which he has been so entitled for the purpose of calculating whether he has been so entitled for 312 days in a period of interruption of employment.