



National Insurance Act (Northern Ireland) 1966

1966 CHAPTER 6

GRADUATED RETIREMENT BENEFIT

^{F1}35 **Graduated retirement benefit.**

^{F2}(1) Subject to the provisions of the Act, graduated retirement benefit shall be payable to any person who is over pensionable age and who (except as mentioned in section 36(1) below) has retired from regular employment, and shall be an increase in the weekly rate of his retirement pension equal to [^{F3} 3.54] pence for each unit, ascertained in accordance with subsections (2) and (3) of this section, of the graduated contributions properly paid by him as an insured person, the result being rounded to the nearest whole penny, taking $\frac{1}{2}$ p as nearest to the next whole penny above.

(2) For the purpose of graduated retirement benefit the units of graduated contributions shall be £7.50 for men and £9.00 for women.

(3) Where a person's graduated contributions calculated at the said rate do not make an exact number of units any incomplete fraction of a unit shall, if it is one-half or more, be treated as a complete unit.

[^{F4}(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 (Northern Ireland) 1978; 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 where—

(a) 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

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the Social Security Contributions and Benefits (Northern Ireland) Act 1992, if and so long as his entitlement to such a pension is deferred;

- (b) 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 (Northern Ireland) Act 1992 (entitlement to benefit dependent on claim),

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

- (5) For the purposes of subsection (4) of this section, the Department may by regulations provide for treating all or any of the graduated contributions paid by a person in the tax year in which he attained pensionable age as having been paid before, or as having been paid after, the day on which he attained that age, whether or not the contribution in question was so paid.
- (7) A person who [^{F5}attained pensionable age before 6 April 2016] and retired from regular employment, but is not entitled to a retirement pension, shall be treated for the purposes of the foregoing provisions of this section as receiving a retirement pension at a nominal weekly rate:

Provided that—

- (a) this subsection shall not confer any right to graduated retirement benefit on a person who would be entitled to a retirement pension but for some provision of the Act or of regulations disqualifying him for receipt of it; and
- (b) regulations may provide that any right by virtue of this subsection to benefit at less than a specified weekly rate shall be satisfied either altogether or for a specified period by the making of a single payment of the prescribed amount.

- (8) In this section and in section 36 below—

“graduated contributions” means graduated contributions under the Act of 1966 or the National Insurance Act (Northern Ireland) 1959 ;

“insured person” means insured person under the Act of 1966 or the National Insurance Act (Northern Ireland) 1946;

“retirement pension” means retirement pension of any category [^{F6}under the Social Security Contributions and Benefits (Northern Ireland) Act 1992] ;

“the Act” means the Social Security (Northern Ireland) Act 1975 ;

[^{F4}“the 2005 Regulations” means the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 2005;]

and any reference in section 36 below to “section 35 of this Act” or to any of its subsections is a reference to that section or subsection as it is here set out.

- (9) This section and section 36 below and the Act shall be construed and have effect as if this section and section 36 below were included in Chapter I of Part II of that Act (contributory benefits); and references to that Chapter, that Part or that Act in any other enactment or in any instrument shall be construed accordingly:

Provided that nothing in this subsection shall affect the construction of any reference to section 35 or 36 of this Act or of that Act or to any of the subsections of those sections; and any increase in the weekly rate of a person's retirement pension, to the extent that it is attributable to subsection (4) of this section, shall be left out of account in determining the weekly rate of that pension for the purposes of sections 14(6) and 15(4) of the Act

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(rate of unemployment benefit, sickness benefit or invalidity pension for persons over pensionable age).

- (10) The provisions of Part III of the Act (determination of claims and questions) relating to contributions shall be construed and have effect as if graduated contributions were contributions under the Act.

- F1** mod. by SR 2005/121
F2 mod. by SR 2003/155
F3 SR 1980/294
F4 SR 2005/121
F5 Words in s. 35(7) substituted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 12 para. 45\(2\)](#)
F6 Words in s. 35(8) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 12 para. 45\(3\)](#)

Modifications etc. (not altering text)

- C1** S. 35 restricted (prosp.) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\), ss. 81\(7\), 118\(1\)](#) (with s. 73)
C2 S. 35(1) modified (10.4.2006) by [Social Security Benefits Up-rating Order \(Northern Ireland\) 2006 \(S.R. 2006/109\), arts. 1\(1\)\(g\), 12\(1\)](#) (with art. 6)
C3 S. 35(1) modified (9.4.2007) by [Social Security Benefits Up-rating Order \(Northern Ireland\) 2007 \(S.R. 2007/153\), arts. 1\(1\)\(g\), 12\(1\)](#) (with art. 6)
C4 S. 35(1) amended (7.4.2008) by [Social Security Benefits Up-rating Order \(Northern Ireland\) 2008 \(S.R. 2008/92\), arts. 1\(1\)\(g\), 12\(1\)](#) (with art. 6)
C5 S. 35(1) amended (6.4.2009 with effect as mentioned in art. 6 of the amending S.R.) by [Social Security Benefits Up-rating Order \(Northern Ireland\) 2009 \(S.R. 2009/89\), arts. 1\(1\)\(f\), 12\(1\)](#)
C6 S. 35(1): sum specified (12.4.2010 with effect as mentioned in art. 6 of the amending Order) by [Social Security Benefits Up-rating Order \(Northern Ireland\) 2010 \(S.R. 2010/118\), arts. 1\(1\)\(c\), 12\(1\)](#)
C7 S. 35(1) amended (11.4.2011 with effect as mentioned in art. 6 of the amending Order) by [Social Security Benefits Up-rating Order \(Northern Ireland\) 2011 \(S.R. 2011/119\), arts. 1\(1\)\(c\), 12\(1\)](#)
C8 S. 35(1) sum amended (with effect in accordance with arts. 1(2), 6 of the commencing Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2012 \(S.R. 2012/116\), arts. 1\(1\)\(c\), 12\(1\)\(a\), 12\(1\)\(b\)](#)
C9 S. 35(1) sum amended (with effect in accordance with arts. 1(2), 6 of the commencing Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2013 \(S.R. 2013/69\), arts. 1\(1\)\(c\), 11\(1\)\(a\), 11\(1\)\(b\)](#)
C10 S. 35(1) sum amended (with effect in accordance with arts. 1(2), 6 of the commencing Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2014 \(S.R. 2014/78\), arts. 1\(1\)\(c\), 11\(1\)\(a\), 11\(1\)\(b\)](#)
C11 S. 35(1) sum amended (with effect in accordance with arts. 1(2), 6 of the commencing Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2015 \(S.R. 2015/124\), arts. 1\(1\)\(c\), 11\(1\)\(a\), 11\(1\)\(b\)](#)
C12 S. 35(1) sum amended (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2017 \(S.R. 2017/56\), arts. 1\(1\)\(c\), 12\(1\)\(a\), \(b\)](#)
C13 S. 35(1) sum amended (25.9.2017) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2017 \(S.R. 2017/187\), arts. 1, 11\(1\)\(a\)\(b\)](#)
C14 S. 35(1) sum amended (24.3.2018) by [The Social Security \(2017 Benefits Up-rating\) Order \(Northern Ireland\) 2018 \(S.R. 2018/56\), arts. 1, 11\(1\)\(a\)\(b\)](#)
C15 S. 35(1) sum amended (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2018 \(S.R. 2018/58\), arts. 1\(1\)\(c\), 12\(1\)\(a\)\(b\)](#)

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- C16** S. 35(1) sum amended (29.9.2018) by The Social Security Benefits Up-rating (No. 2) Order (NorthernIreland)2018 (S.R. 2018/167), arts. 1, **11(1)(a)(b)**
- C17** S. 35(1) sum amended (26.3.2019) by The Social Security (2018 Benefits Up-rating) Order (NorthernIreland)2019 (S.R. 2019/46), arts. 1, **11(1)(a)(b)**
- C18** S. 35(1) sum amended (with effect in accordance with arts . 1(2)(3), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (NorthernIreland)2019 (S.R. 2019/58), arts. 1(1)(c), **12(1)(a)(b)**
- C19** S. 35(1) sum amended (27.9.2019) by The Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2019 (S.R. 2019/188), arts. 1, **11(1)(a)(b)**
- C20** S. 35(1) sum amended (with effect in accordance with arts. 1(2)(3)(a), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2020 (S.R. 2020/40), arts. 1(1)(c), **12(1)**
- C21** S. 35(1): sum amended (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2021 (S.R. 2021/82), arts. 1(1)(c), **12(1)(a)**
- C22** S. 35(1): sum amended (with effect in accordance with arts. 1(2)(3)(a), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2022 (S.R. 2022/143), arts. 1(1)(c), **12(1)(a)**
- C23** S. 35(1): sums modified (28.9.2022) by The Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2022 (S.R. 2022/231), arts. 1, **11(1)(a)(b)**
- C24** S. 35(1): sum modified (27.3.2023) by The Social Security (2022 Benefits Up-rating) Order (Northern Ireland) 2023 (S.R. 2023/27), arts. 1, **11(1)(a)(b)**
- C25** S. 35(1): sums modified (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by The Social Security Benefits Up-rating Order (Northern Ireland) 2023 (S.R. 2023/43), arts. 1(1)(c), **12(1)(a)**
- C26** S. 35(1): sums modified (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Order (Northern Ireland) 2023 (S.R. 2023/150), arts. 1, **11(1)(a)(b)**
- C27** S. 35(2) amended by S.R. 1978/105, Sch. 1 (as amended (6.4.2010) by Social Security (State Pension and National Insurance Credits) Regulations (Northern Ireland) 2010 (S.R. 2010/56), regs. 1(3), **2(1)-(3)**)

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