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STATUTORY INSTRUMENTS

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**2011 No. 634**

**The Social Security (Deferral of Retirement Pensions) Regulations 2011**

**Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979**

2.—(1) Regulation 4 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 (days to be treated as days of increment)(1) is amended as follows.

(2) In paragraph (1)(b)(iii) for “and” substitute “or”.

(3) After paragraph (1)(b)(iii) insert—

“(iv) state pension credit under section 1 of the State Pension Credit Act 2002(2); and”.

(4) At the end of paragraph (1)(d)(ii) insert—

“; and

(e) in the case of a person who was a member of a couple, the other member of the couple was not in receipt of—

(i) income support under section 124 of the Social Security Contributions and Benefits Act 1992(3);

(ii) income-based jobseeker's allowance under section 1 of the Jobseekers Act 1995(4);

(iii) state pension credit under section 1 of the State Pension Credit Act 2002; or

(iv) income-related employment and support allowance under section 1 of the Welfare Reform Act 2007(5).”.

(5) After paragraph (4) insert—

“(5) In paragraph (1), “couple” has the meaning given by section 137(1) of the Social Security Contributions and Benefits Act 1992(6).”.

(6) This regulation applies only in respect of a day falling on or after 6th April 2011.

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(1) S.I. 1979/642. Relevant amending instruments are: S.I. 1989/1642; S.I. 1991/2742; S.I. 1996/1345; S.I. 1999/2422; S.I. 2005/453; S.I. 2005/1551; S.I. 2005/2878; S.I. 2006/516 and S.I. 2009/2206.

(2) 2002 c. 16.

(3) 1992 c. 4.

(4) 1995 c. 18.

(5) 2007 c. 5.

(6) Relevant amendment to section 137(1) is paragraph 46(1) and (3) of Part 3 of Schedule 24 to the Civil Partnership Act 2004 (c. 33).