

**2008 No. 69**

**SOCIAL SECURITY**

**The Social Security (Claims and Payments) (Amendment)  
Regulations (Northern Ireland) 2008**

*Made* - - - - - *25th February 2008*

*Coming into operation* - *17th March 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 1(1) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(a) and now vested in it(b).

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 17th March 2008.

**Amendment of the Social Security (Claims and Payments) Regulations**

2. In regulation 3 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(c) (claims not required for entitlement to benefit in certain cases) for paragraph (cb) substitute—

- “(cb) in the case of a Category B retirement pension where the beneficiary is entitled to either a Category A retirement pension or to a graduated retirement benefit or to both and—
- (i) the spouse or civil partner of the beneficiary becomes entitled to a Category A retirement pension; or
  - (ii) the beneficiary marries or enters into a civil partnership with a person who is entitled to a Category A retirement pension;”.

Sealed with the Official Seal of the Department for Social Development on 25th February 2008

(L.S.)

*John O'Neill*  
A senior officer of the Department for Social Development

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(a) 1992 c.8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)  
(b) See Article 8(b) of S.R. 1999 No. 481  
(c) S.R. 1987 No. 465; regulation 3(cb) was inserted by regulation 2(2)(a) of S.R. 2007 No. 392

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend regulation 3 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 by substituting paragraph (cb) to—

provide that when a person's spouse or civil partner is awarded a Category A retirement pension, that person can be awarded a Category B retirement pension without having to claim it, providing that they are already entitled to either a Category A retirement pension or to a graduated retirement benefit; and

amend the current provision to clarify that when a person who is entitled to a Category A retirement pension or a graduated retirement benefit marries or enters into a civil partnership, they can be awarded a Category B retirement pension only if their spouse or civil partner is entitled to a Category A retirement pension.

These 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 and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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