
STATUTORY INSTRUMENTS

1989 No. 1642

The Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989

Amendment of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978

5.—(1) The Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978(1) shall be amended in accordance with the following provisions of this regulation.

(2) In Schedule 1 (which sets out sections 36 and 37 of the National Insurance Act 1965(2) as continued in force by the Regulations)—

(a) section 36 shall be amended by substituting—

- (i) in subsection (1)(3) the words “is entitled to a retirement pension” for the words “(except as mentioned in section 37(1) below) has retired from regular employment”;
- (ii) in subsection (4) the words “defers his entitlement to a Category A or Category B retirement pension” for the words “defers his retirement from regular employment”;
- (iii) in subsection (7) the words “has claimed” for the words “retired from regular employment”;

(b) section 37 shall be amended—

- (i) by omitting from subsection (1) the words “but has not retired from regular employment” and from subsection (2) the words “retired from regular employment or otherwise”, and
- (ii) by substituting in subsection (2) the word “not” for the words “neither retired from regular employment nor otherwise”.

(3) In Schedule 2 (which contains provisions to be applied in calculating the graduated retirement pension payable)—

- (a) in paragraph 1, the words “defers his entitlement to a Category A or Category B retirement pension” shall be substituted for the words “defers his retirement from regular employment” and the word “entitlement” shall be substituted for the word “retirement”;
- (b) in paragraph 2, the words “but has not retired from regular employment” shall be omitted;
- (c) in paragraph 3—
 - (i) in sub-paragraph (1) the words “period of enhancement” shall be substituted for the words “period of deferment”;
 - (ii) for head (b) in sub-paragraph (2) there shall be substituted the following head—
 - “(b) “period of enhancement” in relation to any person means the period which begins on the same day as the period of deferment and ends on the same day as that period ends or, if earlier, on the day before the fifth anniversary of the beginning of that period.”;

(1) S.I. 1978/393.

(2) 1965 c. 51.

(3) Section 36(1) was amended by S.I. 1989/43.

- (iii) in sub-paragraph (3) the words “had not deferred his entitlement to a Category A or Category B retirement pension” shall be substituted for the words “had retired on attaining pensionable age”.
- (iv) in paragraph 4, the words “period of enhancement” shall be substituted for the words “period of deferment”;
- (d) in paragraph 4, the words “period of enhancement” shall be substituted for the words “period of deferment” on each occasion on which those words occur, and
 - (i) in sub-paragraph (1) the words “deferred his entitlement to a Category A or Category B retirement pension” shall be substituted for the words “deferred his retirement from regular employment”,
 - (ii) in head (a) of that sub-paragraph, the words “after attaining pensionable age if he had not deferred his entitlement to a Category A or Category B retirement pension” shall be substituted for the words “after his retirement if he had retired on attaining pensionable age”, and
 - (iii) in head (b) of that sub-paragraph the words “the same day the period of enhancement ends” shall be substituted for the words “the day before that of the person’s retirement.”.