

**2011 No. 26**

**SOCIAL SECURITY**

**The Social Security (Work-focused Interviews etc.)  
(Equalisation of State Pension Age) (Amendment) Regulations  
(Northern Ireland) 2011**

*Made* - - - - *4th February 2011*

*Coming into operation* - *7th March 2011*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 2A(1), (5)(b) and (6)(a), 2AA(1) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(a) and Articles 11(3) and 74(1), (3) and (5) of the Social Security (Northern Ireland) Order 1998(b), and now vested in it(c).

This Rule contains only regulations made by virtue of, or consequential upon, section 29 of the Welfare Reform Act (Northern Ireland) 2010(d).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 7th March 2011.

(2) In these Regulations—

“the Work-focused Interviews Regulations 2001” means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001(e);

“the Work-focused Interviews Regulations 2003” means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003(f).

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

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- (a) 1992 c. 8; section 2A was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by section 29(2) and (4) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)); section 2AA was inserted by section 5 of the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.)) and subsection (1) was amended by section 29(3)(a) and (4) of the Welfare Reform Act (Northern Ireland) 2010 and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
- (b) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002 (c. 21)
- (c) See Article 8(b) of S.R. 1999 No. 481
- (d) 2010 c. 13 (N.I.)
- (e) S.R. 2001 No. 176
- (f) S.R. 2003 No. 274; relevant amending Regulations are S.R. 2005 No. 443, S.R. 2007 No. 219 and S.R. 2008 No. 478
- (g) 1954 c. 33 (N.I.)

## **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations**

2. In regulation 6(2)(h)(ii) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(a) (supersession of decisions)—

- (a) for “the age of 60” substitute “pensionable age”; and
- (b) after “apply” insert “(and in this head “pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995(b), save that a man born before 6th April 1955 is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age)”.

## **Amendment of the Social Security (Work-focused Interviews for Lone Parents) Regulations**

3.—(1) The Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(c) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “officer” add—

““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age(d).”.

(3) In regulation 4(1)(a) and (2)(a)(e) (circumstances where requirement to take part in an interview does not apply) for “the age of 60” substitute “pensionable age”.

(4) In regulation 8(3)(a) (reduction of income support) for “the age of 60” substitute “pensionable age”.

## **Amendment of the Work-focused Interviews Regulations 2001**

4. In regulation 5 of the Work-focused Interviews Regulations 2001 (continuing entitlement dependent upon an interview)—

- (a) in paragraph (1) for “the age of 60” substitute “pensionable age”; and
- (b) in paragraph (5) before the definition of “personal capability assessment” insert—

““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;”.

## **Amendment of the Work-focused Interviews Regulations 2003**

5.—(1) The Work-focused Interviews Regulations 2003 are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(3) (citation, commencement and interpretation) after the definition of “officer” insert—

““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;”.

(3) In regulation 2(1)(b)(f) (requirement for person claiming a specified benefit to take part in an interview) for “the age of 60” substitute “pensionable age”.

(4) In regulation 3(1)(g) (continuing entitlement to a specified benefit dependent on an interview) for “the age of 60” substitute “pensionable age”.

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(a) S.R. 1999 No. 162; sub-paragraph (h) was added by paragraph 4 of Schedule 4 to S.R. 2001 No. 176 and amended by regulation 14(4) of S.R. 2003 No. 405

(b) S.I. 1995/3213 (N.I. 22)

(c) S.R. 2001 No. 152; relevant amending Regulations are S.R. 2007 No. 219 and S.R. 2008 No. 478

(d) For the meaning of “pensionable age” see the definition in section 167(1) of the Social Security Administration (Northern Ireland) Act 1992 as substituted by paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995

(e) Regulation 4 was substituted by regulation 2(5) of S.R. 2007 No. 219 and amended by regulation 5(4) of S.R. 2008 No. 478

(f) Regulation 2 was amended by regulation 2(3) of S.R. 2005 No. 443

(g) Regulation 3(1) was amended by regulation 3(3)(a) of S.R. 2007 No. 219 and regulation 8(2) of S.R. 2008 No. 478

(5) In regulation 12(b) (circumstances where regulation 11 does not apply) for “the age of 60” substitute “pensionable age”.

(6) In regulation 15(3)(c) (revocations and transitional provision) for “the age of 60” substitute “pensionable age”.

#### **Amendment of the Social Security (Work-focused Interviews for Partners) Regulations**

**6.** In regulation 1(2) of the Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003(a) (citation, commencement and interpretation)—

(a) in the definition of “partner”(b) for “the age of 60” substitute “pensionable age”; and

(b) after the definition of “partner” insert—

““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;”.

#### **Amendment of the Social Security (Incapacity Benefit Work-focused Interviews) Regulations**

**7.**—(1) The Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2008(c) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “the designated authority” insert—

““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;”.

(3) In regulation 2(4) (relevant claimant) for “the age of 60 years” substitute “pensionable age”.

(4) In regulation 8(11)(c) (consequences of a failure to take part in a work-focused interview) for “the age of 60” substitute “pensionable age”.

Sealed with the Official Seal of the Department for Social Development on 4th February 2011

(L.S.)

*W Haire*

A senior officer of the Department for Social Development

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(a) S.R. 2003 No. 405; relevant amending Regulations are S.R. 2008 No. 169

(b) The definition of “partner” was amended by regulation 2(2)(a) of S.R. 2008 No. 169

(c) S.R. 2008 No. 465; to which there are amendments not relevant to these Regulations

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend—

- the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001,
- the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001,
- the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003,
- the Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003, and
- Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2008,

to give effect to section 29 of the Welfare Reform Act (Northern Ireland) 2010. That section amended provisions of the Social Security Administration (Northern Ireland) Act 1992 (“the 1992 Act”) about work-focused interviews to reflect the Pensions (Northern Ireland) Order 1995 which, as from 6th April 2010, progressively equalises and increases the age at which women and men become eligible for a state pension.

The amendments provide that the maximum age at which a person can be required to attend one or more work-focused interviews under the Regulations referred to above will be “pensionable age” as defined in section 167(1) of the 1992 Act by reference to Schedule 2 to the Pensions (Northern Ireland) Order 1995, instead of the age of 60. However, a man born before 6th April 1955 will be treated as attaining pensionable age when a woman born on the same day would attain that age.

A consequential amendment is also made to the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.

As these Regulations are made by virtue of, or consequential upon, section 29 of the Welfare Reform Act (Northern Ireland) 2010, and are made before the end of the period of 6 months from the commencement of that section, they are, accordingly, exempt, by virtue of section 150(5)(b) of the 1992 Act, from prior reference to the Social Security Advisory Committee.

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