

2010 No. 62

SOCIAL SECURITY

**The Social Security (Maximum Additional Pension) Regulations
(Northern Ireland) 2010**

Made - - - - - *3rd March 2010*

Coming into operation - - - - - *6th April 2010*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 52(3) and 171(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and now vested in it(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Maximum Additional Pension) Regulations (Northern Ireland) 2010 and shall come into operation on 6th April 2010.

(2) In these Regulations—

“applicable limit” has the meaning given by section 44(7)(c)(c);

“relevant year” has the meaning given by section 44(7)(a);

“survivor” means a surviving spouse or surviving civil partner.

(3) In these Regulations a reference to a section by number alone is a reference to the section so numbered in the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Prescribed maximum additional pension

2.—(1) For the purposes of section 52(3) (increase of additional pension in the Category A retirement pension for surviving spouses or surviving civil partners), the maximum additional pension shall be the amount of additional pension to which a person is entitled where that person—

(a) has reached pensionable age on the day specified in paragraph (2); and

(b) in respect of each relevant year has an earnings factor specified in paragraph (3).

(2) For the purposes of paragraph (1)(a), the day specified is the day on which the survivor would, but for section 43(d) (persons entitled to more than one retirement pension), have become entitled to both—

(a) a Category A retirement pension; and

(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) of S.R. 1999 No. 481

(c) Section 44(7)(c) was inserted by section 10(2)(b) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) and amended by section 102(3) of the Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.))

(d) Section 43 was amended by paragraph 8 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and Article 272 of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

- (b) a Category B retirement pension by virtue of the contributions of a spouse or civil partner who has died,

or would have become so entitled if the survivor's entitlement to a Category A or Category B retirement pension had not been deferred.

(3) For the purposes of paragraph (1)(b), the specified earnings factor is an earnings factor which—

- (a) is equal to 53 times that year's applicable limit, before any increase under section 130 of the Administration Act^(a) (revaluation of earnings factors); and
- (b) is derived from earnings on which primary Class 1 contributions were paid.

Revocations

3. The following Regulations are revoked—

- (a) the Social Security (Maximum Additional Component) Regulations (Northern Ireland) 1979^(b);
- (b) regulation 10 of the Social Security (Abolition of Earnings Rule) (Consequential) Regulations (Northern Ireland) 1989^(c).

Sealed with the Official Seal of the Department for Social Development on 3rd March 2010

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

(a) 1992 c. 8; section 130 was amended by Article 125(3) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)); *see also* paragraphs (4) to (6) of that Article as amended by paragraph 18 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(b) S.R. 1979 No. 391

(c) S.R. 1989 No. 373

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe a maximum additional pension for the purposes of section 52(3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (“the 1992 Act”), which makes provision for the circumstances in which the additional pensions in the Category A retirement pension of a surviving spouse or a surviving civil partner should be increased up to that maximum.

Regulation 1 defines “applicable limit” by reference to section 44(7)(c) of the 1992 Act which in relation to any year before 2009-10, is the upper earnings limit and from 2009-10 onwards is the upper accrual point.

Regulation 2 sets the maximum additional pension as the amount of additional pension which a person would be entitled to based on an annual earnings factor of 53 times the applicable limit.

Regulation 3 revokes the Social Security (Maximum Additional Component) Regulations (Northern Ireland) 1979 which had provided for a maximum additional pension based on the upper earnings limit. It also makes a consequential revocation of regulation 10 of the Social Security (Abolition of Earnings Rule) (Consequential) Regulations (Northern Ireland) 1989.

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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