

2011 No. 786

SOCIAL SECURITY

**The Social Security (Deferral of Retirement Pensions)
(Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>15th March 2011</i>
<i>Laid before Parliament</i>		<i>15th March 2011</i>
<i>Coming into force</i>	- -	<i>5th April 2011</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 122(1), 175(1) and (3) of, and paragraphs 3B(2) and 7B(2) of Schedule 5 and paragraph 5(2) of Schedule 5A to, the Social Security Contributions and Benefits Act 1992(a).

It appears to the Secretary of State that, by reason of urgency, it is inexpedient to refer proposals in respect of these Regulations to the Social Security Advisory Committee(b).

Citation and commencement

1. These Regulations may be cited as the Social Security (Deferral of Retirement Pensions) (Amendment) Regulations 2011 and shall come into force on 5th April 2011.

Amendment of the Social Security (Deferral of Retirement Pensions) Regulations 2005

2. For regulation 2 (beginning of accrual period) of the Social Security (Deferral of Retirement Pensions) Regulations 2005(c) substitute—

“2.—(1) This regulation applies for the purposes of paragraphs 3B and 7B of Schedule 5 and paragraph 5 of Schedule 5A to the Act (calculation of lump sum).

(2) In the case of a retirement pension or shared additional pension to which regulation 22 (long term benefits) of the Social Security (Claims and Payments) Regulations 1987(d) (“the 1987 Regulations”) applies, the accrual period shall begin with the day of the week on which benefit would have been payable had entitlement not been deferred.

(3) In the case of a retirement pension to which regulation 22C (retirement pension for persons reaching pensionable age on or after 6th April 2010) of the 1987 Regulations(e) applies, the accrual period shall begin with the first day of the benefit week in relation to which benefit would have been payable had entitlement not been deferred.

(a) 1992 c. 4. Section 122(1) is cited for the meaning of “prescribe”.

(b) Section 173(1)(a) of the Social Security Administration Act 1992 (c. 5).

(c) S.I. 2005/453. Regulation 2 was amended by 2005/1551.

(d) S.I. 1987/1968. Regulation 22 was amended by S.I. 1991/2741, S.I. 1994/3196, S.I. 1996/2306, S.I. 2002/2441, S.I. 2003/492, S.I. 2008/2667, S.I. 2009/3229 and S.I. 2010/510.

(e) Regulation 22C was inserted by S.I. 2009/3229.

(4) In this regulation, “benefit week” has the same meaning as in regulation 22D (payment of retirement pension at a daily rate) of the 1987 Regulations^(a).”.

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

Steve Webb

Minister of State

Department for Work and Pensions

15th March 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Deferral of Retirement Pensions) Regulations 2005 (S.I. 2005/453) to prescribe the day of the week on which an accrual period begins for the purposes of paragraphs 3B and 7B of Schedule 5, and paragraph 5 of Schedule 5A, to the Social Security Contributions and Benefits Act 1992 (c. 4).

Schedule 5 to that Act deals with increasing a pension or paying a lump sum where entitlement to a retirement pension is deferred. Schedule 5A to that Act deals with increasing a pension or paying a lump sum where entitlement to a shared additional pension is deferred. Paragraphs 3B and 7B of Schedule 5, and paragraph 5 of Schedule 5A, deal with calculation of a lump sum. In each case, a lump sum is calculated by reference to accrual periods, being a period of seven days within a period of deferment beginning with a prescribed day of the week.

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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(a) Regulation 22D was inserted by S.I. 2009/3229 and amended by S.I. 2010/510.

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