

2010 No. 563

SOCIAL SECURITY

**The Social Security (Work-focused Interviews etc.)
(Equalisation of State Pension Age) Amendment Regulations
2010**

<i>Made</i>	- - - -	<i>3rd March 2010</i>
<i>Laid before Parliament</i>		<i>8th March 2010</i>
<i>Coming into force</i>	- -	<i>6th April 2010</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers contained in sections 2A(1), (5)(b), (6)(a), 2AA(1), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(a) and sections 10(3) and 79(1), (4) and (6) of the Social Security Act 1998(b).

This instrument contains only regulations made by virtue of, or consequential upon, section 35 of the Welfare Reform Act 2009(c) and is made before the end of the period of 6 months beginning with the coming into force of that section(d).

Citation and commencement

1. These Regulations may be cited as the Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) Amendment Regulations 2010 and come into force on 6th April 2010.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

2. In regulation 6(2)(h)(ii) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(e) (supersession of decisions)—

- (a) for “the age of 60” substitute “pensionable age”;

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- (a) 1992 c.5. Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c.30). Section 2AA was inserted by section 49 of the Employment Act 2002 (c.22). Sections 2A(1) and 2AA(1) were amended by section 35(2), (3) and (4) of the Welfare Reform Act 2009 (c.24). Section 189(1) was amended by section 86 of, and paragraph 109 of Schedule 7 to, the Social Security Act 1998 (c.14), by paragraph 57 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and by Schedule 6 to the Tax Credits Act 2002 (c.21). Section 189(4) and (5) was amended by section 86 of, and paragraph 109 of Schedule 7 to, the Social Security Act 1998. Section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”, and that definition of “prescribe” was amended by paragraph 10 of Schedule 5 to the Welfare Reform Act 2007 (c.5).
- (b) 1998 c.14. Section 79(1) was amended by paragraph 13(1) and (2) of Schedule 4 to the Tax Credits Act 2002 and by paragraph 168(a) of Schedule 3 to S.I. 2008/2833.
- (c) 2009 c.24.
- (d) See section 173(5) of the Social Security Administration Act 1992.
- (e) S.I. 1999/991. Sub-paragraph (h) was added by S.I. 2000/897; relevant amending instruments are S.I. 2003/1886 and 2004/959.

- (b) after “applies” insert “(and in this head “pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995(a), save that a man born before 6th April 1955 is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age)”.

Amendment of the Social Security (Work-focused Interviews) Regulations 2000

3. Regulation 6 of the Social Security (Work-focused Interviews) Regulations 2000(b) (continuing entitlement dependent upon an interview) is amended as follows—

- (a) in paragraph (1) for “the age of 60” substitute “pensionable age”(c);
- (b) in paragraph (5) before the definition of “personal capability assessment” insert—
““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;”.

Amendment of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000

4.—(1) The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000(d) are amended as follows.

(2) In regulation 1(4) (citation, commencement and interpretation) after the definition of “officer” add—

““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age.”.

(3) In regulation 4(1)(a) and (3)(a)(e) (circumstances where requirement to take part in an interview does not apply) for “the age of 60” substitute “pensionable age”.

(4) In regulation 8(3)(a) (reduction of income support) for “the age of 60” substitute “pensionable age”.

Amendment of the Social Security (Jobcentre Plus Interviews) Regulations 2001

5.—(1) The Social Security (Jobcentre Plus Interviews) Regulations 2001(f) are amended as follows.

(2) In regulation 2(1)(g) (interpretation) after the definition of “officer” insert—

““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;”.

(3) In regulation 4(1) (continuing entitlement dependent on an interview) for “the age of 60” substitute “pensionable age”.

(a) 1995 c.26.
(b) S.I. 2000/897. Regulation 6 was revoked by regulation 16(1) of, and Schedule 1 to, S.I. 2002/1703 but is saved for transitional cases by paragraph (2) of that regulation for the period specified in paragraph (3). Relevant amending instrument is S.I. 2005/2727.
(c) For the meaning of “pensionable age” see the definition in section 191 of the Social Security Administration Act 1992 as substituted by paragraph 14 of Schedule 4 to the Pensions Act 1995.
(d) S.I. 2000/1926.
(e) Regulation 4 was substituted by S.I. 2005/2727; relevant amending instruments are S.I. 2007/1034 and 2008/3051.
(f) S.I. 2001/3210.
(g) Regulations 2 and 4 were revoked by regulation 16(1) of, and Schedule 1 to, S.I. 2002/1703 but are saved for transitional cases by paragraph (2) of that regulation for the period specified in paragraph (3). Relevant amending instrument is S.I. 2005/2727.

Amendment of the Social Security (Jobcentre Plus Interviews) Regulations 2002

6.—(1) The Social Security (Jobcentre Plus Interviews) Regulations 2002(a) are amended as follows.

(2) In regulation 2(1) (interpretation and application) after the definition of “officer” insert—
““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;”.

(3) In regulation 3(1)(b)(b) (requirement for person claiming a specified benefit to take part in an interview) for “the age of 60” substitute “pensionable age”.

(4) In regulation 4(1)(c) (continuing entitlement to specified benefit dependent on an interview) for “the age of 60” substitute “pensionable age”.

(5) In regulation 13(b) (circumstances where regulation 12 does not apply) for “the age of 60” substitute “pensionable age”.

(6) In regulation 16(3)(c) (revocations and transitional provision) for “the age of 60” substitute “pensionable age”.

Amendment of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003

7. Regulation 2(1) of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003(d) (interpretation) is amended as follows—

(a) in the definition of “partner” for “the age of 60” substitute “pensionable age”;

(b) after the definition of “partner” insert—

““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;”.

Amendment of the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2008

8.—(1) The Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2008(e) are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “benefit week” insert—

““pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;”.

(3) In regulation 3(4) (relevant claimant) for “the age of 60 years” substitute “pensionable age”.

(4) In regulation 9(11)(c) (consequences of failure to take part in a work-focused interview) for “the age of 60” substitute “pensionable age”.

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

3rd March 2010

Jim Knight
Minister of State
Department for Work and Pensions

(a) S.I. 2002/1703.
(b) Regulation 3 was amended by S.I. 2005/2727.
(c) Regulation 4(1) was amended by S.I. 2007/1034 and 2008/3051.
(d) S.I. 2003/1886; relevant amending instrument is S.I. 2008/759.
(e) S.I. 2008/2928.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

- the Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897),
- the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (S.I. 2000/1926),
- the Social Security (Jobcentre Plus Interviews) Regulations 2001 (S.I. 2001/3210),
- the Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703),
- the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 (S.I. 2003/1886), and
- the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2008 (S.I. 2008/2928),

to give effect to section 35 of the Welfare Reform Act 2009 (“the 2009 Act”). That section amended provisions of the Social Security Administration Act 1992 (“the 1992 Act”) about work-focused interviews to reflect the Pensions Act 1995 (“the 1995 Act”) which – as from 6th April 2010 – progressively equalises and increases the age at which women and men become eligible for a state pension.

The amendments provide that the maximum age at which a person can be required to attend one or more work-focused interviews under the Regulations referred to above will be “pensionable age” – defined in section 191 of the 1992 Act by reference to Schedule 4 to the 1995 Act – instead of the age of 60. However, a man born before 6th April 1955 will be treated as attaining pensionable age when a woman born on the same day would attain that age.

A consequential amendment is also made to the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991).

The regulations contained in this instrument are either made by virtue of, or are consequential upon, section 35 of the 2009 Act. This instrument is made before the expiry of the period of 6 months beginning with the coming into force of that provision; the regulations in it are therefore exempt in accordance with section 173(5) of the 1992 Act from the requirement in section 172(1) of the 1992 Act to refer proposals to make Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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