

2008 No. 441

SOCIAL SECURITY

**The Social Security (Claims and Payments) Amendment
Regulations 2008**

<i>Made</i>	- - - -	<i>21st February 2008</i>
<i>Laid before Parliament</i>		<i>25th February 2008</i>
<i>Coming into force</i>	- -	<i>17th March 2008</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 1(1), 189(1), (3) and (4) and 191 of the Social Security Administration Act 1992(a).

[In accordance with section 173(1)(b) of the Social Security Administration Act 1992 he has obtained the agreement of the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it.]

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments) Amendment Regulations 2008 and shall come into force on 17th March 2008.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) The Social Security (Claims and Payments) Regulations 1987(b) are amended as follows.

(2) In regulation 3(c) (claims not required for entitlement to benefit in certain cases) for subparagraph (cb) substitute—

“(cb) in the case of a Category B retirement pension where the beneficiary is entitled to either a Category A retirement pension or to a graduated retirement benefit or to both and

(i) the spouse or civil partner of the beneficiary becomes entitled to a Category A retirement pension; or

(ii) the beneficiary marries or enters into a civil partnership with a person who is entitled to a Category A retirement pension;”.

(a) 1992 c.5. Section 189(1) was amended by Schedule 7 paragraph 109(a) and Schedule 8 to the Social Security Act 1998 (c.14), Schedule 3 paragraph 57 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and Schedule 6 to the Tax Credits Act 2002 (c.21). Section 191 is cited for the meaning of the word “prescribed”.

(b) S.I. 1987/1968.

(c) Regulation 3 was amended by S.I. 1989/136, 1996/1460, 1999/2556, 1999/3178, 2000/1483, 2001/488, 2003/1589, 2005/1551 and 2007/2470.

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

21st February 2008

William D McKenzie
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Regulation amends the Social Security (Claims and Payments) Regulations 1987.

Regulation 2 amends regulation 3 of those Regulations by substituting a new paragraph (cb). This extends the list of exceptions to the general rule that it is necessary to make a claim to be entitled to benefit. The new exception means that when a person's spouse or civil partner is awarded a Category A retirement pension, that person can be awarded a Category B retirement pension without having to claim it, providing that they are already entitled to either a Category A retirement pension or to a graduated retirement benefit.

It also amends the current provision to clarify that when a person who is entitled to a Category A retirement pension or a graduated retirement benefit marries or enters into a civil partnership, they can be awarded a Category B retirement pension only if their spouse or civil partner is entitled to a Category A retirement pension.

A full regulatory impact assessment has not been carried out in respect of these Regulations as they do not impose a cost on business, charities or the voluntary sector.

£3.00

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1995 2/2008 181995T 19585