

SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) ORDER 2016

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Statutory Document No. 2016/0014

Social Security Act 2000

SOCIAL SECURITY LEGISLATION (BENEFITS) (APPLICATION) (AMENDMENT) ORDER 2016

Approved by Tynwald: *16 February 2016*
Coming into Operation: *6 April 2016*

The Treasury makes the following Order under section 1 of the *Social Security Act 2000*.

1 Title

This Order is the Social Security Legislation (Benefits) (Application) (Amendment) Order 2016.

2 Commencement

If approved by Tynwald, this Order comes into operation on 6 April 2016[1].

3 Application

(1) This Order applies to any person who reaches pensionable age on or after 6 April 2016.

(2) In paragraph (1) **"pensionable age"** has the meaning given by the rules in paragraph 1[2] of Schedule 4 to the Pensions Act 1995[3] as it has effect in the Island[4].

4 Schedule 2 to Social Security Subsidiary Legislation (Application) Order 1979 amended

(1) Schedule 2[5] to the Social Security Subsidiary Legislation (Application) Order 1979[6] (which contains the exceptions, adaptations and

[1] Tynwald approval is required by section 2(1) of the Social Security Act 2000.
[2] Paragraph 1 amended by Schedule 3 to the Pensions Act 2007 (see SD 193/09) and section 1 of the Pensions Act 2011 (see SD 0152/12).
[3] 1995 c.26.
[4] See SD 501/97.
[5] Schedule 2 contains the exceptions, adaptations and modifications subject to which the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978[5] have effect in the Island
[6] GC 17/79.

modifications subject to which the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978[7] have effect in the Island) is amended as follows.

(2) In the exceptions, adaptations and modifications subject to which regulation 3 (continuation in force of sections 36, 37 and 118(1) of the 1965 Act) has effect, for paragraph (b)(i), substitute —

"(i) omit sub-paragraph (b)[8],".

(3) In the exceptions, adaptations and modifications subject to which Schedule 1 (sections 36 and 37 of the National Insurance Act 1965 as continued in force by these Regulations) has effect —

(a) in paragraph (c) —

(i) after sub-paragraph (i) insert —

"(ia) omit subsections (4) and (4A)[9],"; and

(ii) in sub-paragraph (ii) after head (cc) insert —

"(cd) omit the definition of "the 2005 Regulations,"[10]"; and

(b) in paragraph (e) for sub-paragraph (i) substitute —

"(i) in subsection (1) —

(aa) for "section 36" wherever occurring substitute "section 35"; and

(bb) omit "and to Schedule 1 to the 2005 Regulations"[11];".

(4) For the exceptions, adaptations and modifications subject to which Schedule 2 (provisions replacing section 36(4) of the National Insurance Act 1965) has effect substitute —

"Omit.".

5 Schedule 13 to Social Security Subsidiary Legislation (Application) (No. 2) Order 1979 amended

(1) Schedule 13[12] to the Social Security Subsidiary Legislation (Application) (No. 2) Order 1979[13] (which contains the exceptions, adaptations and modifications subject to which the Social Security (Widow's Benefit and

[7] S.I. 1978/393.
[8] Sub-paragraph (b) amended by S.I. 2005/3078/ (see SD 20/06).
[9] Subsections (4) and (4A) substituted by S.I. 2005/454 (see SD 438/05).
[10] Definition inserted by S.I. 2005/454 (see SD 438/05).
[11] Words inserted by S.I. 2005/454 (see SD 438/05).
[12] Schedule 13 sets out the exceptions, adaptations and modifications subject to which the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 (S.I. 1979/642) have effect in the Island.
[13] GC 207/79.

Retirement Pensions) Regulations 1979[14] have effect in the Island) is amended as follows.

(2) After the exceptions, adaptations and modifications subject to which regulation 1 (citation, commencement and interpretation) has effect insert –

"2.[15]	Election to be treated as not having retired.	Omit.
3.[16]	Provisions applying after election.	Omit.".

(3) For the exceptions, adaptations and modifications subject to which regulation 4 (days to be treated as days of increment) has effect substitute –

"4.	Days to be treated as days of increment.	Omit.".

(4) After the exceptions, adaptations and modifications subject to which regulation 4 has effect insert –

"5.	Modification of paragraph 2(1) to (3) of Schedule 1 to the Pensions Act.	Omit.".

6 Social Security Legislation (Application) (No. 4) Order 1998 amended

(1) The Schedule[17] to the Social Security Legislation (Application) (No. 4) Order 1998[18] is amended as follows.

(2) In the entry relating to regulation 6 (date of claim) paragraph (32)[19] is omitted.

(3) In the entry relating to regulation 15 (advance notice of retirement and claim for and award of pension), in paragraph (7)[20], omit the words from ", and notwithstanding" to "date,".

(4) In the entry relating to regulation 30 (payments on death) —

(a) in paragraph (5)[21] for "(5G)[22]" substitute "(5C)";

[14] S.I. 1979/642.

[15] Regulation 2 amended by S.I. 1989/893 (see GC 405/90), S.I. 1989/1642 (see GC 198/90), S.I. 2005/453 (see SD 438/05), S.I. 2005/1551 (see SD 827/05), SD 2014/0008 and S.I. 2009/2206 (see SD 346/10).

[16] Regulation 3 amended by S.I. 2005/1551 (see SD 827/05), S.I. 2009/2206 (see SD 346/10), S.I. 1989/1642 (see GC 198/90) and S.I. 2009/2206 (see SD 346/10).

[17] The Schedule sets out the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) as they have effect in the Island (see SD 360/98).

[18] SD 360/98.

[19] Paragraph (32) added by S.I. 2004/2283 (see SD 838/04).

[20] Paragraph (7) amended by S.I. 1989/1642 (see GC 198/90).

(b) in paragraph (5A)[23] for "to (5G)" substitute "and (5C)";

(c) in paragraph (5B) omit "to (5G)"; and

(d) paragraphs (5D) to (5G) are omitted.

(5) The entries relating to the following are omitted —

(a) regulation 15B[24] (advance claim for pension following deferment);

(b) regulation 21A[25] (delayed payment of lump sum); and

(c) regulation 21AA (meaning of "applicable year of assessment" in regulation 21A)[26].

7 Social Security Legislation (Application) (No. 16) Order 2000 amended

(1) Schedule 1[27] to the Social Security Legislation (Application) (No. 16) Order 2000[28] is amended as follows.

(2) In the entry relating to regulation 1 (citation, commencement and interpretation) in paragraph (1) omit the definition of **"the Deferral of Retirement Pensions etc. Regulations"**[29].

(3) In the entry relating to regulation 3 (revision of decisions) omit paragraphs (7D) and (7E)[30].

(4) In the entry relating to regulation 6 (supersession of decisions) in paragraph (2) omit sub-paragraph (o)[31].

(5) In the entry relating to regulation 7 (date from which a decision superseded under section 10 takes effect) omit paragraph (7A)[32].

(6) Omit the entry relating to regulation 13A[33] (retirement pension after period of deferment).

8 Social Security Legislation (Application) (No. 14) Order 2001 amended

(1) Schedule 2[34] to the Social Security Legislation (Application) (No. 14) Order 2001[35] is amended as follows.

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[21] Paragraph (5) amended by S.I. 2005/455 (see SD 438/05).
[22] Reference to (5G) substituted by S.I. 2005/3078 (see SD 20/06).
[23] Paragraph (5A) substituted by S.I. 2005/3078 (see SD 20/06).
[24] Regulation 15B substituted by S.I. 2005/1551 (see SD 827/05).
[25] Regulation 21A inserted by S.I. 2005/2677 (see SD 22/06).
[26] Regulation 21AA inserted by S.I. 2005/2677 (see SD 22/06).
[27] Schedule 1 sets out the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) as they have effect in the Island.
[28] SD 602/00.
[29] Definition inserted by S.I. 2005/2677 (see SD 22/06).
[30] Paragraphs (7D) and (7E) inserted by S.I. 2005/2677 (see SD 22/06).
[31] Subparagraph (o) inserted by S.I. 2005/2677 (see SD 22/06).
[32] Paragraph (7A) inserted by S.I. 2005/2677 (see SD 22/06).
[33] Regulation 13A inserted by S.I. 2005/2677 (see SD 22/06).

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

(a) in paragraph (3) omit sub-paragraph (f)[36] and the word "and" immediately before it; and

(b) omit paragraph (4)[37].

(3) In the entry relating to the Schedule —

(a) in the heading[38] omit "and (4)"; and

(b) in the title[39] omit the words from "AND IN" to the end.

9 Social Security Legislation (Application) (No. 5) Order 2005 revoked

The Security Legislation (Application) (No. 5) Order 2005[40] is revoked.

MADE 13TH JANUARY 2016

W E TEARE
Minister for the Treasury

[34] Schedule 2 sets out the Social Security (Inherited SERPS) Regulations 2001 as they have effect in the Island (S.I. 2001/1085).
[35] See SD 559/01.
[36] Sub-paragraph (f) amended by S.I. 2005/3030 (see SD 20/06).
[37] Paragraph (4) amended S.I. 2005/811 (see SD 438/05) and S.I. 2005/3030 (see SD 20/06).
[38] Heading amended by S.I. 2005/811 (see SD 438/05) and S.I. 2005/3030 (see SD 20/06).
[39] Title amended by S.I. 2005/811 (see SD 438/05).
[40] SD 438/05. SD 438/05 applied the Social Security (Deferral of Retirement Pensions) Regulations 2005 (S.I. 2005/453), the Social Security (Graduated Retirement Benefit) Regulations 2005 (SI 2005/454) as amended by the Social Security (Graduated Retirement Benefit) (Amendment) Regulations 2005 (S.I. 2005/846), the Social Security (Claims and Payments) Amendment Regulations 2005 (S.I. 2005/455), the Social Security (Retirement Pensions etc.) (Transitional Provisions) Regulations 2005 (S.I. 2005/469) and the Social Security (Inherited SERPS) (Amendment) Regulations 2005 (S.I. 2005/811) to the Island.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and amends a number of social security Regulations having effect in the Island consequential on the abolition of deferment of state pensions for persons reaching pensionable age on or after 6 April 2016.