

2005 No. 513

SOCIAL SECURITY

**The State Pension Credit (Amendment) Regulations
(Northern Ireland) 2005**

Made - - - - - *18th November 2005*

Coming into operation - *18th December 2005*

The Department for Social Development, in exercise of the powers conferred by section 171(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b), and sections 7(4), 16(2) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(c) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the State Pension Credit (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 18th December 2005.

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the State Pension Credit Regulations

2.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(e) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 10 (assessed income period)—

(a) for paragraph (2)(a), there shall be substituted the following paragraph—

“(a) except where sub-paragraph (b) applies, the arrangements under which the assessed amount is paid contain no provision for periodic increases in the amount payable, or”;

(b) in paragraph (5B)(f), in the definition of “increased payment date”, the words “under the claimant’s retirement pension scheme or annuity contract” shall be omitted.

(3) At the end of regulation 16(g) (retirement pension income), there shall be added the following paragraph—

“(n) any payment made under the Financial Assistance Scheme Regulations 2005(h).”.

(a) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21)
(b) See Article 8(b) and Part II of Schedule 6 to, S.R. 1999 No. 481
(c) 2002 c. 14 (N.I.)
(d) 1954 c. 33 (N.I.)
(e) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2004 Nos. 110 and 394
(f) Paragraph (5B) was substituted by regulation 3(2)(a) of S.R. 2004 No. 110
(g) Regulation 16 was amended by regulation 6(4) of S.R. 2004 No. 394
(h) S.I. 2005/1986

Sealed with the Official Seal of the Department for Social Development on 18th November 2005.

John O'Neill

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the State Pension Credit Regulations (Northern Ireland) 2003.

Regulation 2(2)(a) amends regulation 10(2)(a) removing the references to the claimant's retirement pension scheme or annuity contract. The effect of this is that where the arrangements under which the assessed amount is paid contain no provision for periodic increases in the amount payable, the claimant's assessed amount is deemed not to change during their assessed income period.

Regulation 2(2)(b) amends regulation 10(5B) removing the same references from the definition of "increased payment date".

Regulation 2(3) amends regulation 16 adding financial assistance scheme payments to the descriptions of income listed as retirement pension income in section 16(1) of the State Pension Credit Act (Northern Ireland) 2002.

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 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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