

2005 No. 496

SOCIAL SECURITY

The Social Security (Inherited SERPS) (Amendments relating to Civil Partnership) Regulations (Northern Ireland) 2005

Made - - - - - *10th November 2005*

Coming into operation - - - - - *5th December 2005*

The Department for Social Development, in exercise of the powers conferred by Articles 49(1) and (2) and 73(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(a), and now vested in it(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Inherited SERPS) (Amendments relating to Civil Partnership) Regulations (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

Amendment of the Social Security (Inherited SERPS) Regulations

2.—(1) The Social Security (Inherited SERPS) Regulations (Northern Ireland) 2001(c) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (modification of Part II of the Contributions and Benefits Act)—

(a) in paragraph (1)—

(i) after “becomes widowed” there shall be inserted “or a surviving civil partner”,

(ii) for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and

(iii) after “spouse” there shall be inserted “or civil partner”;

(b) in paragraph (2), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”;

(c) in paragraph (3)(f), after “spouse” there shall be inserted “or civil partner”; and

(d) in paragraph (4)(d), after “widowed person’s” there shall be inserted “or surviving civil partner’s”.

(3) In the Schedule—

(a) S.I. 1999/3147 (N.I. 11); Article 49(1) was amended by section 35(4)(a) of the Child Support Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and paragraph (2) was amended by paragraph 20 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) and paragraph 27 of the Schedule to S.R. 2005 No. 434

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 2001 No. 441 as amended by S.R. 2005 No. 124

(d) Paragraph (4) was added by regulation 2(2) of S.R. 2005 No. 124

- (a) in the heading(a), after “widowed person’s” there shall be inserted “or surviving civil partner’s”; and
- (b) in column 1 (description of person), for “widow or widower” (in each place where it occurs) there shall be substituted “widow, widower or surviving civil partner”.

Sealed with the Official Seal of the Department for Social Development on 10th November 2005



John O'Neill

A senior officer of the Department for Social Development

(a) The heading to the Schedule was amended by regulation 2(3) of S.R. 2005 No. 124

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations extend the provisions of the Social Security (Inherited SERPS) Regulations (Northern Ireland) 2001 (“the 2001 Regulations”) to surviving civil partners.

Regulation 1 provides for the citation and commencement of the Regulations.

Regulation 2 makes provision for a surviving civil partner, whose civil partner dies on or after 5th December 2005, to receive an increase in the rate of the additional (earnings related) pension under the State Earnings Related Pensions Scheme (SERPS) in the same way as a widower. It also extends to surviving civil partners the provisions in the 2001 Regulations relating to the proportion of the additional pension used in the calculation of inheritable increments or a lump sum.