1976 No. 124

SOCIAL SECURITY

The Social Security (Transitional) (Amendment) Regulations (Northern Ireland) 1976

Made	*6th April* 1976
Coming into operation . . .	*26th April* 1976

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 2 of, and paragraphs 3, 4 and 9 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Transitional) (Amendment) Regulations (Northern Ireland) 1976 and shall come into operation on 26th April 1976.

(2) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

Amendment of the Social Security (Widow's Benefit, Retirement Pension and Other Benefits) (Transitional) (Northern Ireland) Regulations 1975

2.—(1) The Social Security (Widow's Benefit, Retirement Pension and Other Benefits) (Transitional) (Northern Ireland) Regulations 1975(**b**), as amended (**c**), shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 6(1) (modifications relating to the first contribution condition for widowed mother's allowance, widow's pension and Category A and B retirement pension) the words from and including "and, in the case of widowed mother's allowance" to the end of the paragraph shall be omitted.

(3) In regulation 7 (modifications relating to the second contribution condition for widowed mother's allowance, widow's pension and Category A and B retirement pension)—

(*a*) in paragraph (2) for "Where the contributor concerned is" there shall be substituted "Subject to paragraph (2A) where the contributor concerned is";

(*b*) after paragraph (2) there shall be inserted the following paragraph:

"(2A) For the purposes of a Category B retirement pension under section 29(2) or (3) of the Social Security (Northern Ireland) Act 1975(**d**) where the contributor concerned is a former contributor who attained pensionable age before 6th April 1975, the second contribution condition shall be deemed to be satisfied to the same extent as it is satisfied in relation to that contributor for the purposes of his Category A retirement pension, so however that this paragraph shall not apply where that contributor has died on or after that date.";

(**a**) 1975 c. 18
(**b**) S.R. 1975 No. 14
(**c**) There is no amendment relevant to the subject matter of this regulation.
(**d**) 1975 c. 15

(*c*) in paragraph (6) for "The working life of a person" there shall be substituted "Subject to paragraph (6A) the working life of a person";

(*d*) after paragraph (6) there shall be inserted the following paragraph:

"(6A) Where the contributor concerned has died on or after 6th April 1975 and he was—

(*a*) an existing contributor whose last date of entry into insurance under the Contributory Pensions Acts was before 30th September 1946 and who at that date of entry was within 5 years of pensionable age; or

(*b*) an existing contributor whose last date of entry into insurance under the Contributory Pensions Acts was on or after 30th September 1946 and who at that date of entry was within 10 years of pensionable age; or

(*c*) a person who was not an existing contributor and who was, immediately before 5th July 1948, within 10 years of pensionable age,

his working life shall be —

(*d*) where the contributor concerned is a person to whom sub-paragraph (*a*) or (*b*) above applies, the period from 6th April of the year in which he last entered into insurance under the Contributory Pensions Acts to 5th April immediately before the date on which he completed—

(i) where sub-paragraph (*a*) above applies, the said period of 5 years;

(ii) where sub-paragraph (*b*) above applies, the said period of 10 years;

(*e*) where the contributor concerned is a person to whom sub-paragraph (*c*) above applies, the period from 6th April 1948 to 5th April 1958,

and the provisions of paragraph (2) shall apply as if any employer's contribution paid in respect of any person to whom this paragraph applies for any period after such person reached pensionable age were a contribution paid by that person.".

Amendment of the Social Security (Credits) Regulations (Northern Ireland) 1975

3. In regulation 10 of the Social Security (Credits) Regulations (Northern Ireland) 1975(e) (transitional provisions)—

(*a*) in paragraph (1) for "2(*b*)" there shall be substituted "2(1)(*b*)";

(*b*) in paragraph (5) there shall be added at the end "subject to the modification that for head (ii) of sub-paragraph (*b*) of that paragraph there shall be substituted the following head:

'(ii) which occurred before the beginning of the appropriate period set out in regulation 2(1) of the Social Security (Maternity Allowance) (Transitional) (Northern Ireland) Regulations 1974(f).' ".

Amendment of the Social Security (Death Grant) Regulations (Northern Ireland) 1975

4. In regulation 7 of the Social Security (Death Grant) Regulations (Northern Ireland) 1975(g) (transitional provisions relating to the contribution condition for a death grant) after "so however that any contributions" there

(e) S.R. 1975 No. 113 (f) S.R. 1974 No. 34 (g) S.R. 1975 No. 105

shall be inserted "credited to him in respect of any period after his entry into insurance under that Act or any contributions actually paid by or in respect of him".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 6th April 1976.

(L.S.)

C. G. Oakes
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations contain amendments to provisions relating to the transition from the National Insurance Act (Northern Ireland) 1966 to the Social Security (Northern Ireland) Act 1975.

Regulation 2 amends the Social Security (Widow's Benefit, Retirement Pension and Other Benefits) (Transitional) (Northern Ireland) Regulations 1975 so as to deem satisfaction of the first contribution condition for a Category B retirement pension for wives and widows of certain former contributors; to make transitional provisions for wives and widows of men who reached pensionable age before 6th April 1975 where the wives attain pensionable age or are widowed after that date; and to define the working life of certain existing contributors and late entrants under the National Insurance Act (Northern Ireland) 1966.

The regulations also make minor amendments to transitional provisions in the Social Security (Credits) Regulations (Northern Ireland) 1975 and the Social Security (Death Grant) Regulations (Northern Ireland) 1975.