
STATUTORY INSTRUMENTS

2005 No. 454

The Social Security (Graduated Retirement Benefit) Regulations 2005

Citation, commencement, effect and interpretation

1.—(1) These Regulations may be cited as the Social Security (Graduated Retirement Benefit) Regulations 2005 and shall come into force on 6th April 2005.

(2) Regulation 4 and paragraphs 3(2) and (3) and 13(2) and (3) of Schedule 1 in so far as they apply to that regulation, shall not have effect in relation to incremental periods beginning before 6th April 2005.

(3) In these Regulations—

“the 1965 Act” means the National Insurance Act 1965(1);

“the Administration Act” means the Social Security Administration Act 1992(2);

“the Benefits Act” means the Social Security Contributions and Benefits Act 1992 and references to Schedule 5 are to Schedule 5 to that Act(3);

“incremental period” shall have the meaning ascribed to it in paragraph 4(6) of Schedule 1.

Amendment of the 1965 Act

2.—(1) The 1965 Act shall be amended in accordance with the following paragraphs.

(2) In section 36 (graduated retirement benefit)—

(a) for subsection (4), there shall be substituted the following—

“(4) Where a person’s entitlement to graduated retirement benefit is deferred—

(a) Schedule 2 to the Social Security (Graduated Retirement Benefit) (No.2) Regulations 1978(4); and

(b) Schedule 1 to the 2005 Regulations,

shall have effect and both those Schedules shall be construed and have effect as if they were part of this subsection.

(4A) For the purposes of subsection (4), a person’s entitlement to graduated retirement benefit is deferred—

(a) where he would be entitled to a Category A or Category B retirement pension but for the fact that his entitlement is deferred within the meaning in section 55(3) of the Social Security Contributions and Benefits Act 1992(5), if and so long as his entitlement to such a pension is deferred;

(1) 1965 c. 51. Section 36 was repealed by the Social Security Act 1973 (c. 38) with effect from 6th April 1975 but continues in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1975 (c. 18) or under Schedule 3 to the Social Security (Consequential Provisions) Act 1992 (c. 6).

(2) 1992 c. 5.

(3) Schedule 5 was amended by the Pensions Acts 1995 and 2004.

(4) S.I.1978/393; the relevant amending instrument is S.I.1989/1642.

(5) Section 55 was substituted by the Pensions Act 2004, section 297(1).

- (b) where he is treated under subsection (7) as receiving a Category A or a Category B retirement pension at a nominal weekly rate, if and so long as he does not become entitled to graduated retirement benefit by reason only of not satisfying the conditions in section 1 of the Social Security Administration Act 1992 (entitlement to benefit dependent on claim),

and in relation to graduated retirement benefit, “period of deferment” shall be construed accordingly.”.

- (b) in subsection (8), after the definition of “the Act”, there shall be inserted the following definition—

““the 2005 Regulations” means the Social Security (Graduated Retirement Benefit) Regulations 2005(6).”.

(3) In section 37(1) (special provisions as to graduated retirement benefit for widows and widowers), after the words “Subject to the provisions of this section” there shall be inserted the words “and to Schedule 1 to the 2005 Regulations”.

Amendment of Schedule 2 to the Social Security (Graduated Retirement Benefit) (No.2) Regulations 1978 and saving

3.—(1) Subject to paragraph (2), in Schedule 2 to the Social Security (Graduated Retirement Benefit) (No.2) Regulations 1978—

- (a) the word “and” at the end of paragraph 1(a) and paragraph 1(b); and
- (b) paragraphs 2 to 4,

shall be omitted.

(2) Schedule 2 to those Regulations shall have effect as if the amendments made by paragraph (1) had not been made in the case of—

- (a) periods of deferment (as defined by section 36(4A) of the 1965 Act) ending before 6th April 2005; and
- (b) incremental periods beginning before that date.

Schedule 1

4. Schedule 1 to these Regulations (which makes further provision replacing section 36(4) of the 1965 Act) shall have effect.

Modification of Schedule 1 in transitional cases

5. Schedule 1 shall be modified by Schedule 2 in relation to transitional cases and in this regulation, a “transitional case” means a case where a person’s entitlement to graduated retirement benefit is deferred and the period of deferment begins before 6th April 2005 and continues on or after that day.

Signed by authority of the Secretary of State for Work and Pensions.

3rd March 2005

Malcolm Wicks
Minister of State,
Department for Work and Pensions