

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2004 No. 378**

**The Social Security (Retirement Pensions)  
(Amendment) Regulations (Northern Ireland) 2004**

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

**2.** In regulation 6 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987<sup>(1)</sup> (date of claim) after paragraph (30) there shall be added the following paragraphs –

“(31) Subject to paragraph (32), where –

- (a) a person –
  - (i) has attained pensionable age, but for the time being makes no claim for a Category A retirement pension; or
  - (ii) has attained pensionable age and has a spouse who has attained pensionable age, but for the time being makes no claim for a Category B retirement pension;
- (b) in accordance with regulation 50A of the Social Security (Contributions) Regulations 2001<sup>(2)</sup> (Class 3 contributions: tax years 1996-97 to 2001-02) the Commissioners of Inland Revenue subsequently accept Class 3 contributions paid after the due date by the person or, in the case of a Category B retirement pension, the spouse;
- (c) in accordance with regulation 6A of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001<sup>(3)</sup> the contributions are treated as paid on a date earlier than the date on which they were paid; and
- (d) the person claims a Category A or, as the case may be, a Category B retirement pension,

the claim shall be treated as made on –

- (i) 1st October 1998; or
  - (ii) the date on which the person attained pensionable age in the case of a Category A retirement pension, or, in the case of a Category B retirement pension, the date on which the person’s spouse attained pensionable age,
- whichever is later.

(32) Paragraph (31) shall not apply where –

- (a) the person’s entitlement to a Category A or B retirement pension has been deferred by virtue of section 55(2)(a) of the Contributions and Benefits Act (increase of retirement pension where entitlement is deferred); or

---

<sup>(1)</sup> S.R. 1987 No. 465; relevant amending regulations are S.R. 2002 No. 67

<sup>(2)</sup> S.I.2001/1004; regulation 50A was inserted by regulation 4 of S.I. 2004/1362

<sup>(3)</sup> S.I. 2001/769; regulation 6A was inserted by regulation 2(b) of S.I. 2004/1361

---

**Status:** This is the original version (as it was originally made).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

---

- (b) the person's nominal entitlement to a Category A or B retirement pension is deferred in pursuance of section 35(4) and (7) of the National Insurance Act (Northern Ireland) 1966 (increase of graduated retirement benefit in cases of deferred retirement),
- nor where sub-paragraph (a) and (b) apply.”.