

2023 No. 192

SOCIAL SECURITY

**The Social Security (Widow's Benefit and Retirement Pensions)
(Amendment) Regulations (Northern Ireland) 2023**

Made - - - - 28th November 2023

Coming into operation - 31st December 2023

The Department for Communities(a) makes the following Regulations in exercise of the powers conferred by sections 78(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b).

Citation and commencement

1. These Regulations may be cited as the Social Security (Widow's Benefit and Retirement Pensions) (Amendment) Regulations (Northern Ireland) 2023 and shall come into operation on 31st December 2023.

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations

2. In regulation 10 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(c) (conditions for an entitlement to a Category D retirement pension)—

(a) the existing text becomes paragraph (1);

(b) after that paragraph insert—

“(2) Paragraph 1(b) does not apply where, on the day or date determined in accordance with that paragraph, the person is ordinarily resident in an EEA state or Switzerland and one of the following provisions applies to that person—

(a) the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland, signed on 1st February 2019(d);

(b) the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Citizens' Rights following the Withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement, signed on 25th February 2019(e);

(a) See section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(b) 1992 c. 7. See section 121(1) of this Act for the definition of “prescribe”. Section 78(3) is amended by paragraph 69 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 (c. 5). Section 171 is amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(c) S.R. 1979 No. 243; regulation 10(a) was substituted by regulation 2 of S.R. 1984 No. 372

(d) See

https://assets.publishing.service.gov.uk/media/60211619d3bf7f70bb9b0170/TS_6.2021_UK_Ireland_Convention_on_Social_Security.pdf

(e) See https://assets.publishing.service.gov.uk/media/5c77e524ed915d29df8f9f59/CS_Swiss_5.2019_Citizens.pdf

- (c) the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, signed on 24th January 2020(a);
- (d) the Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom's membership of the European Union, signed on 28th January 2020(b);
- (e) the Protocol on Social Security Coordination to the Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community, of the other part, signed on 30th December 2020(c);
- (f) the Convention on Social Security Coordination between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation, signed on 9th September 2021(d);
- (g) the Convention on Social Security Coordination between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland, signed on 30th June 2023(e).".

Sealed with the Official Seal of the Department for Communities on 28th November 2023

(L.S.)

David Tarr

A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 10 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979 (S.R. 1979 No. 243), which sets out the conditions that a person must meet to be entitled to a Category D retirement pension. One of those conditions is a condition of residence in Northern Ireland on the person's 80th birthday or the date of the claim, if later.

Regulation 10 is amended so that the condition of residence on that date does not apply if the person is resident in an EEA State or Switzerland, and one of the provisions listed in new paragraph (2) applies to them. Those provisions prevent a person being refused entitlement to a benefit solely on the basis that they are not resident in Northern Ireland.

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- (a) See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862063/TS3202_1.PDF
 - (b) See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/861908/MS_1.2020_Agreement_on_arrangements_between_Iceland_Liechtenstein_Norway_and_UK_following_withdrawal_of_UK_from_EU_EEA_agreement_and_other_agreements_applicable_UK_and_EEA_EFTA_States.pdf
 - (c) See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/982648/TS_8.2021_UK_EU_EAEC_Trade_and_Cooperation_Agreement.pdf (page 2275)
 - (d) See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1021441/CS_Swiss_4.20_21_UK_Swiss_Social_Security_Coordination.pdf
 - (e) See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168199/MS_7.2023_UK_EEA_EFTA_Social_Security_Convention.pdf

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