

1995 No. 483

SOCIAL SECURITY

**The Social Security (Graduated Retirement Benefit)
(Amendment) Regulations (Northern Ireland) 1995**

Made 19th December 1995

Coming into operation 29th January 1996

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 62(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and section 135(7) of the Social Security Administration (Northern Ireland) Act 1992(b) and of all other powers enabling it in that behalf, by this statutory rule which contains only regulations made in consequence of Article 128 of, and paragraph 3 of Schedule 4 to, the Pensions (Northern Ireland) Order 1995(c) hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Graduated Retirement Benefit) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 29th January 1996.

(2) In these Regulations “the principal Regulations” means the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(d).

Insertion of regulation 1A into the principal Regulations

2. After regulation 1 of the principal Regulations there shall be inserted—

“Application of section 135 of the Administration Act

1A. The provisions of section 135 of the Social Security Administration (Northern Ireland) Act 1992 (effect of alteration of rates of benefit) shall apply to—

- (a) the amount of graduated retirement benefit payable for each unit of graduated contributions;
- (b) increases of such benefit under the provisions of Schedule 2(e) to these regulations; and

(a) 1992 c. 7; section 62(1) was amended by Article 128 of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(b) 1992 c. 8; section 135(7) was inserted by paragraph 3 of Schedule 4 to the Pensions (Northern Ireland) Order 1995

(c) S.I. 1995/3213 (N.I. 22)

(d) S.R. 1978 No. 105; relevant amending provisions are S.R. 1989 No. 373 and S.R. 1995 Nos. 71 and 150

(e) Schedule 2 was amended by S.R. 1989 No. 373

(c) any addition under section 36(1) of the Act of 1966(a) (addition to weekly rate of retirement pension for widows and widowers) to the amount of such benefit,

as if graduated retirement benefit were a benefit referred to in section 135(2) of that Act.”.

Amendment of section 35 of the National Insurance Act

3. In Schedule 1 to the principal Regulations(b) (which sets out sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966(a) as continued in force by those Regulations), in section 35(7)(c) after “retirement pension” where it first appears there shall be inserted—

“(except a person who is not so entitled because of an election under section 54(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (election to defer right to pension) or because he has withdrawn his claim)”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 19th December 1995.

(L.S.)

Kenneth L. Millar

Assistant Secretary

(a) 1966 c. 6 (N.I.); sections 35 and 36 were repealed by the Social Security Act 1973 (c. 38) but are continued in force by regulation 2 of S.R. 1978 No. 105
(b) Schedule 1 was amended by S.R. 1989 No. 373 and S.R. 1995 Nos. 71 and 150
(c) Section 35(7) was amended by S.R. 1989 No. 373

(This note is not part of the Regulations.)

These Regulations further amend the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978 (“the principal Regulations”), which preserve the rights, prospective rights or expectations of persons to graduated retirement benefit (“GRB”) by retaining the effect of sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966 (“the Act of 1966”).

Regulation 2 inserts regulation 1A into the principal Regulations. This provides for section 135 of the Social Security Administration (Northern Ireland) Act 1992 (“the Administration Act”) to apply to alterations in the rate of GRB as it applies to alterations in the rates of benefits under Parts II to V of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Regulation 3 amends section 35(7) of the Act of 1966 (which is set out in Schedule 1 to those Regulations) so as to limit the circumstances in which a person is treated as entitled to a retirement pension for the purpose of enabling him to receive GRB on its own. A person is not to be so treated if he has elected to defer his retirement pension or if he has withdrawn his claim.

These Regulations are made in consequence of Article 128 of, and paragraph 3 of Schedule 4 to, the Pensions (Northern Ireland) Order 1995. Article 128 came into operation on 16th December 1995 by virtue of Article 1(3) of that Order and paragraph 3 of Schedule 4 came into operation on 19th December 1995 by virtue of the Pensions (1995 Order) (Commencement No. 1) Order (Northern Ireland) 1995 (S.R. 1995 No. 477 (C. 11)). As they are made before the end of the period of 6 months beginning with the coming into operation of those provisions, they are exempt by virtue of section 150(5)(b) of the Administration Act from reference to the Social Security Advisory Committee.