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Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART II

CONTRIBUTORY BENEFITS

Partial satisfaction of contribution conditions

60 Partial satisfaction of contribution conditions.

- (1) Subject to the provisions of this section, regulations may provide for persons to be entitled to any of the following benefits, namely—
- a widowed mother's allowance,
 - a widow's pension,
 - a Category A retirement pension,
 - a Category B retirement pension,
- in cases where the first contribution condition specified in relation to that benefit in paragraph 5 of Schedule 3 to this Act is satisfied and the second contribution condition so specified is not.
- (2) Subject to subsection (8) below, in any case where—
- an employed earner who is married dies as a result of—
 - a personal injury of a kind mentioned in section 94(1) below, or
 - a disease or injury such as is mentioned in section 108(1) below, and
 - the contribution conditions are not wholly satisfied in respect of him,
- those conditions shall be taken to be satisfied for the purposes of his widow's entitlement to any of the benefits specified in subsection (3) below.
- (3) The benefits referred to in subsection (2) above are the following—
- a widow's payment;
 - a widowed mother's allowance;

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- (c) a widow’s pension;
 - (d) a Category B retirement pension payable to a woman which is payable to her at the same rate as her widow’s pension or which falls within section 49(4) above.
- (4) Subject to subsections (6) and (7) below, regulations under subsection (1) above shall provide for benefit payable by virtue of any such regulations to be payable at a rate, or to be of an amount, less than that which would be applicable under this Part of this Act had both of the relevant contribution conditions been fully satisfied.
- (5) Subject to subsections (6) and (7) below, the rate or amount prescribed by regulations under subsection (1) above may vary with the extent to which the relevant contribution conditions are satisfied (and may be nil).
- (6) The amount prescribed by regulations under subsection (1) above for any increase of benefit in respect of a child shall, subject to subsection (7) below, be the same as if both of the relevant contribution conditions had been fully satisfied.
- (7) Regulations may provide that where—
- (a) a person is entitled by virtue of subsection (1) above to a Category A or Category B retirement pension consisting only of the additional pension with no basic pension, and
 - (b) that retirement pension, and any graduated retirement benefit to which he may be entitled, together amount to less than the prescribed rate,
- that person’s entitlement as respects that retirement pension shall be satisfied either altogether or for a prescribed period by the making of a single payment of the prescribed amount.
- (8) Subsection (2) above only has effect where the employed earner’s death occurred on or after 11th April 1988.

61 Exclusion of increase of benefit for failure to satisfy contribution condition.

- (1) A Category A or Category B retirement pension which is payable by virtue of section 60(1) above and a widowed mother’s allowance which is so payable shall not be increased under section 47(1) above or under Part IV below on account of a child or an adult if the pension or allowance contains no basic pension in consequence of a failure to satisfy a contribution condition.
- (2) Where a person is entitled—
- (a) to unemployment benefit at a rate determined under section 25(5) above;
 - [^{F1}(b) to short-term incapacity benefit at a rate determined under section 30B(3) above;]. . .
 - ^{F2}(c)
- and the retirement pension by reference to which the rate of the benefit ^{F3}. . . is determined—
- (i) would have been payable only by virtue of section 60 above; and
 - (ii) would, in consequence of a failure to satisfy a contribution condition, have contained no basic pension,
- the benefit ^{F3}. . . shall not be increased under section 47(1) above or under Part IV below on account of a child or an adult.

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Textual Amendments

- F1** S. 61(2)(b) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 17(2)**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F2** S. 61(2)(c) and word preceding it repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1 Pt. I para. 17(3)(a), **Sch. 2**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F3** Words in s. 61(2) repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1 Pt. I para. 17(3)(b), **Sch. 2**; S.R. 1994/450, art. 2(d), **Sch. Pt. IV**

Modifications etc. (not altering text)

- C1** S. 61 modified (13.4.1995) by S.R. 1995/35, **reg. 23**

VALID FROM 16/12/1995

[^{F4}61A Contributions paid in error.

- (1) This section applies in the case of any individual if—
- the individual has paid amounts by way of primary Class 1 contributions which, because the individual was not an employed earner, were paid in error, and
 - prescribed conditions are satisfied.
- (2) Regulations may, where—
- this section applies in the case of any individual, and
 - the Department is of the opinion that it is appropriate for the regulations to apply to the individual,
- provide for entitlement to, and the amount of, additional pension to be determined as if the individual had been an employed earner and, accordingly, those contributions had been properly paid.
- (3) The reference in subsection (2) above to additional pension is to additional pension for the individual or the individual's spouse falling to be calculated under section 45 above for the purposes of—
- Category A retirement pension,
 - Category B retirement pension for widows or widowers,
 - widowed mother's allowance and widow's pension, and
 - incapacity benefit (except in transitional cases).
- (4) Regulations may, where—
- this section applies in the case of any individual, and
 - the Department is of the opinion that it is appropriate for regulations made by virtue of Article 6(8) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (provision during transition from invalidity benefit to incapacity benefit for incapacity benefit to include the additional pension element of invalidity pension) to have the following effect in the case of the individual,
- provide for the regulations made by virtue of that Article to have effect as if, in relation to the provisions in force before the commencement of that Article with

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respect to that additional pension element, the individual had been an employed earner and, accordingly, the contributions had been properly paid.

- (5) Where such provision made by regulations as is mentioned in subsection (2) or (4) above applies in respect of any individual, regulations under paragraph 8(1)(m) of Schedule 1 to this Act may not require the amounts paid by way of primary Class 1 contributions to be repaid.
- (6) Regulations may provide, where—
- (a) such provision made by regulations as is mentioned in subsection (2) or (4) above applies in respect of any individual,
 - (b) prescribed conditions are satisfied, and
 - (c) the amount calculated by reference to the contributions in question has been paid in respect of that individual by way of minimum contributions under section 39 of the Pensions Act (contributions to personal pension schemes),
- for that individual to be treated for the purposes of that Act as if that individual had been an employed earner and, accordingly, the amount had been properly paid.]

Textual Amendments

- F4** [S. 61A](#) inserted (16.12.1995 subject to Sch. 2 of the amending S.I.) by [S.I. 1995/3213 \(N.I. 22\)](#), [arts. 1\(3\), 130](#)

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