
STATUTORY INSTRUMENTS

1995 No. 2606

SOCIAL SECURITY

The Social Security (Graduated Retirement Benefit) Amendment Regulations 1995

<i>Made</i>	- - - -	<i>4th October 1995</i>
<i>Laid before Parliament</i>		<i>11th October 1995</i>
<i>Coming into force</i>	- -	<i>1st November 1995</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 62(1) and 175(1) to (3) of the Social Security Contributions and Benefits Act 1992⁽¹⁾, sections 150(11), 155(7) and 189(1),(3) and (4) of the Social Security Administration Act 1992⁽²⁾, and of all other powers enabling him in that behalf, by this instrument, which contains only regulations made in consequence of section 131 of the Pensions Act 1995⁽³⁾ and is made before the end of the period of 6 months beginning with the coming into force of that section⁽⁴⁾, 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 1995 and shall come into force on 1st November 1995.

(2) In these Regulations “the principal Regulations” means the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978⁽⁵⁾.

Substitution of regulation 2 of the principal Regulations

2. For regulation 2 of the principal Regulations there is substituted—

“Application of sections 150 and 155 of the Social Security Administration Act 1992

2. The provisions of sections 150 and 155 of the Social Security Administration Act 1992⁽⁶⁾, (annual up-rating of benefits and effect of alteration of rates of benefit) shall apply to—

(1) 1992 c. 4; section 62(1) was amended by section 131(1) of the Pensions Act 1995 (c. 26).
(2) 1992 c. 5; sections 150(11) and 155(7) were amended by section 131(2) and (3) of the Pensions Act 1995.
(3) 1995 c. 26.
(4) See section 173(5) of the Social Security Administration Act 1992. Section 131 of the Pensions Act 1995 came into force on 19th July 1995.
(5) S.I.1978/393; relevant amending instruments are S.I. 1989/893, 1989/1642 and 1991/2707.
(6) 1992 c. 5.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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 to these Regulations; and
- (c) any addition under section 37(1) of the 1965 Act (addition to weekly rate of retirement pension for widows and widowers) to the amount of such benefit, as if that amount, those increases and that addition were included in the sums mentioned in section 150(1) and (3) and graduated retirement benefit were a benefit referred to in section 155(2).”.

Amendment of section 36 of the National Insurance Act 1965

3. In Schedule 1 to the principal Regulations (which sets out sections 36 and 37 of the National Insurance Act 1965 as continued in force by those Regulations), section 36(7) is amended by inserting after the words “retirement pension” where they first appear—

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

Signed by authority of the Secretary of State for Social Security.

4th October 1995

Oliver Heald
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 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 36 and 37 of the National Insurance Act 1965.

Regulation 2 substitutes a new regulation 2 in the principal Regulations. This provides for annual up-rating of GRB and, in particular, for additional GRB derived from the contributions of a deceased spouse to be included in the sum to be up-rated.

Regulation 3 amends section 36(7) of the National Insurance Act 1965 (which is set out in Schedule 1 to the principal 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 certain amendments made by section 131 of the Pensions Act 1995 to the provisions relating to GRB in the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992. As these Regulations are made before the end of the period of 6 months beginning with the coming into force of that section, they are exempt by section 173(5) of the Social Security Administration Act 1992 from reference to the Social Security Advisory Committee.

These Regulations do not impose any costs on business.