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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 188**

**The Social Security (Additional Pension) (Contributions Paid in Error) Regulations (Northern Ireland) 1996**

**Prescribed conditions for the application of section 61A of the Act**

2.—(1) The prescribed conditions for the application, in the case of an individual, of section 61A of the Act (cases where primary Class 1 contributions have been paid in error) are that—

- (a) the Department is satisfied that the error was not made with the individual's consent or connivance or attributable to any negligence on the individual's part;
- (b) none of the contributions in question have been returned to the individual in accordance with regulation 32 of the Social Security (Contributions) Regulations (Northern Ireland) 1979(1) (return of contributions paid in error or overpaid), and
- (c) by the date on which the individual reaches pensionable age(2), or such later date as the Department considers reasonable in a particular case, the Department has not received written notification from the individual in accordance with paragraph (2) of this regulation.

(2) The written notification referred to in paragraph (1)(c) of this regulation is a notice stating that the individual does not wish regulation 3 of these Regulations to apply in his case.

(3) Except in paragraph (1)(a) of this regulation, in a case where the individual in question has died, a reference to the individual in this regulation shall include a reference to his surviving spouse.

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(1) S.R. 1979 No. 186; regulation 32 was amended by S.R. 1984 No. 43, S.R. 1985 No. 260, S.R. 1987 No. 468, S.R. 1988 No. 204, S.R. 1989 No. 384 and S.R. 1992 No. 41

(2) See Article 123 of, and Part I of Schedule 2 to, the Pensions (Northern Ireland) Order 1995, which provide for the progressive equalisation of pension age for men and women from 6th April 2010