

EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (EXEMPTION FROM CLAIMING RETIREMENT PENSION) REGULATIONS (NORTHERN IRELAND) 2011

S.R. 2011 No. 296

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 1 and 165 of the Social Security Administration (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”) to enable persons who would have been in receipt of a benefit but for the application of a sanction under, or by virtue of, any provision of the Social Security Fraud Act (Northern Ireland) 2001 (“the Fraud Act”) to be awarded a Category A or Category B retirement pension without having to make a claim.

3. Background

- 3.1 Regulation 3A of the Claims and Payments Regulations sets out the circumstances in which people approaching pension age and in receipt of certain benefits can be awarded a Category A or Category B retirement pension without having to make a claim for it. It includes people who would have been receiving benefit but for the imposition of a sanction, except where the sanction was imposed in respect of fraud.
- 3.2 These Regulations amend regulation 3A to extend the category of people approaching pension age who will not be required to make a claim to include those claimants who would have been in receipt of a relevant benefit but for the application of a sanction under the Fraud Act which can apply where a person has been convicted of, or has accepted a caution or an administrative penalty in respect of, an offence relating to a social security benefit.

4. Consultation

4.1 As the Regulations make, in relation to Northern Ireland, only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain consultation with the Social Security Advisory Committee is not required.

5. Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on proposals for these Regulations and has concluded that they did not have significant implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment was not necessary.

6. Regulatory Impact

6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

7. Financial Implications

7.1 None.

8. Section 24 of the Northern Ireland act 1998

8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

- (a) is not incompatible with any of the Convention rights,
- (b) is not incompatible with Community law,
- (c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and
- (d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The corresponding Great Britain Regulations are the Social Security (Exemption from Claiming Retirement Pension) Regulations 2011 (S.I. 2011/1554). Parity is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.