

1981 No. 375

SOCIAL SECURITY

The Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) (Amendment) Regulations (Northern Ireland) 1981

Made 16th November 1981

Coming into operation 14th December 1981

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 72 of the Social Security Pensions (Northern Ireland) Order 1975(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 (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) (Amendment) Regulations (Northern Ireland) 1981 and shall come into operation on 14th December 1981.

(2) In these regulations "the principal regulations" means the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations (Northern Ireland) 1979(c).

Amendment of regulation 7 of the principal regulations

2. In regulation 7(10)(a) of the principal regulations for "during" there shall be substituted "in respect of".

Insertion of regulation 12A in the principal regulations

3. After regulation 12 of the principal regulations there shall be inserted the following regulation—

"Provision relating to increase of a woman's Category A or B retirement pension on termination of marriage

12A. In the case of a woman—

- (a) who before 6th April 1979 was or, if both she and her husband had retired immediately before that date, would have been entitled under section 29(10)(a) of the Act(d) (increase of a woman's Category B retirement pension where her husband deferred his retirement) to an increase of the weekly rate of her Category B retirement pension, and
- (b) whose marriage has terminated on or after 6th April 1979,

(a) S.I. 1975/1503 (N.I. 15)

(b) 1980 c. 30

(c) S.R. 1979 No. 244

(d) Section 29(10) of the Social Security (Northern Ireland) Act 1975 (c. 15) was repealed from 6th April 1979 by section 74(2) of, and Schedule 6 to, the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))

the weekly rate of her Category B retirement pension or, where by virtue of Article 11 or Article 22 of the Pensions Order she has become entitled to a Category A retirement pension, the weekly rate of her Category A retirement pension shall be increased, with effect from the date on which this regulation comes into operation or of the said termination or, in the case of a Category A retirement pension, her retirement, whichever is the latest, by the amount by which her Category B retirement pension was, or would have been, increased under the said section 29(10)(a) together with any increase of that amount by virtue of section 120 of the Act (increase of rates of benefit).”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 16th November 1981.

(L.S.)

I. M. S. Jordan (Miss)

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations (Northern Ireland) 1979 (“the principal regulations”).

Regulation 7(10) of the principal regulations modifies the second contribution condition (number of years of contributions) for a Category A retirement pension where a person whose former spouse was insured under the National Insurance Act (Northern Ireland) 1966 may have the contributions of that spouse treated as his own. Regulation 2 of these regulations amends that provision to ensure that contributions paid by or credited to the former spouse after the end of the period of his working life, but in respect of that period, may be taken into account.

Regulation 3 of these regulations inserts a new regulation 12A in the principal regulations. The new regulation provides that where, on termination of marriage on or after 6th April 1979, a woman receives a retirement pension on her husband's or her own contributions, increments earned before that date while her marriage subsisted and her husband was deferring his retirement are added to her pension. The new regulation also ensures that the increments are updated under the provisions of section 120 of the Social Security (Northern Ireland) Act 1975.