

2010 No. 1794

SOCIAL SECURITY

The Social Security (Exemption from Claiming Retirement Pension) Regulations 2010

<i>Made</i> - - - -	<i>12th July 2010</i>
<i>Laid before Parliament</i>	<i>15th July 2010</i>
<i>Coming into force</i> -	<i>2nd November 2010</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) and (4) to (6) and 191 of the Social Security Administration Act 1992(a).

In accordance with section 173(1)(b) of that Act, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

Citation and commencement

1. These Regulations may be cited as the Social Security (Exemption from Claiming Retirement Pension) Regulations 2010 and come into force on 2nd November 2010.

[Regulation 2 inserts regulations 3(za) & 3A into S.I. 1987/1968.]

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

12th July 2010

Steve Webb
Minister of State,
Department for Work and Pensions

(a) 1992 c. 5. Section 189(1) and (4) to (6) were amended by paragraph 109(a) and (c) to (e) of Schedule 7 and Schedule 8 to the Social Security Act 1998 (c. 14), paragraph 57(1) and (2) of Schedule 3 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 an interpretation provision and is cited for the meaning of the word “prescribe”. The definition of “prescribe” was amended by paragraphs 2 and 10 of Schedule 5 to the Welfare Reform Act 2007 (c. 5).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968). They add a further category of case in which it will not be a condition of entitlement to benefit that a claim be made. A person will not need to make a claim for a Category A or B retirement pension where they have received a notification from the Secretary of State that no claim is required, except where the person defers their entitlement to such a pension or elects to be treated as having not retired.

This exemption from making a claim only applies where such a notification is received by the day falling 2 weeks before the day on which the person reaches pensionable age, or by such later date as the Secretary of State considers reasonable in any particular case or class of case.

A notification may only be given where on the day which falls 8 weeks before the day on which the person reaches pensionable age they are—

- (a) in receipt of an employment and support allowance, income support, a jobseeker's allowance, long-term incapacity benefit or state pension credit (or would be in receipt of any of those benefits but for the application of any of the legislation listed in paragraph (7) of the new regulation 3A); and
- (b) not entitled to, or awaiting the determination of a claim for, carer's allowance, short-term incapacity benefit, severe disablement allowance, widowed mother's allowance, or widow's pension.

Pensionable age for men and women is determined in accordance with paragraph 1 of Schedule 4 to the Pensions Act 1995 (c. 26). Pensionable age for men is currently 65. Pensionable age for women increases from 60 to 65 between April 2010 and March 2020.

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